

COUNCIL MINUTES

March 6, 2023
Council Chambers
7:00 P.M.

President Ellington called the meeting to order

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

INVOCATION – Ms. Bline

PLEDGE OF ALLEGIANCE - Luke Guanciale, 4th grade St. Francis de Sales

CAUCUS - Motion by Mr. Marmie to excuse Mr. Rine, second by Mr. Houser, motion passed by acclamation

MINUTES of February 21, 2023, Motion to approve by Mr. Labutis , second by Mr. Harris , passed by acclamation

APPOINTMENTS

There are none this meeting

REPORTS OF STANDING COMMITTEES

Finance -**Received and Filed with no objections**

Service-**Received and Filed with no objections**

REPORTS FROM CITY OFFICIALS

Licking County Municipal Court, Judge B. Matthew George - 2022 Licking County Municipal Court Annual Report **Received and Filed with no objections**

COMMUNICATIONS

Ohio Department of Liquor Control - New liquor application for Madsoph LLC DBA Slingin Pizza, 1234 W. Church St, Newark, Oh 43055 **Received and Filed without objections**

Ohio Department of Liquor Control - New liquor application for Buckeye Axe Throwing LLC, DBA Buckeye Axe Throwing, 46 W. Main Street, Newark, Ohio 43055 **Received and Filed without objections**

PUBLIC HEARING

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

22-55 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 293 MERCHANT STREET (PARCEL #054-250128-00.000), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF SINGLE FAMILY RESIDENCE - RM - MEDIUM

DENSITY DISTRICT, TO TFR-TWO FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

(Planning Commission has recommended NOT approving or passing Ord. No. 22-55)

President Ellington - Planning Commission has recommended not approving this, so to approve we will need 7 votes. I will open the Public Hearing, this is your chance for either pro or con to speak on this Public Hearing.

David Rhodes, Service Director - The proposed zoning change on Merchant Street just does not fit. It is a single family residential neighborhood that needs to remain a historic neighborhood. The people that lived there were our merchants in past years. The people that live there now take a lot of pride in their homes and adding an element of additional multi-family housing just simply wouldn't fit, so we urge you to support the Planning Commission's decision.

Bill Cost, 1639 Krebs Ct. - I'm here tonight to express my total opposition to the legislation 22-55. What you have is a single family residential neighborhood that has significant historic architecture. It's just no place to turn into anything other than that. To make multi-family or to run a business out of, to think that you would add traffic to an area like that, it simply is not the place to have it. We used to refer to that as spot zoning and that's something that in the history that I've been involved with Newark has tried very hard not to do spot zoning. I think it would be a huge mistake. I would like to think it's not going to be given virtually any consideration by this Council. Thank you.

Jay Andrews, 296 Merchant St. - I live right across the street from the proposed senior center they're talking about. I've been there 37 years, I've got other neighbors that have been there 38 years, it's always been a great neighborhood for children to grow up in and so forth. Everybody is very friendly with each other in our neighborhood, so we're all close knit. I don't know if you are aware of it or not, but we had a petition that was signed with almost 30 names, 30 different residences in the area, turning this down, not wanting the change. So, I hope that you take that into consideration when you make your decisions, thank you.

Beverly King, 285 Merchant St. - I would be right beside this house, there is an alley between us and I don't relish the traffic that would be there, the noise for constructing a parking lot that would be in the back that they're talking about, or any additions to that house. I would like to present the petition that everyone signed, thank you.

