

COUNCIL MINUTES

May 15 , 2023
Council Chambers
7:00 P.M.

President Pro-Tem Harris called the meeting to order

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

INVOCATION – Ms. Bline

PLEDGE OF ALLEGIANCE - Jimmy Peck, 2nd grade, St. Francis de Sales

CAUCUS - Motion By Mr. Marmie to excuse Mr. Ellington, Mr. Lang and Mr. Labutis by Mr. Marmie, Second by Mr. Barker, passed by acclamation.

Motion by Mr. Marmie to accept the new committee assignments with Mr. Chute, second by Mr. barker, Motion passed by acclamation

MINUTES of May 1, 2023, 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 April 30, 2023

Brenda Cooper, Tax Administrator’s Office – Income Tax Revenue Reports for period ending April 30, 2023

Brandon Fox, Water Administrator - 2022 Annual Report Division of Water and Wastewater

PROCLAMATION - Mayor Hall - Mental Health Awareness Month, May 2023

Kay Spergel, Excutive Director of Mental Health and Recovery for Licking and Knox Counties - I would like to say thank you to the Mayor and the City Council, but I also want to say thank you on behalf of the concerned community and how important this proclamation is to them and to recognize that they do exist and thee are services available for them, so thank you very much.

COMMUNICATIONS

Bob Fogg - Cedar Hill Cemetery

Ohio Division of Liquor Control - New Liquor application for Flat Tire LLC, 388 W. Main Street, Newark, Ohio 43055

Katherine Parlet - Neighborhood restoration request around Highland Blvd.

Trish Perry, Ohio CAN, Newark Homeless Outreach - Steps of Change- Walk a Mile In My Shoes Fundraiser, May 20th, 10-1 at One Courthouse Square

Tara Stafford, Behavioral Health Care Partners - Grand Opening of the BHP Wellness Garden, 65 Messimer Drive, Thursday June 1 3:30-6pm

Tonya McAlear - Broadway Manor/Highland Blvd. neighborhood restoration

COMMENTS FROM CITIZENS

Rochelle Volen-Smith, 237 Violet Ct. - Recently I visited some other cemeteries other than our community one and I would like to recommend that the City of Newark cemetery consider creating a board or committee that mostly has citizen representatives so that we can come up with a reasonable respectful solution. I think our citizens and consumers of the cemetery deserve to be treated more respectfully than they have been.

Vickie Abbott, 1685 Abby Drive - I've been coming to these meetings since the whole Cedar Hill debacle began. I've watched how disinterested Council has been while people are pouring their hearts out, texting, looking like when is the timer going to go off. I wasn't going to come this evening, but I needed to just say and be done. After I went to the cemetery yesterday I am more upset and it's not even the decorating at this point for me. You could've given us the 8 inches with a border to maintain that area. To see the cemetery yesterday in such disrepair, I was appalled, it is so hard to even maintain. I spoke with someone who told me they are contracted to weed eat once a month, that isn't even close to what is needed to maintain a cemetery of that magnitude. I'm not sure why we're here because I've been told numerous times Council can do nothing, I would advise people to get out and vote in time to clean up our City. Here are some pictures I took yesterday, thank you.

Lynn Pettit, 463 Ridge Avenue - This is hard. I lost my son in 2020 right in the middle of COVID. We couldn't have a funeral, everything was restricted. One of the things I could do was spend some time at his head stone decorating and taking care of it and you guys are taking that away from me, you're taking it away from his children. His son wasn't even 2 years old when he passed, he thinks that's where his dad is, he likes to go there and leave mementos. When I purchased that site they told me I could decorate. They told me I could decorate, that is why I bought it there. I have 5 generations of family buried up there and every time I've gone up to take care of my sons headstone, I've taken care of theirs. It's never been weed wacked, it's never been maintained in the 2 ½ years I've been going up there and taking care of my sons stuff and none of them have any decorations, it's my great-great grandparents, great grandparents, great aunts and uncles, none of the headstones have ever been maintained, so the excuse that we can't decorate our children's graves because you need to maintain them and have better access of maintaining them is ridiculous because they were never maintained in the first place.

