

COUNCIL MINUTES

December 19, 2022
Council Chambers
7:00 P.M.

President Pro-Tem Harris 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 – Mr. Houser

PLEDGE OF ALLEGIANCE

CAUCUS

Mr. Marmie - Motion to excuse President Ellington, Second by Mr. Barker, passed by acclamation

Mr. Marmie - I would like to make it known that we will invoke Rule 11, do we want to do those now?

President Pro-Tem Harris - Yes, let's go ahead and do them now.

Mr. Marmie approves using Rule 11 President Pro-Tem Harris agreed

Invoke Rule 11

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

22-52 AN ORDINANCE TO MAKE AN APPROPRIATION FOR THE EXPENDITURES OF THE CITY OF NEWARK, OHIO DURING THE YEAR ENDING, DECEMBER 31, 2023. (General Fund Budget)

Motion to waive the 2 day reading rule by Mr. Marmie, second by Mr. Lang, motion passed 10-0

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

Motion to amend by Mr. Marmie as follows: Account 100.204 - Fire 5200 -All Other Accounts reduce by \$80,000 making the new total \$1,327,327 and Account 100.111 -Transfer Out 5200 All Other Accounts, increase by \$80,000 making the new total \$5,638,152

Second by Mr. Lang

Motion to amend passed 10-0

Motion to adopt as amended passed 10-0

Invoke Rule 11

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

22-53 AN ORDINANCE TO MAKE AN APPROPRIATION FOR THE EXPENDITURES OF THE CITY OF NEWARK, OHIO DURING THE YEAR ENDING, DECEMBER 31, 2023. (All Other Fund Budget)

Motion to waive the 2 day reading rule by Mr. Marmie, Second by Mr. Lang, motion passed

10-0

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

**Motion to amend by Mr. Marmie as follows: Account 153-100 - General 5100 Personnel Services Accounts add \$275,000 making new total \$225,000 also Account 221.302 - Street 5200 - ALL Other Accounts increase by \$100,000 making new total \$1,704,125 and Account 335.204 - Fire 5200 - All Other Accounts, increase by \$80,000 making new total \$359,984
Second by Mr. Lang**

Mr. Barker - Clarification I believe you read we were adding \$275,000 to make a new total of \$225,000.

Mr. Rath - I was just going to say you reduced part of our budget by \$50,000 and then increased the rest by \$183,000

Mr. Marmie - Account 153-100 - General 5100 Personnel Services add \$225,000 making the new total \$275,000

Mr. Rath - Where is the money coming from?

Mr. Marmie - We are moving the compensated , we're increasing that amount so then we don't have to come every single time we have someone for their payouts and the only time we'll have to do it is at the end of the year. We approve all of those 100%, we've never not approved them, so it will allow the Auditor's office to handle those payouts until this budget runs out. We just estimated and we estimated a little low so most likely next year in November or December we may have to do a few possibly, but we're just giving that flexibility to them so that it does not have to come through personnel.

Ms. Hottinger - Can you read your motion one more time just so I can make sure I've got it right?

Mr. Marmie - Account 153-100 - General 5100 Personnel Services add \$225,000 making the new total \$275,000 also Account 221.302 - Street 5200 - ALL Other Accounts increase by \$100,000 making new total \$1,704,125 and Account 335.204 - Fire 5200 - All Other Accounts, increase by \$80,000 making new total \$359,984

Second by Mr. Lang

Ms. Hottinger - So these are all increases without taking away from anything.

Mr. Marmie - The \$80,000 took it away from the General Fund and is putting it in here into Capital Improvements. That's the one we're moving the \$80,000 from Operating to Capital Improvement. We were able to find the additional \$100,000 within the budget not having to take it away from anywhere else. We were able to find some additional revenue from when she had done the budget until now and that's why that \$100,00 is able to be there without us having to move it, into our Street Maintenance.