Robert Vaile, 293 Merchant St. - My wife and I own 293 Merchant Street, so we are here to speak in favor of this. To give you a little background, on February 14th a lot of the people here came to the Planning Commission meeting to kind of spell out the doom that would befall the neighborhood if a group of seniors is allowed to convalesce in a quiet home on Merchant Street. The collective message that was received by the opposition was that they are not welcome in the neighborhood where able bodied doctors and lawyers and merchants have historically lived. Now, if we said this same thing about any other minority group, they're not welcome here, I think it would be very clear to us that that was wrong minded and discriminatory, but when we say it about senior citizens, we think it's okay? Every one of us, unless we die early, are going to need help at some point in our lives, when we reach that point, should we be excluded from living in a nice neighborhood? That's like discriminating against our own future selves by doing that. So, this disability that's caused by age and years of service is as important and protected under the law as is color or race. So, if you decide to accept the Planning Commission's recommendation to uphold the wishes of the neighbors on

Merchant Street that want to exclude this group of people, we will step away from it. We'll step back and let the Department of Housing and Urban Development step in to enforce the Fair Housing Act. Those officials have told us that they send the Department of Justice to do the investigation and to take legal action in the City as needed. They said that unfortunately, they do that routinely, even in Ohio. So, that is kind of the next step for us. What I'm really wondering is, as leaders and citizens of Newark, are we the type of City, are we the type of people that are going to embrace discrimination, rather than progress that you've shown me, developing infrastructure, welcoming business and trying to serve our citizens. Are we really going to force the Federal Government to tell us or force us not to discriminate, or can we make that decision on our own. Are there any questions for me as the sponsor of this?

Theresa Demers, 299 Merchant St. - I'm the old resident with my husband on the street and this is totally out of character with what the neighborhood is, has been, always should be and Mr. Vaile's interest may be well intended, but this isn't the right place for that. So, I hope you hear us, this is not what we desire, not what we ever moved in to expect and it's not about discrimination, it's about maintaining the character of the neighborhood that we expected and have upheld and we hope that wisdom reigns.

Scott Rives, 388 Merchant St. - I want to start by apologizing that I failed first grade math and only have 10 copies, if you would share, it's pretty pictures and some numbers. I want to thank you all for your service, this isn't an easy job and you definitely aren't compensated enough for what you do. With my job I'm typically in front of various Council's, architectural review boards and even City Councils. I can tell you it's very hard. I apologize for my language, I'm southern, so I'll do my best not to use words like reckon, but in case you need translation, I brought my 14 year old son and he'll be happy to help you a little bit. Typically in my job, I'm on the other side of this conversation, because I'm usually seeking a variance, I'm asking for the allowance to put up a fence or take down a sign or repave the sidewalk. This allows me the chance to be in front of lovely people like you, but it also allows me to hear from the citizens in the communities that I'm putting buildings in. I can tell you that usually these conversations are very few and far between because there aren't a lot of citizens that show up to these kinds of meetings and any grievances that they may have are minor, so they'll ask me to hear them, know what they need and be a good neighbor. I'm hoping in this conversation it'll be a little different because there are a lot of citizens here and the situation isn't minor. I will tell you that I gave you a sample of the houses within my block, one block of this area and you can see that there are some significant, beautiful, old homes, with some significant, extremely valuable property. If you do a simple google search you will find that assisted living facilities is a new fad. It's something that a lot of people around the country are doing because it can be extremely lucrative and profitable and don't take my word for it, simply pull out your phone and google it. I tried to get some facts, but so many investment opportunities came up when I was researching, it was impossible, I thought I need to invest in this, one resident can return \$54,000 a year in profits. It's such an issue that American Association of Real Estate did a research paper on this and found that except for dilapidated neighborhoods, putting assisted living facilities into neighborhoods has a negative effect on real estate and the market and causes discounted prices. That's just a fact, it's not a statistic, it's something you can look up, I did it myself. One of the things I want you to take into consideration in looking at this is the effects it will have on the citizens. We have no problems with the elderly here in the neighborhood, many of our residents are elderly. I bought

my home 10 years ago and I got a job in Columbus and I could've lived anywhere and the reason why I chose Newark is for the house that I live in. It's a beautiful property, all we want to do is protect it and our families. If I was running this project as a project manager, the first thing I would do is obtain a variance, which they are trying to do that. The second thing I would do is get a provisional license for an assisted living facility. Once I had those two then all I had to do was tear down the house. It's a lot cheaper to build from the ground up for a medical location than it is to rehab a 1920's home to code. Then I would build a facility because I no longer needed permission to do it, I'd build a 6,000 square foot facility and maximize my profits, simple as that. I'm hoping you'll take a look at the neighborhood and keep it a single family neighborhood. Thanks for your time.