Steven Smith, 237 Violet Ct. - I just wanted to state my appreciation for the Proclamation about Mental Health Awareness Month I think it's a very important issue and particularly for young people in schools. When I was in school we didn't have to worry about active shooter drills, I really can't imagine what's going through some of those kids heads every time they hear one of these news stories. So, this is a very important issue and I would like to see it supported in a commensurate way. As Raphael Warnock, the Senator from Georgia commented after news of another mass shooting, he said our thoughts and prayers, but thoughts and prayers are not enough.

Linda Mossholder, 224 Green Meadow Drive - you saw the letter from Trisha Perry about Steps of Change, I would like to personally invite each Council member to attend this event. In prior years we have lined the Courthouse steps with shoes, unfortunately this year we have to add another 56 pairs of shoes for people that have died of overdose. The event is to address the stigma around substance abuse issues and stigma can cause everything from having people not seek medical care or it could also lead to overdose because they are not getting the tools they need to prevent overdose. I didn't make enough copies because I ran out of ink on my printer so you can pass these two copies around. The faces on these will be a banner at Steps of Change, these are just some of the people who have died of overdoses in the area. A couple of months ago I came in and made a request for fentanyl testing strips. Yesterday was Mother's Day, some mothers mourn that day because of the death of a child due to overdose. Recently I attended an Ohio CAN, that stands for Ohio Change Addiction Now, retreat. Some of the people in attendance at this retreat are people who have lost a daughter or son to overdose, some were there because they still have a child who is in active addiction and some are already in recovery. These are people who are on the front line every day trying to prevent more overdoses and to help people who are affected by substance abuse issues. Overdose can be prevented by the use of fentanyl testing strips. In my opinion, using the settlement funds to purchase fentanyl testing strips is an opportunity to save lives. Fentanyl testing strips are not cheap, one little package like this is at least \$1, there's 2 strips in there, we pass out between 70 and 80 testing strips every week at the outreach and some of the people have come up to us several weeks later and said, you have saved my life, I am now ready to go into treatment. Some don't, some will continue to use drugs and I know there's an opinion that people feel these trips enable people to continue to use illegal drugs. That may be the case, but using drugs should not be a death sentence. So, if we can prevent somebody from dying until they're ready to get treatment, we should do so. The access to testing strips, they need those before they can get into treatment. People who are in recovery have also said, I would not be here if I didn't have a testing strip when I was using. So, people can get help with their addiction. Addiction is a mental health disorder, it is not something people choose to do. There's another threat now in the community, a drug called Xylazine, I don't know if you have heard of that, but it's a horse tranquilizer and it's showing up now mixed in the same drugs as fentanyl is mixed in. Unfortunately we cannot use Narcan to get someone out of an overdose. Basically, they stop breathing and you have to use rescue breathing or they have to get immediate medical care. Xylazine test strips are available, unfortunately they cost between \$1.50 and \$2 a piece, we keep a limited supply at the outreach in case someone

does ask us for them, but we also pass out literature saying this is what Xylazine can do to you. What it also does is create horrible sores on people's bodies, so they do require hospitalization for that. So, we're trying to do what we can to try to keep people alive. Testing strips are not cheap, however, we believe in saving people's lives. I will be putting in another request in the near future for testing strips, please see this as an opportunity to save someone's loved one, not as an opportunity for people to continue to use drugs. Thank you for your attention.