Motion to amend passed 10-0

Motion to adopt as amended passed 10-0

Invoke Rule 11

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

22-54 AN ORDINANCE TO MAKE AN APPROPRIATION FOR THE EXPENDITURES OF THE CITY OF NEWARK, OHIO DURING THE YEAR ENDING, DECEMBER 31, 2023. (Grants Budget)

Motion to waive the 2 day reading rule by Mr. Marmie, second by Mr. Lang, motion passed 10-0

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

MINUTES of December 5, 2022, Motion to approve by Mr. Barker , second by Mr. Houser , passed by acclamation

APPOINTMENTS There were none this meeting

REPORTS OF STANDING COMMITTEES

Finance- **Received and filed without objection**

Service- **Received and filed without objection**

Personnel- **Received and filed without objection**

REPORTS FROM CITY OFFICIALS

City Auditor, Ryan T. Bubb – Operating report for period ending November 30, 2022

Brenda Cooper, Tax Administrator's Office – Income Tax Revenue Reports for period ending November 30,2022

COMMUNICATIONS There were none this meeting

COMMENTS FROM CITIZENS

Stephen Smith, 237 Violet Ct. - A couple things I wanted to bring up. In the last meeting Mr. Rath brought up the issue of the food pantry, I'd like to thank him for that because I feel that's very important program for our community, something that I try to support. I haven't heard any results from that but this is a particularly good time of year to do that. Second thing is I had the pleasure to participate in the meeting on homeless issues on December 8th, it was well attended by many community members and also Councilman Marmie and Law Director Moore. We had a very productive meeting with people who are stakeholders in this issue including United Way, I look forward to working with Council to implement evidence based solutions to this very important problem. I want to make a very brief comment, I just heard on the news today that San Diego is looking into a program not only to address homelessness, but to try to head off homelessness from becoming a problem in the first place. I understand San Diego is a very different situation than ours but it's always better to try to avoid a problem than try to solve it afterwards and I will look into this myself and suggest this is something that is considered in the future.

Rochelle Volen-Smith, 237 Violet Ct. - I have a number of things I'd like to talk about. Again, I would like to thank Jeff Rath for taking the initiative, especially on his birthday, to bestow a very generous gift

to the needy. I would also like to express my joy actually for having a meeting recently that was inclusive of so many people in the community that take an interest in the poverty stricken and homeless, especially this time of the year, for instance this week the temperatures can get to 10 degrees or below and that doesn't include wind chills. I think we need to address this situation in a timely manner. I would also like to remind the City that Mansfield which is a comparable city in size does have a program that deals more preventatively than our city. They include mental health sort of things, housing and I appreciate the homework they did. I would also like to say that in that the City just passed what I consider a bypass of informing the public of financial matters in this City that there is some sort of way of building in accountability to the public so that they can get that information as well, especially considering addressing important issues like helping our Fire Department and Police Department and Clerk of Courts which do a lot of service to this City. Lastly, I would like to say at this time of enlightenment I would like to wish everybody a season of peace, light or enlightenment as most cultures in the City, there's more than one, that we recognize all people in our City for being spiritual contributions to the City. I would also like to see more separation of Church and State in Council and otherwise. There's a reason our forefathers encouraged separation of Church and State and frankly I think this needs to be addressed.

Kevin Garwick, President Newark Firefighters IAFF Local 109 - I just wanted to give everyone a quick update and keep everyone informed, we will have 4 more firefighters separating employment with the City the first couple weeks of January, one is retiring and 3 are leaving for higher paying jobs. Two of the 3 that are leaving have over 13 years of service and the other has over 8 years of service. I just wanted to keep everybody updated, this will take our total vacancies up to 12 84 is our total number we're down 12 positions currently. Thank you.