Patty Juergens, 192 N. 11th Street - That is just on the other side from where my friend Bev lives. We have people that are in those homes there that enjoy the neighborhood, but we also have a lot of traffic on 11th Street and we don't want to have more traffic down on Merchant Street. We want to make sure that we speak for everybody that's there and understand that we want to keep it a neighborhood for community use and not a business. If we let them start a business, what's to stop everybody else from having a business there and then the traffic in the neighborhood gets even worse. I work with the elderly and if they are going to be in that area, there's going to be times when the ambulance is going to have to come get them for one reason or another and then that creates even more traffic in the area. Then what about the workers that are going to come take care of them in that home, they're also going to clog up the community and make it seem like less of a neighborhood and more of a business street. I agree with the gentleman before me that there are much better places to be to start this kind of a home and make a better profit if you're starting from scratch instead of trying to re-do a whole home. We want to make sure that our wishes are known and that we respect the fact that they are trying to do something nice, but they're not trying to do something in the right area. We love the elderly people and we would welcome people being taken care of in their homes, but to start a business, that's not what we're looking for. Thank you.

Kathy Jurden, 370 Merchant St - My husband and I own two properties on Merchant Street. So, when we were at the Planning Commission meeting we also discussed the same. We are a community, our neighborhood we are a tight knit community, we look out for our other neighbors and help each other out. It's fine that he wants to take care of his parents or elderly people, that's great, that's very nice, but it is not a place for a business in our neighborhood. It's a neighborhood. It's not a place for a nursing home. Mr. Vaile had mentioned in the previous meeting that he wanted to have this facility as a nursing home so that he could generate funds to upkeep the property, to provide maintenance, to provide what was needed to turn it into a nursing home. It's an older home. We all know our homes are older homes and we understand that it does take a little extra cash to pay for repairs. Things that need repaired are not new things so we have to find other ways to fix it. So, we understand that. We bought our home. If he did not want to have to pay for those repairs perhaps he should not have bought a home in that neighborhood. It is not a place for a business. Mr. Vaile never mentioned anything in the previous meeting that he was concerned about any type of discrimination for older adults. There is no discrimination in our neighborhood for older adults, we have older adults in our neighborhood and we love them. They're our neighbors. A nursing home in our neighborhood

is not the appropriate place. If he wants to do it somewhere else, that's great. Not in our neighborhood. Thank you.

David Ruff, 300 Merchant St. - I bought my house about 4 years ago. Through my work I've been to Planning Commissions and City Councils in Michigan and Ohio over the last 18 years, I don't think I've ever heard someone threaten a Planning Commission if you don't support my variance I'm going to pursue other means and to me it's like a last grasp. The neighborhood has come out in strength against this. I don't support it, I don't want it there, we do have a nice neighborhood. So, I strongly oppose this.

Beverly King, 285 Merchant St. - I wanted to say, what he just said, I'm mad. I feel like we're being threatened and I don't like that. I am one of the elder senior citizens on that street and I'm not prejudiced against older people, I am an older person. I don't like being threatened and that really scares me that he would do that.

Brandon Clayton, 190 N. 11th St. - I live kind of diagonal from where this property is located and I'm probably safe to say one of the younger home owners in the area and like the other gentleman, I work in Columbus so I don't have to live in Newark, but I choose to and I plan on staying a long time and my concern is what if this project happens and then this home is sold. What else is going to come in here to replace it, whether it's a house or something else if the zoning has been changed which not what I want to see either. So, that's my biggest concern is this can of worms is opened what else could come here later down the road that we wouldn't want and then be unable to stop it. Thank you.

