

COUNCIL MINUTES

July 5 , 2023
Council Chambers
7:00 P.M.

President Pro-Tem Harris called the meeting to order

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

INVOCATION – Mr. Houser

PLEDGE OF ALLEGIANCE

CAUCUS - Motion to excuse President Ellington by Mr. Marmie, Second by Mr. Houser, motion passed by acclamation

MINUTES of June 20, 2023, Motion to approve by Mr. Barker, second by Mr. Labutis, motion passed by acclamation

APPOINTMENTS

There are none this meeting.

REPORTS OF STANDING COMMITTEES

Finance - **received and filed**

Service - **received and filed**

Economic Development - **received and filed**

Capital Improvements- **received and filed**

REPORTS FROM CITY OFFICIALS

There are none this meeting

COMMUNICATIONS

Cpt. David Geist, USARMY NG OHARNG - Dedication Ceremony for the First Lieutenant James G. Miller Armory, 13 July at 1pm 1297 Hollar Lane, Newark, Ohio

PUBLIC HEARING

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

23-07 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 882 WEIANT AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID#054-226500-00.000 FROM THAT OF SINGLE-FAMILY RESIDENCE - RH - HIGH DENSITY DISTRICT TO MFR - MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Upon consideration of the information presented, the following actions are recommended by the Planning Commission:

1. The zoning classification for the parcel at 882 Weiant Avenue shall remain Single Family Residence RH - High Density District. Ordinance 23-07 is not recommended for passage and approval by Council.

Mr. Harris - you've heard the reading of the Public Hearing is there anybody here to speak for or against this. Before Janine reads it again, the Planning Commission has made a recommendation that this not be passed.

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

Mr. Rath - This was recommended to not pass by the Planning Commission, for that reason I am not going to be supporting this Ordinance, I'll be voting no and I encourage all of my fellow council members to follow suit as well.

Ms. Bline - I will not be supporting this either, a petition was circulated with I believe 95 signatures asking that this not pass from the community there, so I will not be supporting this.

Motion was defeated 10-0

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

23-08 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 281 ELMWOOD AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-278850-00.000 FROM THAT OF SINGLE-FAMILY RESIDENCE - RH - HIGH DENSITY DISTRICT TO TFR-TWO-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Upon consideration of the information presented, the following actions are recommended by the Planning Commission:

1. The zoning classification for the parcels at 281 Elmwood Avenue shall be changed to TFR Two-Family Residence. Ordinance 23-08 is recommended for passage and approval by Council.

Mr. Harris - Is there anyone here to speak for or against this?

Jason Angus, 901 West Main St. - I am the owner of this property at 281 Elmwood, we own the two apartments next to it as well, just in the last year we've already put \$60-\$70 thousand in those and we've hardly touched 281 yet. We are wanting to turn it into 2 two bedrooms instead of one three bedroom just to provide more housing for the community, so I would kindly ask the Council to pass this.

Mr. Harris - The Planning Commission has recommended that we pass this.

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

Mr. Rath - I just want to say thank you for investing in the neighborhood.

Motion passed 10-0

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

There are none this meeting

ORDINANCES ON FIRST READING

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

23-17 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 235 EAST MAIN STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID#054-205116.00.000 AND PARCEL TAX ID#054-204636.00.000 FROM THAT OF SINGLE-FAMILY RESIDENCE RH-HIGH DENSITY DISTRICT TO MB MEDIUM INTENSITY BUSINESS DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Referred to the Planning Commission

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

23-18 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1975 CHERRY VALLEY ROAD, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID#054-216642.00.000 FROM THAT OF SINGLE-FAMILY RESIDENCE RH-HIGH DENSITY DISTRICT TO MFH MULTI-FAMILY HIGH RISE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO **Referred to the Planning Commission**

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

23-19 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS WEST MAIN STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID#054-216636.00.000 FROM THAT OF GC GENERAL COMMERCIAL DISTRICT TO MFH MULTI-FAMILY HIGH RISE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Referred to the Planning Commission

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

23-20 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS THORNWOOD DRIVE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID#054-216654.00.000 FROM THAT OF GC GENERAL COMMERCIAL DISTRICT TO MFH MULTI-FAMILY HIGH RISE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Referred to the Planning Commission