ORDINANCES ON SECOND READING

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

22-47 AMENDING ORDINANCE NO. 06-61 TO INCLUDE ADDITIONAL PUBLIC INFRASTRUCTURE IMPROVEMENTS RELATED TO AN EXISTING TAX INCREMENT FINANCING EXEMPTION IN THE CITY OF NEWARK, OHIO GRANTED PURSUANT TO SECTION 5709.40(b) OF THE OHIO REVISED CODE (MT. VERNON ROAD TIF) AND AUTHORIZING A SUPPLEMENT TO THE REVENUE SHARING AGREEMENT WITH NEWARK CITY SCHOOL DISTRICT

Motion to adopt by Mr. Barker, second by Mr. Houser, motion passed 10-0

ORDINANCES ON FIRST READING

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

22-51 AN ORDINANCE AMENDING THE DEPARTMENT AUTHORIZATION TABLES OF THE LICKING COUNTY MUNICIPAL COURT ADULT PROBATION DEPARTMENT AND ABOLISHING THE POSITION OF SENIOR PROBATION OFFICER FROM HOURLY NON-BARGAINING PERSONNEL UNIT CLASSIFICATIONS AND CREATING A SENIOR PROBATION OFFICER IN THE MANAGEMENT AND SUPERVISORY EXEMPT UNIT CLASSIFICATIONS AND SETTING THE COMPENSATION THEREFORE

Held until 1-3-23 for second reading

RESOLUTIONS ON SECOND READING

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

22-107 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE REPLACEMENT OF THE ROOFING SYSTEM ON THE INFLUENT PUMP STATION AT THE WASTEWATER TREATMENT PLANT.

Motion to adopt by Mr. Rath, second by Mr. Barker, motion passed 10-0

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

22-109 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO PROCEED WITH THE STEPS NECESSARY TO DESIGNATE A PORTION OF WEST MAIN STREET BETWEEN 6TH STREET AND 3RD STREET IN THE DOWNTOWN AREA AS HERBERT J. MURPHY JR. WAY

Motion to adopt by Mr. Rath, second by Mr. Barker, motion passed 10-0

RESOLUTIONS ON FIRST READING

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

22-110 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE A CONTRACT FOR REIMBURSEMENT OF LEGAL REPRESENTATION OF INDIGENT PERSONS FOR CALENDAR YEAR 2023 WITH THE LICKING COUNTY BOARD OF COMMISSIONERS FOR THE CITY OF NEWARK, LICKING COUNTY, OHIO AND DECLARING AN EMERGENCY

Motion to adopt by Mr. Rath, second by Mr. Lang, motion passed 10-0

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

22-111 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Motion to waive the 2 day reading rule by Mr. Marmie, second by Mr. Lang, motion passed 10-0

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

COMMENTS FROM CITIZENS

Linda Mossholder, 224 Green Meadow Dr. - First I'd like to thank Mr. Houser for coming to a south Newark Civic Association meeting last Tuesday to discuss the diesel fumes that are in that area from the trains that are idling. These fumes are very toxic, the citizens have been very concerned for some time and I think they appreciated being heard. We did have some good news last week, fentanyl testing strips are now legal, so I may make a request again for some funding to purchase those to save people's lives, they are now legal in the State of Ohio. The third thing I would like to talk about and I will thank Ms. Bline for having that meeting on the