Jessica Reynolds, 345 Granville St. - We are on the corner of 13th Street and Granville Street, along 13th Street are several homes, almost 1/3 of them have been converted into 2 family homes, I've been checking with the Zoning Commission to see if they are legit or not and they are checking into that to let us know, because there have been some of the conversions not approved. I'd like to say that, we have had a lot of problems with those properties, they've been chopped up into little apartments, they get low rents, we've had animal abuse problems, drug problems, sex offender problems, even a stabbing at a house on the corner of 13th and Granville. That was a single family home but was chopped into 4 apartments. My husband and I have lived here for 20 years, we've been renovating the house on the corner of 13th and Granville that entire time, we have put in easily a couple hundred thousand dollars in trying to maintain the historic value of that home. We bought the home in what we thought was going to be a single family area, it was zoned for single family, all of those homes but one down on Merchant that was built to be a duplex. Why that was approved I have no idea. None of these homes should've been chopped up at all. We went to refinance with Huntington a couple of years ago and were denied refinancing because of that street, because it had pulled our property values down so much. It's not fair to people who have moved into the area and who have put this kind of money into their home trying to keep the historic accuracy of the property. There are other areas that are zoned for multi-family or two family, he could've easily have purchased a home in one of those areas and converted it to his needs. He doesn't need to move into a single family and continue this landslide of problems that we've had from other properties that have been renovated. They don't look good. The outside doesn't look good, I'm sure there has been no architect involved in any of these renovations, just all investors on the fly trying to renovate. We are extremely opposed to this and another problem is there are a couple other homes going to up for sale in the area, they are large homes, if you

allow this to go through then I can't imagine what will happen to homes that are much larger. If you start one how can you deny someone else from chopping one up, so please vote no on this. I too don't appreciate the threat. Thank you.

President Ellington - I'm going to close this public Hearing, Janine will you please read 22-55 again.

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

22-55 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 293 MERCHANT STREET (PARCEL #054-250128-00.000), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF SINGLE FAMILY RESIDENCE - RM - MEDIUM DENSITY DISTRICT, TO TFR-TWO FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

President Ellington - A vote yes will change the zoning a vote no will leave it the same.

Motion to adopt by Mr. Rath, Second by Mr. Marmie

Mr. Barker - Back on February 14th I spoke against this at the Planning Commission with many of you in the room here and I urge my fellow council members to vote no on this ordinance. As many have said tonight this is a case of spot zoning, this is not what this neighborhood wants. I don't believe there's any discrimination on our behalf and I'd like to ask the Law Director to speak to that if we could, or allow her to speak on this.

President Ellington - Can we wait until the discussion is over.

Mr. Barker - Yes Mr. President.

Mr. Marmie - I'll speak on the discrimination. We don't have a zoning classification for elderly homes, so we can't discriminate if we aren't voting on an elderly home. Just like we don't have any kind of zoning for any other race, color or creed or anything along those lines. I will say that I always when faced with a decision on changing a zoning classification, I consider property owner rights and also I consider those that around it and I look at what is it that is around and is it contiguous. Two family housing is not what this neighborhood is made up of and what it's doing is it's creating a downward spiral if it continued on, we've seen that in various parts of our city, in particular on Hudson Avenue and Mt. Vernon Road and other areas that have larger homes and once it goes to two family then it goes to 3 family. 4 family, it just continues and spirals down. It's hard enough to upkeep these older homes and to maintain the historic value, you put it into a situation and it's going to create an area that would not be conducive to what the neighborhood currently is. I think that this neighborhood deserves to maintain its integrity, the way that it stands, the historic value. Single family housing where the residents are proud and they upkeep their homes and don't let them deteriorate and turn into just 4 family homes is what has happened in different areas of our community. This is an area that we do not want to deteriorate, it does not fit into the current zoning and therefore, I am going to be opposed to the zoning change because it doesn't comply with the neighborhood as it stands.