Loren Barber, 424 Thomas Avenue - I guess I'm going to start out by saying Mr. Harris, you misunderstood me two weeks ago as I was being removed and used the term dictatorship I was referring to the cemetery. In my mind with one ruler and everyone else has to do what they say, that's the definition, I didn't want you to think I was disparaging this group. I've got some good news tonight, you won't have to deal with me anymore in this room, I've found it's basically, I wasn't real clear on how local government worked, is it like the Council people go to the Mayor and say hey my constituents are up in arms and if it's actually the City, the Mayor who is supposed to serve his people then rectifies that. But there's an impudence here something going on between Council and the actual entity that's sanctioning all of this pain and outrage at the cemetery. So, we're going to use other avenues going forward, so your meetings will be more peaceful. I will say the glimpse into a few people on Council, that was useful, you know some people's attitudes toward the thing or apathy toward the thing I'm sure in the future will be useful, I don't know how many of you are aware of it, but today virally on Facebook, hundreds and hundreds of people and they are from sites that are blocked from other people, hundreds of people, outraged over the cemetery on Mother's Day. Grass a foot tall, you'd think being under the microscope and now saying oh we got our money, we got all the help we need, it's outrageous, there's pictures all over the internet, it's gone to other States. So the shame continues in this town and I was trying to figure out with this being under the microscope lately, that was either a real oversight because there was not another cemetery that looked like that on Mother's Day, I'm sure within a hundred miles. But you know we're building buildings, we have two superintendents, neither of them can mow apparently, but the money is there and man it looked terrible on Mother's Day, so I just want to let you guys know it's really obvious and the shame that's coming down on this City. Some people are saying they are seeing outside contractors doing the work out there, I don't know if that's true or not, I've seen three people, mowers, weed wackers, but anyway, so, it's going to be a done deal here, thank you for your time I am done. I just want to say my outrage last time Mr. Harris, I haven't been to a lot of these, but I thought your role was to mediate and at the end the reason I became upset is because all of a sudden, you being the head of this body ended with the case for the City. I didn't know if you did that on your own, googled, brought in that cherry picked information, throwing in that someone bought a plot because of these new policies, but my outrage came from, I didn't think you were supposed to be up there making a case for one side or the other, so I don't know if you were told to do that, I'm not sure how that came up.

ORDINANCES ON SECOND READING

There are none this meeting

ORDINANCES ON FIRST READING

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

23-13 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1339 WEST MAIN STREET, CITY OF NEWARK, LICKING COUNTY, OHIO PARCEL TAX ID #054-220188--00.000 FROM THAT OF GO- GENERAL OFFICE DISTRICT TO MB - MEDIUM INTENSITY BUSINESS DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Referred to Planning Commission

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

23-14 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS MORRIS STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-203118-00.000 FROM THAT OF MB - MEDIUM INTENSITY BUSINESS AND SINGLE-FAMILY RESIDENCE - RH HIGH DENSITY DISTRICT TO GC - GENERAL COMMERCIAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Referred to Planning Commission

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

23-15 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DEPARTMENT OF Public Service, DIVISION OF Cemetery and Parks BY CREATING THE CLASSIFICATION OF Grounds Maintenance Worker, AND SETTING THE COMPENSATION THEREFORE
Held until June 5th

RESOLUTIONS ON SECOND READING

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

23-43 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$5,875.00 -reimbursement for stolen side by side) (\$100,000.00 -Credit card processing for water payments)

Motion to adopt by Mr. Marmie, Second by Mr. Barker, Motion passed 8-0

RESOLUTIONS ON FIRST READING

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

23-45 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY OFFICE FOR FEDERAL FISCAL YEAR 2024 OHIO TRAFFIC SAFETY GRANTS PROGRAMS: SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) AND THE IMPAIRED DRIVING ENFORCMENT PROGRAM (IDEP). **Held until June 5th**

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

23-46 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NEWARK TO ENTER INTO A COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED SUBRECIPIENT AGREEMENT WITH THE HEREINAFTER NAMED ORGANIZATIONS TO CARRY OUT ACTIVITIES INCLUDED WITHIN NEWARK'S FY 2023 COMMUNITY DEVELOPMENT BLOCK GRANT ONE YEAR ACTION PLAN.

Held until June 5th

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

23-47 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$75,300.00 -Grant Dollars received from the State of Ohio Criminal Justice System for body worn cameras for the police department)(\$11,896.00 -overage in account) (\$443.00 -Restitution Pymt for damaged/destroyed SCRAM Unit funds to purchase new equipment)(\$20,000.00 -Transfer funds from unfilled Development Engineer position to fund temporary help in Engineering, Zoning, Stormwater and Streetscape maintenance) (\$300,000.00 -Cherry Valley Temp. Bridge - Add'l. construction costs over pre-design estimate costs for street piling foundations and add'l. roadway work to meet new bridge)

Motion to waive the 2 day reading rule by Mr. Marmie, second by Mr. Barker, Motion passed 8-0