unsheltered population in our community. We're going to do everything we can at the emergency warming center task force to open a center for three days. This is a total volunteer operation, the temperatures are going to be in the single digits with wind chills in the minus digits. If we can find enough volunteers we will open. One of the things to keep in mind, both shelters are full so we cannot have people who are unhoused go to the shelters. The other thing is none of the shelters accept animals. Dogs are very important to our unsheltered population. Just two weeks ago one of our unsheltered residents had a dog and was trying to use a phone charging cord as a leash because his leash broke on the way to the the outreach and he said he was hungry and didn't want to go back. We looked and didn't have a leash. We do give people dog food we do have leashes now to give people. It was cold this week, he did come back and had a leash, but what I noticed is he had a very big dog and he had taken an old worn sweater and cut out places for the dogs legs so the dog basically had a coat on. So dogs are important to the unsheltered. One of the things that is nice about the warming shelter is that we do allow pets. We had about 4 dogs and a couple cats last year. We do have kennels and LCMH who will be providing transportation will allow the pets to be transported. I heard there is a decrease in the number of firefighters, one of the things to be very concerned about this time of year is people will be setting fires to keep warm, not just outside but also inside their house. With the anticipated winds we are going to have we could expect some power outages, so I do think we need to be aware of that. I would beg that we do not tear down any of the encampments for the rest of this week. One of the reasons people do not use the shelter is because they are afraid that when they go back all of their possessions will be trash and their tent will be trash. I don't want to see us reduce the homeless population by letting them freeze to death. I encourage at least for the rest of this week that no action be taken to remove some of those encampments.

Rochelle Volen-Smith, 237 Violet Ct. - I knew the Herbert Murphy family and they were very good people, the other thing is I was very distraught when I heard this year that fentanyl was being offered to children in schools in the form of candy. Clearly having fentanyl testing strips is an obvious and inexpensive answer to some of these sort of problems.

Tim Waldren, 167 S. 2nd Street - Again I was not here at the last council meeting and my name came up. Three times this year. Thank you Jeff. I don't believe in that religion stuff, but I do believe in one thing, I want to say something against rules, Merry Christmas everybody.

MISCELLANEOUS

Law Director Tricia Moore - Merry Christmas to everyone. Councilmen Lang and Marmie and Councilwoman Bline you were essential to the FLOCK meeting and I appreciate your participation in that. While it's different than the normal course contracts take with the City, when concerns were raised as they were with this, sometimes a different course is the way to go and I think this was the best way to go. I think that transparency and communication are key to what we do here in the City, so I want to thank you for your help in all of that. Everyone was

very open and as was said FLOCK was very willing to work with us. I also enjoyed attending the homeless meeting, Beth thank you for setting that up. It was important to get all of the participating parties there because no one can do this by themselves. I'm in the midst of doing a lot of reading right now, but you're right, homelessness is just the tip of the iceberg, there is so much that leads to that and if we can intervene at an early point that's the way to go and prevent people from actually ending up out on the streets. So, I enjoyed that, working on the reading and looking forward to the next meeting. Thank you for bringing up the thing about the pets, I don't know if that's something we can talk to the Humane Society about an see if they can offer up some ideas on help .I'm not sure if they are legal yet, I don't know if they passed the Senate, I know the House approved it.

Mayor Jeff Hall - Just a couple of notes on the budget. I want to thank everybody we're going to enter a new year here with a balanced budget and that's always a good thing for the City. I want to thank Auditor Bubb and all of his staff who have worked very hard with all of the departments, there are 24 departments out there and going back a few weeks as they started plugging numbers in. They do run efficient shops through the year which we appreciate because if we have unspent money it helps balance the budget in the new year and makes it a little bit easier. Finance Committee Chair Doug Marmie came in and talked to us last week and we appreciated his time for that, obviously he's done this many times and his perspective is well appreciated. It's a complex budget there are many parts to it and I think one time I read many years ago the General Funds side had about 490 lines to it so a lot of parts and pieces and government accounting is a little different than yours and my checkbook. Just remind everybody that the first Finance Committee meeting in 2023 we'll make an adjustment to that budget probably. It's a good roadmap though and I think we are strong because we have a balanced budget, it makes us strong but it is hard because we can't do everything that we want to do. With that, I want to thank Council for the entire year, my rough numbers I think we did 111 Resolutions and about 54 Ordinances so 165 pieces of legislation. A lot of parts in there meeting twice a month, a lot of parts and pieces a lot of information to go through. I tell people that we deal a lot of different directions. Honda makes vehicles, we do a lot of different things. That legislation comes in quite a gambit and you get quite a broad perspective and a knowledge of a lot of things in this business. I want to thank everyone, I think we run a good shop here on Monday nights and I appreciate all of the participation of all the Council members and all your time spent here in City Hall. I wish everyone a Merry Christmas and Happy Holidays and enjoy, but I want everyone to be very safe and respectful and cognizant of others in the community.