Mr. Rath - Three things that I'll bring up, obviously there is absolutely no discrimination on this. Not knowing what the future use of that house is, the biggest objection I have on this is spot zoning. The gentleman over here that spoke, you hit the nail on the head. If that home is changed to this zoning then the house next door on either side of that can come here and ask for re-zoning and we would have no grounds whatsoever to deny them, they could come back

and sue us and they would absolutely win. So, that's why we don't do spot zoning. The other thing I always take into consideration when we do a zoning change is future use and what you want to use this property for today, very admirable I understand that, but you're not going to be here forever and the next person that owns that property could do a lot of other things other than what you're talking about and that is not protecting that neighborhood. So the spot zoning is the biggest thing. With the overall opposition in the neighborhood that weighs heavily into it, the Planning Commission and their opposition to this, with all of that taken into consideration, I am going to vote no on this and I strongly urge the rest of the Council Members to also vote no.

Ms. Bline - I am going to urge everyone else to vote no on this. When I first heard about two-family residence, I was aware of other ones in the area and I hadn't heard the full narrative. Narrative is really important, the who, what, when, where, why and how. If you can get that established this is a lesson for everyone, as times are changing in this town, we have to have a narrative established that as people coming in wanting to make these changes, you guys have done your homework, you've done your due diligence and that's very respectful and more so as my colleagues have said, it's what impacts the community for generations after. It's very , I want to thank you guys for being not only vigilant, but vocal, that's really important. Coming to the zoning is one of the most important things you can do, more so even than coming here, so thank you for your time.

Ms. Hottinger - Merchant Street is probably my favorite street in the City of Newark. My husband and I take drives down Merchant Street and admire the properties, even get ideas for landscaping, we always thought we would love to own a house there, It's just a wonderful neighborhood and I commend you for keeping it that way and for gathering together and expressing your opinions about how you want your neighborhood to continue to be. For many reasons I'm going to vote no on this, but I try to put myself in your situation, how would I feel about that, just me being up here as an outsider not living on your street and I would feel the exact same way you do. It's very admirable that you want to take care of the elderly, I do appreciate that because I think that's something that our country actually doesn't do a very good job of, but I don't believe that it is the right locations, so for that reason, I will be voting no.

Mr. Labutis - Merchant Street is actually in my ward, I've heard from a few of you and Merchant Street is a beautiful residential neighborhood and deserves to stay that way, so I would urge my fellow council members as well to go along with the Planning Commission's recommendation and vote no against this rezoning.

President Ellington - Mr. Barker would you like to ask the Law Director your question?

Mr. Barker - I didn't know if the Law Director would like to weigh in on any of this, I know we've talked about this at length, discussing age as not a discriminatory class, so if you could confirm that Law Director that age is not a protected class.

Law Director Moore - Under the Fair Housing Act there are 7 categories that fit under "protected" classes and age is not one of them. If you're trying to put age under a disability, I have a 75 year old father who plays baseball who would be mortified if you told him he was disabled. It's simply not a protected class under the Fair Housing Act at this time and Federal Courts have upheld that cities that set zoning regulations to achieve zoning goals to preserve the character of the neighborhood are legitimate and non-discriminatory.

President Ellington - You've heard the discussion, we've had the Public Hearing open and closed. Planning Commission has recommended not approving this so it would take 7 votes to override that.

Motion to adopt failed 9-0

PUBLIC HEARING

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

22-57 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1401 MT. VERNON RD., (PARCEL TAX ID #054-269934-00.003), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF GC GENERAL COMMERCIAL ZONING DISTRICT TO LI LIMITED INDUSTRIAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO. *(Planning Commission has recommended approval and passage of Ord. No. 22-57)*

President Ellington - We're going to open the Public Hearing, Planning Commission has recommended approval on this, is there anyone who would like to speak for or against?

Rick Platt, Port Authority, 880 West Locust Street - This is the former Chesrown Dealership, this depicts how we would re-do the property in the future should the rezoning be approved. Our intent is to not do the things that were there before. Currently it's been vacant for a while, we intend to not have a car garage, not to sell cars, not to do retail, we don't want to do a lot of things also that are possible in a General Commercial zone. What we do want to do is what we call Stem Flex. The Flex part is to use the two existing buildings in both 1401 and 1425 for Flex Space so the front would be office the back would be production space and the STEM part is what the Port Authority does. Focus on STEM jobs with the higher pay and have an opportunity for the community. That's our intent for the property, again we don't know for sure what we're going to do with it we don't have a tenant at this point, but with the rezoning we could move forward with repairing the grounds and also repairing the buildings for the future steps we'll take. We're going to leave the two buildings that are in the parcel, I guess if my comments could apply to the second hearing as well because it does apply to both properties.

