

## COUNCIL MINUTES

December 18, 2023  
Council Chambers  
7:00 P.M.

**President Harris called the meeting to order**

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

**INVOCATION** – Ms. Bline

**PLEDGE OF ALLEGIANCE**

**CAUCUS**

**Mr. Marmie** - A couple things, first of all there were meeting minutes that were sent out amended, those are not going to end up being acted on. There was Ordinance 23-59 last time, the votes went to where it was perceived that it did not pass that it failed, but in fact if you have 6 votes, it still passes it just does not pass as an emergency. So, with that in mind we need to kind of clean that up, So, I'm going to call a **point of order for Ordinance 23-59**, so the President can indicate that the Ordinance actually did pass.

**President Harris** - So, in the Charter Article 4.05 it states that, like Mr. Marmie said, it's a non-emergency so we needed 6 votes instead of 7, so it will go into effect 30 days after the Mayor signs it.

**Mr. Rath** - So, you are saying 23-59 passes with a vote of 6 to 4?

**President Harris** - That is correct. Law Director, do you have anything?

**Law Director Moore** - It goes into effect as a non-emergency.

**Mr. Lang** - Can we just articulate clearly what the rule is just for future reference? I just want to make sure we get that in the record so people understand.

**Law Director Moore** - **So, 4.05 reads as follows:** The vote on the question of passage of each ordinance, resolution and motion shall be taken by roll call vote and entered onto the journal, and no ordinance, resolution or motion shall be passed without concurrence of at least six Council members, except that each emergency ordinance or resolution shall require the affirmative vote of at least seven Council members for its enactment, provided that if such emergency ordinance or resolution shall fail to receive the required seven votes, but receives the necessary six votes for passage as a non-emergency ordinance or resolution, it shall be considered as a non-emergency ordinance or resolution and shall become effective as herinafter provided by this Charter.

**MINUTES of December 4 , 2023, Motion to accept by Mr. Labutis , Second by Mr. Houser passed by acclamation**

## **APPOINTMENTS**

There are none this meeting

## **REPORTS OF STANDING COMMITTEES**

Finance **Received and Filed without objection**

Service **Received and Filed without objection**

Ways & Means **Received and Filed without objection**

## **REPORTS FROM CITY OFFICIALS**

**City Auditor, Ryan T. Bubb** – Operating report for period ending November 30, 2023

**Brenda Cooper, Tax Administrator's Office** – Income Tax Revenue Reports for period ending November 30, 2023

**Both Received and Filed without objection**

## **COMMUNICATIONS**

**Dan Scheinman, The Finch Group dba TFG Housing Resources** - Terrace Gardens Rehab project, 85 West Church Street, Newark, Ohio 43055

**Ohio Division of Liquor Control** - New Liquor Application for Midway Tap II LLC, 146 Union Street, Newark, Ohio 43055

## **PUBLIC HEARING**

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

**23-51** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1725 MT. VERNON ROAD, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #058-286716-00.000 AND TAX ID # 058-286554-03.000 FROM THAT OF NEWTON TOWNSHIP (B2) TO GC - GENERAL COMMERCIAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

*Planning Commission has recommended approval by City Council*

**Mr. Rath** - I'm planning on making an amendment to this ordinance when it is read again, it currently says the property is in Newton Twp. When in fact it is in Newark Twp. It's a typo, so I will be requesting an amendment to that during the normal reading after this public hearing.

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

**Motion to amend by Mr. Rath to 23-51-A to change Newton Twp. To Newark Twp., Second by Mr. Barker, Motion to amend passed 10-0**

**Motion to adopt as amended passed 10-0**

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

**23-52** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1572 LEMAE AVENUE AND 1573 LEMAE AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #096-288666-00.000 AND PARCEL TAX ID#096-288534-00.000 FROM THAT OF NEWARK TOWNSHIP TO SINGLE-FAMILY RESIDENCE - RM - MEDIUM DENSITY ZONING DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

*Planning Commission has recommended approval by City Council*

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

**Mr. Rath** - This along with the previous legislation I should've said have been recommended for approval by the Planning Commission, so I would encourage everybody to support it.