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

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

23-48 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION(\$1,421.62 -Appropriate funds from reimbursement of overtime from the Licking Springs Trout Club fireworks) (\$173,507.22 -Water Booster Stations and Water Plant telemetry systems upgrades. Change order to Water Plant Instrumentation Project)(\$473,423.59--Principal Payment for 4th Street Sewer Separation Project)(\$200,000.00 -To cover salary and project costs for new CDBG CV Energy efficiency activity)

Held until June 5th

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

23-49 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO ENTER INTO A LEASE-PURCHASE AGREEMENT WITH PARK NATIONAL BANK FOR THE LEASE-PURCHASE OF TWO (2) NON-TRANSPORT MEDIC UNTIS FOR THE DIVISION OF FIRE

Held until June 5th

COMMENTS FROM CITIZENS

Linda Mossholder, 224 Green Meadow Drive - I did forget something when I was up here the last time. I wanted to make sure it is understood that the opioid settlement monies are not tax payer monies,. These are monies that were granted to States due to the opioid overdose deaths, so they are not tax payer monies, I just wanted to make sure that was clear.

Rochelle Volen-Smith, 237 Violet Ct. - I found it a little odd that the City miscalculated by \$300,000 on the Cherry Valley Bridge. That seems to be quite a miscalculation and it seems surprising that things like pilings and foundation would not be considered in the original estimate. The other thing I would like to say is that this thing about the three minute rule seems to be designed to intimidate people. I was a little surprised last time that we had a meeting that one of our Council persons chose to use the same treatment on another Council person. I feel the behavior is rude.

MISCELLANEOUS

Chief Erik McKee, NPD - Today is May 15th, it's National Police Officer's Memorial Day, since 1965 today has been designated as such. I just wanted to mention we do have three fallen officers from here in the City of Newark and we have eight actually from Licking County. This being Police Week, we'll be participating in an event called Light Ohio Blue, some of you may remember from the past couple of years and know what's going on. We want to invite you out May 17th at 7pm on the square we're going to have a display for the community as far as any local agencies who want to come and hang out, the procession should be coming through at about 8pm. So, if you see approximately 100 police cars coming through the City and stopping on the square, that's what they're doing. We also do a local one, just for local police officers and that will be on May 19th about the same time, so when you see these two events, that's what they are, please come out and support your local police officers as this community always does. We're so happy that you are here for us on a daily basis.

Tricia Moore, Law Director - Happy Birthday Mr. Mauter. Actually I do have something that I thought was worth sharing. We were informed by the Ohio Investigative Unit that there has been an uptick in the use of credit card skimmers at local grocery stores. So, they look exactly like the device you are supposed to put your credit card in except they are a façade over that device that you can simply lift off, but they will steal all of your information if you use that system. So if you scan or cash registers even manned by people are getting these placed on them, so their advice is simply lift up a little bit, I've actually done it, if it lifts off, that is a skimmer and the police need to be called, do not use your credit card in that machine. We'll leave these for people to see up there on the table. Also, congratulations to Councilman Chute for his nomination to the position of Councilman At Large.

Mayor Hall - I'll welcome Councilman Chute also and look forward to working with him, obviously that all transpired pretty quick, Cheri is not joining us tonight and has moved on, I'm sure Brad will do a wonderful job. This Council does an outstanding job and I appreciate all each and every one of you do.,

Mr. Marmie - I need to call a Finance Committee Meeting for June 5th. A couple of things, I believe Mr. Barber doesn't understand the role of Council and the role of the Administration and how that is part of the balancing of justice in making sure that you have your three different levels, your Judicial, Administrative and Legislative and they are separate bodies. So, I just felt a need to comment on that portion of it. Ms. Volen-Smith it was not a miscalculation of \$300,000, often we don't know what is into the construction, once we get down and we figure out what supports are going to be there, not only that, there has been a significant increase in costs associated with construction, particularly with concrete, it has been a huge increase at

that expense, asphalt also, there have been numerous things with increase in cost. We basically put a dollar amount out there knowing we could get bids out and then when the final bill comes in, it was a necessary temporary repair of a situation that was one of our major thoroughfares and therefore we put forward appropriating funds, knowing we were not going to be accurate, knowing it was an emergency and knowing that we needed to take care of a drastic situation and the \$300,000 was actually below what my expectations were as far as being an overage of what we originally anticipated compared to all those other things that I just discussed. I want to wish Director Mauter a Happy Birthday, I hope you enjoy your 40's. I want to welcome Mr. Chute, I really am looking forward to working with him and I know he's going to do a fantastic job and I just think you're going to enjoy working with the folks on Council and I know I'm going to enjoy working with you also.