President Ellington - Is there anyone else who would like to speak for or against. We're going to close the Public Hearing, Janine if you would read 22-57 for a second time.

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

22-57 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1401 MT. VERNON RD., (PARCEL TAX ID #054-269934-00.003), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF GC GENERAL COMMERCIAL ZONING DISTRICT TO LI LIMITED INDUSTRIAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Motion to adopt by Mr. Rath, Second by Mr. Barker

Mr. Rath - Seeing no opposition to this and knowing that the Planning Commission has recommended approval, I would urge everybody to support this.

Motion to adopt passed 9-0

PUBLIC HEARING

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

22-58 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1425 MT. VERNON ROAD, (PARCEL TAX ID #054-269934-00.002), CITY OF NEWARKI, LICKING COUNTY, OHIO, FROM THAT OF GC GENERAL COMMERCIAL ZONING DISTRICT TO LI LIMITED INDUSTRIAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO. *(Planning Commission has recommended approval and passage of Ord. No. 22-58)*

President Ellington - We're going to open this Public Hearing is there anyone who would like to speak for or against.

Rick Platt, Port Authority, 880 West Locust Street - This building at 1425 is the larger of the two buildings and also again lends itself to the STEM Flex concept, Flex space with that STEM concentration. Asking that you accept the Planning Commission recommendation and pass this.

President Ellington - We'll close the Public Hearing and Janine if you would read 22-58 again.

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

22-58 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1425 MT. VERNON ROAD, (PARCEL TAX ID #054-269934-00.002), CITY OF NEWARKI, LICKING COUNTY, OHIO, FROM THAT OF GC GENERAL COMMERCIAL ZONING DISTRICT TO LI LIMITED INDUSTRIAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Motion to adopt by Mr. Rath, second by Mr. Barker

Mr. Rath - For the reasons stated on the previous Public Hearing I will be voting for this and encourage everyone else to do the same.

Ms. Hottinger - Am I allowed to ask Mr. Platt a question?

President Ellington - Not really, but go ahead.

Ms. Hottinger - what's the timeframe that the property will be ready for a new tenant to come in?

Mr. Platt - We're operating in a phase of protecting the asset right now, one of the buildings, they got to the electric, so we're trying to get that restored. The next step is the grounds are in worse shape than they look, so we're going to be ripping out some asphalt, putting down some grass doing some things with the grounds, the City will be seeing plans for the building hopefully very soon so, I was optimistic we would be underway sooner than we are, but by third quarter I expect we will be able to fully market the property for having occupants.

Mr. Marmie - This is in my Ward and I am just so happy that this is happening. It's been a property maintenance kind of nightmare and there have been complaints from citizens and also I've had to drive past it and I'm just glad that something positive is coming of this property and it's going to be something that not only be appealing to the area, but also productive as far as jobs and things like that, so I will be in support of this one as well.

Mr. Houser - I just want to echo what Mr. Marmie said, I've driven by that building many times wondering when it's going to be utilized for something productive and I want to thank you for your effort with that.