Ms. Bline - I too want to thank everyone who came out to the meeting on the 8th. It was a good time to listen. I t was a good time for feedback. Many came with in place processes, some for many years and there were many residents who came who represented a spectrum, some have been affected negatively by the homeless, they've been victims of crimes. So, it was a great time to listen and to come together as a community and much like the Law Director said, this is an opportunity to hit it before it becomes bigger. I also want to thank law Director Moore and especially Councilman Lang for the FLOCK meeting. Many people will talk to me on the street and they say I don't know if they'll do anything. Right there. Here it is. People came and gave great feedback and opinions and concerns about FLOCK and we have some great expertise on Council Mr. Lang, Mr. Marmie and very grateful to Law Director Moore for setting that meeting up. Not only were changes made that were beneficial to the City, but to other cities that may

not be ready or may have questions about similar legislation. I'd like to thank the City for working diligently on getting West Main Street open. I'd like to thank Basic Tree Service and Shackelford's for helping with a huge site cleanup down on Easy Street Park. We moved we estimate about 2 tons of trash and that was very important to the safety of the citizens. This was my first year and I'd like to thank all of the Service Departments, I obviously didn't know a lot and they were very patient as I made calls with requests and we have a great City Service Department, they work very hard. I'd also like to thank everyone here, it's just been a great year and most of all Service Director Rhodes and for his vision for the City.

Ms. Hottinger - Not too much to say. I hope you enjoyed your cookies those were compliments of Park National Bank and I brought calendars for next meeting. They'll be a little different, you'll see them. If I didn't have my faith, I don't know where I would be, so I'm not going to go and argue about that, but I'm grateful for God and the path that he has set me on. With that I want to wish everyone a Merry Christmas.

Mr. Houser - I want to thank Service Director Rhodes for adding a bunch of streetlights to Ohio Street, they did a little study on the lighting and added a few down there so I appreciate that. Several residents had requested that. I also want to mention I appreciate the amendments that Doug put forward to add some funding to the street budget potentially to pave some alley if that's what we end up doing with that so I appreciate that. One comment was made in regards to the budget and I always appreciate citizen comments but I guess but the comment made that we were bypassing input from the public, we tried to wrap this up especially with the Unions it's hard to get that wrapped up by the end of the year but at no point does anyone on Council have intent to bypass public input. Comments made on the separation of Church and State, I don't think anybody up here as a member of Council do anything that is a violation of the separation of Church and State. I would echo Councilwoman Hottinger's comment, I don't know where I would be without my faith as well and I'll just leave it at that. And it's nice having a President that can hear seconds I make every once in a while from this side of Council, just taking a shot at Don, he's not here but maybe he's listening. I'll thank all members of Council, it's been a year that I've been here now and I appreciate everyone walking me through and showing me the ropes. Merry Christmas.

Mr. Labutis - I want to wish everyone a Merry Christmas, my faith is central to who I am and my family as well. Want to wish everyone a Merry Christmas and want to thank everyone in the City for all of the hard work you've done this year, it's been a pleasure to serve with you this year and look forward to doing so next year.

Mr. Lang - I'll just wish everybody Happy Holidays.