Mr. Rath - I was going to mention National Police Week, but you beat me to it. You can join in by putting a blue light on the lights outside your house. Mr. Smith I wanted to commend you on talking about Mental Health Awareness Month and associating that with the problems with all of the shootings, that is a mental health issue. Welcome to Council Mr. Chute. I will call a Service Committee Meeting for the 5th. Happy Birthday Mark.

Mr. Rine - Thank you Chief for all you do, I think the Police Week lining up with Mental Health Awareness Month, with how things are going in this country right now, the mental health is such a big issue. I don't think we really know how to tackle it to be honest. The police, you guys are amazing. Mr. Chute, welcome. I appreciate everything that your family has done and that you have done, I got to hear your speech and didn't know you had been around since the early 2000's in Newark, so appreciate that.

Mr. Barker - Happy Birthday Director Mauter. Brad, welcome, happy to have you here with us in your new Council position and look forward to working with you and moving the City forward. I want to thank everyone for coming in tonight, as always we like to hear from citizens, that's how we know what's going on, if we aren't; aware of it, we can't help. I also want to thank the Mayor for his Proclamation on Mental Health Awareness Month and thank our safety forces both police and fire because both entities deal with people who have mental illness at times and they both handle it extremely well and I just want to thank them for their service.

Ms. Bline - There's always a lot going on and I'm just privileged to do what I can to try to help. First, I'll wish our good friend Director Mauter a Happy Birthday. There is a virtual open house this Thursday 5/18 at 6pm, Brandon Fox, Water Department Director, it will be concerning the South 2nd Street Interceptor Separation Project and if you would like more information on that you can look up at wedignewark.com. Again, it's a virtual open house and for those that like those ion person things this will be a little different but it will still be good. So, I'm excited about that it's a major project that's coming to 2nd Street, we need it and it's going to bring a lot of welcome change. I'd also like to thank our police force for what they do, there's been a lot of good movement in south Newark, positive things are happening, great changes and I'm just looking forward to more, this is exciting. I'd like to thank our Fire Marshall, Mr. Smith, he has been, I can't even begin to say how appreciative I've been for him. He's availed himself at the drop of a call as they have set fires intentionally and he doesn't mess around, he'll take care of it so I am very appreciative of him. I'd like to thank the Genesee and Wyoming Rails for their part in taking steps to secure a large area in south Newark. They did it at their own expense and I just appreciate their service and their cooperation with the City, so I'm excited for further

ventures with them. I'd like to thank Ms. Patznick for the lights at Wells and Western Park, we needed those spotlights. There's a lot of vandalism, there's a lot of loss and those spotlights were needed, I appreciate that. Lastly, welcome sir.

Mr. Chute - Thank you all very much for your gracious welcome and I appreciate all of the citizen's comments, I appreciate the kind indulgence and professionalism of our safety forces and the Administration as the inevitable learning curve I will have as it goes down the pike. So, thank you so much for everything and if there is anything I can do to be of service I look forward to being part of this body and serving the citizens of Newark, so thank you.

Mr. Houser - At this point, it would almost be giving you a slight if I don't so I have to say Happy Birthday., so let me get that out there, I appreciate all that you do for the City. East side cleanup is this Saturday so if anyone has any questions about that, just let me know. I also want to say congratulations to Brad on joining Council, I'm excited about that.

Mr. Harris - The reason everyone wants you to be younger is so they can be younger, so that's why they're telling you that, Happy Birthday Mark. I need to call a Rules Committee meeting for June 5th. Support the blue, this is the only time Buckeye Fans support blue, so let's get out and support the blue this week and thank you guys for all you do.

ADJOURNMENT

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

Jeff Harris, President Pro-Tem of Council