Motion to adopt passed 9-0

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

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

23-02 AN ORDINANCE ENACTING AMENDMENTS TO NEWARK'S SEWER USE AND SEWER CHARGES ORDINANCE (91-59); DIRECTING LIMITED PUBLICATION OF THE SEWER USE AND SEWER CHARGES ORDINANCE

Motion to adopt by Mr. Rath, Second by Mr. Barker, Motion passed 9-0

ORDINANCES ON FIRST READING

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

23-03 TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$1,150,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF CHURCH STREET AREA IMPROVEMENTS AND REPAIR, INCLUDING ELECTRICAL, SIDEWALK, STREET AND STREETScape, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

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

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

23-04 TO PROVIDE FOR THE ISSUANCE OF \$460,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE CITY'S COST FOR HORNS HILL ROAD SANITARY SEWER PROJECT IMPROVEMENTS, AND DECLARING AN EMERGENCY

Motion to adopt by M r. Marmie, Second by Mr. Lang, Motion passed 9-0

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

23-05 TO PROVIDE FOR THE ISSUANCE OF \$510,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTION OF THE STREAMBANK PROTECTION PROJECT, INCLUDING REPLACEMENT OF THE SHEET PILE DAM ON RACCOON CREEK, SITE PREPARATION AND ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY

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

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

23-06 AN ORDINANCE CONSOLIDATING THREE BOND ANTICIPATION NOTE ISSUES OF THE CITY OF NEWARK, OHIO AND DECLARING AN EMERGENCY

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

RESOLUTIONS ON SECOND READING

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

23-12 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 REMITTANCE OF FUNDS, FOR LEASING CITY-OWNED PROPERTY TO OTHERS TO USE FOR AGRICULTURAL PURPOSES.

Motion to adopt by Mr. Rath, Second by Mr. Barker, Motion passed 9-0

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

23-14 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$3,250,000.00 -Grant Funds for East Side Transmission Line)

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

RESOLUTIONS ON FIRST READING

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

23-16 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$10,000.00-The Moral Recognition Therapy was discontinued. Paying probation Officer Instructors OT is no longer necessary) (\$10,000.00 -ODRC approved a budget revision on 2/1/23. It was determined there was an excess amount of money in the Overtime line item. All excess money will be forwarded to the Woodlands for the Batterer's Intervention Program)(\$27,974.00 - ODRC approved a budget revision in 2/1/23. It was determined there was an excess amount of money in the budget for Workers Comp., Overtime and Health Insurance. All excess money will be forwarded to the Woodlands for the Batterers Intervention Program) (\$277,401.00 -New Brownfield Remediation Program Grant) (\$90,761.41 -Conforming Boundaries Granville Township) (\$111,000.00 -Additional money not needed for note as paying down from debt fund) (\$19,824.63 -Completed projects - move remaining money to debt paying fund)(5289-Additional funds needed for JEDD distributions agreement)(5611- Additional funds needed for JEDD Income tax refunds)(\$8,188.56 (Health Insurance Cost for Probation Officer Ashley Weaver)

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

Mr. Marmie - We have some items that need to be expedited, some of them are bills that are due, others are ones that we need to meet deadlines, so therefore, I urge Council to waive the 2 day reading rule and expedite this.

Motion to waive the 2 day reading rule passed 9-0

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

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

23-17 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$2,500,000.00 -Note Re-issue) (\$759.09 Appropriate Funds from reimbursement of Overtime from Licking County for Hazardous material response)

Held until March 20, 2023

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

23-18 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO ENTER INTO A LEASE AGREEMENT WITH PARK NATIONAL BANK FOR THE LEASE-PURCHASE OF ONE (1) MEDIC UNIT FOR THE DIVISION OF FIRE
Held until March 20, 2023

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

23-19 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO ENTER INTO A LEASE-PURCHASE AGREEMENT WITH THE PARK NATIONAL BANK FOR THE PURCHASE OF TWO(2) SNOW PLOWS
Held until March 20, 2023

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

23-20 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AMENDED AGREEMENT WITH THE NEWARK DEVELOPMENT PARTNERS AS ITS AGENCY AND INSTRUMENTALITY FOR COMMERCIAL DEVELOPMENT IN THE CITY OF NEWARK
Held until March 20, 2023

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

23-21 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE NECESSARY PAPERWORK TO HAVE THE CITY OF NEWARK, OHIO, JOIN THE MID-OHIO REGIONAL PLANNING COMMISSION
Held until March 20, 2023

COMMENTS FROM CITIZENS

MISCELLANEOUS

Mayor Jeff Hall - I'd like to welcome our two newest Newark police officers, Nicholas Fischio and Kevin Distelhorst were sworn in this morning. I know Chief is here, they are two high caliber men, one is a new profession for him and the other is real reliable, we spoke briefly this morning, they're real excited to join Newark and be a part of this community and there will be more to come. It's always a great day when you swear in new officers.