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

23-21 AN ORDINANCE CREATING A DOWNTOWN NEWARK TAX INCREMENT FINANCING INCENTIVE DISTRICT1 AND DOWNTOWN NEWARK TAX INCREMENT FINANCING DISTRICT 2; DECLARING IMPROVEMENTS TO THE PARCELS WITHIN THE INCENTIVE DISTRICTS TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS OF

THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THOSE SERVICE PAYMENTS; SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT DIRECTLY BENEFIT THE PARCEL, AND DECLARING AN EMERGENCY

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

Motion to Table to a date specific of July 17th2023 by Mr. Marmie, Second by Mr. Lang

Mr. Marmie - The reason for the tabling is, this is a timing issue that we have to have a Public Hearing before we can vote and also the Newark City Schools has to vote, so that's why it's being tabled just to make sure that we time it correctly, it will still need the emergency, but we have to wait until certain steps happen before this, that's the reason for the table.

Motion to Table until July17, 2023 passed 10-0

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

23-22 AN ORDINANCE AMENDING PORTIONS OF THE CURRENT ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO ADOPTED MAY 5, 2009 BY ORDINANCE 08-33A AND IMPLEMENTING ADDITIONAL ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO
It was stated that this will be held until July 17th for a second reading, however it is required to go to the Planning Commission for review, so it will be referred to the Planning Commission

RESOLUTIONS ON SECOND READING

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

23-54 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO APPLY FOR, ACCEPT AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT AGREEMENT ON BEHALF OF THE CITY OF NEWARK FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF LEAD SERVICE LINE REPLACEMENT PROJECT #4 AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN

Motion to adopt by Mr. Rath, second by Ms. Bline, Motion passed 10-0

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

23-56 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO ENTER INTO A LEASE AGREEMENT WITH STRONG TOWER CHRISTIAN MEDIA

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

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

23-57 A RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY NOW OWNED BY THE CITY OF NEWARK, OHIO TO NEWARK DEVELOPMENT PARTNERS AS ITS AGENT

FOR INDUSTRIAL, COMMERCIAL, DISTRIBUTION AND RESEARCH

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

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

23-59 A RESOLUTION IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF A COMMUNITY REINVESTMENT AREA IN THE CITY OF NEWARK, OHIO; AND RELATED AUTHORIZATIONS

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

RESOLUTIONS ON FIRST READING

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

23-60 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT WITHOUT COMPETITIVE BIDDING FOR THE PURCHASE OF BODY-WORN CAMERAS WITHIN THE DIVISION OF POLICE AND DECLARING AN EMERGENCY.

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

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

23-62 EXP APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$75,000.00 -CDBG Recreational Supplies Reddington Road Park) (\$100,000.00, - Additional Funding for Biosolids reuse-new contract price increase) (\$195,875.00-Salt Barn as required by Ohio EPA Stormwater permit)(\$59,336.00 -To cover the costs of minor home repair work for low-moderate income homeowners in the City of Newark) (\$32,740.00-(CCA 2.0 ODRC New Grant 1st Half of FY 2024 7/1/2023-12/31/2023)(\$51,909.00 -CCA 2.0 ODRC New grant 1st Half of FY 2024 7/1/2023-12/31/2023) (\$64,258.69 -CCA 2.0 ODRC New Grant 1st Half of FY 2024 7/1/2023-12/31/2023) (Disappropriation -\$17,963.18)(Disappropriation- \$2,964.32)

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

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

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

23-63 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$50,000.00 -Representation for Employment Actions)

Held until July 17th

By: Mr. Chute, Mr. Labutis, Mr. Rath

23-64 CI APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$59,875.00 -Contingency)

Held until July 17th

COMMENTS FROM CITIZENS

Rochelle Volen-Smith, 237 Violet Ct. - I'd like to bring up the topic of the playground that is

situated by Route 16 close to downtown and the churches and that sort of thing. It's an unsafe place to put a playground in terms of fumes as well as possible catastrophe by collision and I don't know whether you've had a chance to review some of the sources that I suggested for funding a better replacement for some of our parks, so I did want to bring that up again as well as putting in more safety lights for the disabled, sound and light for the blind and the hearing impaired. I think it's a reasonable thing to do, it's necessary. Thank you.