Mr. Marmie - So this is the one time of the year that I do not call a Finance Committee Meeting, so I'm not going to call one. Couple comments. I want to thank the VFW this past weekend they were passing out baskets to those less fortunate as far as for their Christmas. I know they go to a lot of different poverty stricken areas where folks are residing and just don't have the means for Christmas, so the VFW does a great job helping those folks to make their Christmas just a little bit better. I want to thank them for that. The comment as far as bypassing funds for the City, it's an open communication system as far as our budget. The three departments that were mentioned the Fire, Police and Clerk of Courts, they presented their budget. The Police and Clerk of Courts not one thing was adjusted from what they requested. The Fire Department we did make one adjustment moving something from Operations over to Capital Improvements,

the Chief was involved in that discussion, he agreed with us, it was a learning experience for him because this is his first budget. Every other department, strong communications with everybody throughout the City. Any citizen received legislation as quickly as it came out. We did have to wait as far as making sure we had the number right that were passed with the Firefighters union passing their negotiation and the change of those salaries. I think it went very well, it was very open and there was nothing that was kept from anybody during the entire process and I want to commend the Auditor's office they do a fantastic job every year and they have to wait until the last minute to put numbers in and they're willing to do it and do a great job at it and answer a lot of questions that I have and I really appreciate and Jim if you would pass that on to all of them I would appreciate that. I too appreciate Beth getting the meeting together on December 8th. I really appreciate everybody that was there, the Law Director was there, Judge George was there. I think it was a great conversation, a great start to something. I think in the long run as long as we work together and sometimes we agree to disagree I think that we'll be fine and we just have to work together, we sometimes have to come from different ways to get the same thing accomplished, but we have to stay within our means especially here in the City. I really loved the young lady that talked about how she was so grateful, how the court system, how they saved her life. They literally forced her into rehab and it didn't even work the first time, it was the second time and she was just so thankful and appreciative of that and the fact that she is where she's at today because of that. I think there was a lot of open dialogue and even if someone disagreed they still were there respectful and listening and open and I thought it was a great meeting. I want to wish everybody a very Merry Christmas and a Happy New Year and as far as the comment of separation of Church and State, I'll pray for all of those who do not believe that God should be in all aspects of their lives.

Mr. Rath - Thank you for the cookies. I'll call a Service Committee for January 3rd, Tuesday. As far as the FLOCK camera System goes, I'm glad that went through I'm excited about having it in the City of Newark, excited about what it can do to help prevent and diminish crime. Kudos to Jonathan Lang and Beth Bline and anyone else who was involved in the process of reviewing the contract, just kudos to you for sticking by your guns and sticking by what you believed in. I know that wasn't popular and I know it wasn't maybe understood at the beginning, but good for you guys, I'm proud of you. I would be really upset if we got FLOCK cameras before we got cameras on the bodies of our officers. It's been a long time since it was brought up and I'm not sure where it is. As far as the fentanyl strips go and being useful in preventing overdoses in the City I believe that probably is accurate. I believe what is equally accurate in preventing overdoses and saving lives is prayer. At this time of year I would encourage everyone to remember what the Christmas Season really and truly is about and use that time to be reflective and prayerful and I will wish everyone a Merry Christmas and a Happy New Year.

Mr. Rine - I would like to second Mr. Rath, thank you Jonathan, Doug and Beth for the FLOCK, it wasn't a very popular subject but they threaded the needle and I appreciate that. Merry Christmas, Happy New Year and it's even on our currency, In God We Trust.

Mr. Barker - I just want to wish everyone a Merry Christmas and thank you to a great City staff, Administration, all the City workers, the Auditor's team it's been a great year and I'm looking forward to 2023.

President Pro-Tem Harris - Mr. Houser did you hear the Mayor say that Honda makes vehicles? They don't make big boys trucks, they make vehicles. I want to remind everybody that January

16th is the Martin Luther King breakfast, If you want to sponsor a table or get a ticket, just call the school or get a hold of me. I'd like to wish everybody a Merry Christmas and a happy New Year, like some of us said, Christmas is about Jesus and God and we are what we are by the grace of God, don't forget that. If it wasn't for God, we wouldn't be here. The next meeting is January 3rd, 2023.

ADJOURNMENT

Motion to adjourn by Mr. Labutis, second by Mr. Houser, with that we are adjourned

Jeff Harris, President Pro-Tem of Council