Mr. Houser - First, I want to thank all the people who came out to speak on that potential zoning change on Merchant Street. I think it's disappointing that discrimination was used as one of the reasons to question that.

Mr. Labutis - I want to thank everyone for support and not passing 22-55. Like I said, Merchant Street is a great neighborhood in the 4th ward and it needs to stay so.

Mr. Marmie - I need to call a Finance Committee meeting for March 20th. Also, I would urge everyone to keep Mr. Rine in your prayers because his grandfather is very, very ill and so he's at his bedside this evening. Finally, I just want to wish Newark High School basketball team good fortune. They are really playing well, they have one of the best coaches in the State of Ohio, I believe, the best coach in the State of Ohio and they're just exceeding expectations. He gets the best out of all of his players, and I'm just excited for them. It's been fantastic watching them through the tournaments now and I wish them good fortune this week.

Mr. Rath - I'll call a Service Committee meeting for March 20th.

Mr. Barker - I'd like to thank Luke Guancia for coming tonight to do the pledge, I know he had to basically run here from baseball, so Luke, thank you for doing that tonight. I'd also like to thank Director Rhodes and our Street Department for making some major pothole repairs this morning. I got some information about some residents and actually some people who had driven going through town who hit some major potholes and actually blew some tires, so we got those taken care of first thing this morning. I'd also like to just thank my fellow Council members for the support on voting no on the Merchant Street rezoning, I've been talking a lot to those residents, I think we have some future things that we are going to bring regarding Merchant Street here very soon.

Ms. Bline - I'd like to thank the Police Department and Property Maintenance again for some interventions they've been making in the neighborhoods, the residents are very grateful and I am too. I'd like to thank Mr. Balderson's office and the locals from Genesee Wyoming Railways for the great meeting that we had. It's first steps in making some really great changes in Newark and you know I've often heard that it's not the fast steps, but it's in the consistent purpose steps that things change and I'm very excited about that. They want to work together with us in securing Newark and bringing things, certainly our optics into, just help bring up the neighborhoods, so I'm very excited about that. I'd like to thank everyone again who voted down that zoning. Zoning's really important. Again, if you ever have a chance to go to Zoning, go, I go every chance I get because I learn something and once it happens in zoning there are a lot of things that are hard to reverse, so please come to Zoning.

Mr. Harris - I want to congratulate the Newark Boys basketball for winning the District. I agree with Mr. Marmie, Coach Quackenbush is probably the best coach in the state. I'd also like to congratulate him for being the winningest coach in Newark Basketball history now. Tricia mentioned her dad playing baseball at 75. He asked me last year if I wanted to play baseball on his baseball team and I said, you mean softball? I got a dirty, nasty look and he said softball's for sissy's. I said, I guess I'll be a sissy then, because I'm not playing baseball.

Ms. Hottinger - I want to thank Tim Hickman, Director Hickman, for his help with a unique property maintenance issue I would say, I appreciate being able to work that out, so thank you. I just want to remind everybody if you have time on Friday at 11:00am is the ribbon cutting for the St. Vincent Haven Men's Shelter. It's a really big deal and will help us a lot, so you all are welcome to attend that, again 11:00am at the Haven.

President Ellington - I guess I'd like to also thank Luke and his dad Drew for coming in tonight to do the pledge, Luke was really nervous, but he got it out and did a great job. Well, the meeting's gone on long enough, our next meeting is March 20th, which will be 5:45pm for Committees, 7:00pm for Council

ADJOURNMENT

Motion to adjourn by Mr. Harris , second by Mr. Houser, passed by acclamation, with that we are adjourned

Don Ellington, President of Council