Daniel Crawford, 163 S. 2nd Street - I'll be very brief. I'm sure some of you may have seen a report yesterday in the news, that Monday apparently was the hottest reported day in recorded history, which is crazy to think about and I think about that as I went down around the square and I heard a rumor that none of the water fountains were working, I don't know if this question has been answered before, I can't remember if it has, but I know why they haven't been turned on yet completely because at the store we haven't turned them on since the pandemic had started because they had been off a while and there were problems with the pipes. But, I think as a public safety issue, hopefully there is a plan in place to get the water fountains turned back on. If we need to replace them or whatever, once again I have issue with them being off as long as they have, anyway, that's all I wanted to bring up.

MISCELLANEOUS

Mr. Rath - First I would like to say kudos to a variety of people over this weekend we had an awful lot of rain in a very short period of time, which actually happened twice, two different time frames. Along Cherry Valley Road along the hillside with all of the dirt and everything we had some serious issues, it came down across Cherry Valley and into the residences across the street. It's not a pretty sight and certainly an inconvenience, plus an inconvenience to the residents there. Steve Layman is the developer on the property, I called him, he was out there in less than 30 minutes responding and surveying the area and he was able to get a flood and fire restoration company out there to dry out a guys basement and clean it out and it was funny because the next day he called and asked if he warranted his work because the same flood happened again, they came out a second time. But Steve was great getting out there right away, he had Gerard Layton out there who is the owner of Layton Excavating working on resolutions to prevent that from happening. Brian Morehead, I had to make phone calls to him on Sunday to get permission to do some things out there and he was very responsive, Buster Prince was also out there on Monday and over the weekend and provided a great response as well. So it was funny one of the residents asked, you're my City Councilman what can you do and I said absolutely nothing, but I know the right people to call and I did and they showed up in force and did a great job and very timely and the residents were very satisfied, although irritated and annoyed with what happened, very satisfied with the response. So, kudos to them. I'll call a Service Committee meeting for July 17th.

Mr. Rine - I just want to say hopefully everybody had a great independence day. I like to say 4th of July, but it is our Independence Day, so I kind of like to drive that home. Thanks you sir for the reinvestment on Elmwood it's needed.

Ms. Bline - I'd like to thank the Ohio Historical Society, I've been speaking with them about securing the entrances of Moundbuilders as often activities there at night tends to spill over

into the neighborhoods, so they have installed one security gate at the Cooper entrance and when that thing is locked it makes a great improvement in the neighborhood and I'm grateful for that and I'm looking forward to the 21st Street gate going up as soon as they can get funding for it, so again thank you to the Ohio Historical Society. I'd like to thank Property maintenance, there was an issue and they reached out to me about maybe getting some community help and the community came together and helped someone who was in need and it was a pretty difficult problem, but within a couple days everything was taken care of and two of them are here, so thank you .

Mr. Houser - Just one thing, I reached out to BJ Varner about putting a no outlet sign on a street that was requested, I sent it to him in the evening and I got a note the next day it was done. I appreciate his timeliness, he did say don't always expect that.

Mr. Lang - It's good to be back and see everybody. I haven't had a chance yet to publicly welcome and congratulate Mr. Chute for joining us, nice to see you, welcome to Council and I hope you're having fun.

Mr. Marmie - I'll call a Finance Committee meeting for the 17th. Boy did Sheetz cause a ruckus, they did great advertising as far as getting it out there, it just drew all kinds of people with the 1776, \$1.77.6, but anyway I wish they could've given us a heads up we maybe could've done things a little bit different to help them with traffic control as far as maybe put some cones up or something, I know some of it was taken care of, but boy did it create a traffic stir and a buzz in Newark and I thought it was kind of neat.

Mr. Harris - That was nice, I took both of my vehicles up there yesterday, I felt like I got a pay raise yesterday. Our next meeting will be July 17th.

ADJOURNMENT- Motion to adjourn by Mr. Houser, Second by Mr. Labutis, passed by acclamation

Jeff Harris, President Pro-Tem of Council