**Motion passed 10-0**

### **COMMENTS FROM CITIZENS**

There were none this meeting

### **ORDINANCES ON SECOND READING**

**By: Mr. Marmie, Mr. Chute, Mr. Barker, Ms. Bline, Mr. Neely, Mr. Rath, Mr. Labutis**

**23-55** AN ORDINANCE TO MAKE AN APPROPRIATION FOR THE EXPENDITURES OF THE CITY OF NEWARK, OHIO DURING THE YEAR ENDING, DECEMBER 31, 2024 (General Fund)

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

**Mr. Marmie** - Since the time in which we prepared the budget, there's a couple of things that need to be amended just because we found some areas that we need to make sure they're corrected. So, at this time I would like to **offer an amendment to:**

Remove \$65,000.00 from Parks & Cemetery – Temporary Services – 100.432-5230 – New budget amount – \$110,000.00

Add \$65,000.00 to Service – Services General – 100.121-5238 – New budget amount – \$465,000.00

Remove \$100,000.00 from Service – Other Inter/Intra Gov't Billings – 100.121-5289.300 – New budget amount - \$75,000.00

Add \$100,000.00 to Service – Services General – 100.121-5238 – New budget amount – \$565,000.00

**Second by Mr. Lang - Motion to amend passed 10-0**

**Mr. Marmie** - I just want to comment, I really appreciate the Auditor's Office and what they do as far as getting all the information together not only for myself, but for all of Council. The Mayor and what he does to prepare for the budget and make sure of the priorities and what direction and all of the departments and department heads, they put the numbers together for their own individual areas, HR department puts together their portion of the benefits for the Auditor's Office, so it's a team effort, a collaborative effort and it's not an easy effort and I just

really do appreciate all of the work that went into it. I think we have a solid budget, it's a snapshot in time and our budget gets amended almost every other week, but it is a starting point and so I think it's solvent and I appreciate it and want to thank everybody again for all of their help on it.

**Mr. Lang** - I want to second what Doug said I would also like to add I think it's amazing that we've got this going through as a non-emergency, we're not using Rule 11, we're doing it on time, I don't know the last time we did that, so I think that's a really great testament to everybody's hard work and team collaboration on this.

**Motion to adopt as amended passed 10-0**

**By: Mr. Marmie, Mr. Barker, Mr. Chute, Mr. Neely, Ms. Bline, Mr. Rath, Mr., Labutis**

**23-56** AN ORDINANCE TO MAKE AN APPROPRIATION FOR THE EXPENDITURES OF THE CITY OF NEWARK, OHIO DURING THE YEAR ENDING, DECEMBER 31, 2024 (All Others Fund)

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

**By: Mr. Marmie, Mr. Barker, Mr. Chute, Ms. Bline, Mr. Neely, Mr. Rath, Mr. Labutis**

**23-57** AN ORDINANCE TO MAKE AN APPROPRIATION FOR THE EXPENDITURES OF THE CITY OF NEWARK, OHIO DURING THE YEAR ENDING, DECEMBER 31, 2024 (Grants Fund)

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

#### **ORDINANCES ON FIRST READING**

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

**23-60** AN ORDINANCE AMENDING CHAPTER 890 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO REGARDING THE LEVYING AND COLLECTION OF MUNICIPAL INCOME TAXES

**Held until January 2, 2024**

#### **RESOLUTIONS ON SECOND READING**

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

**23-96** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO ENTER INTO AN AGREEMENT WITH THE LICKING COUNTY COMMISSIONERS (LICKING VALLEY WATER DISTRICT) TO SUPPLY POTABLE WATER TO THE VILLAGE OF HANOVER, HANOVER TOWNSHIP AND MADISON TOWNSHIP.

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

**By: Mr. Rath, Mr. Barker, Mr. Chute, Mr. Marmie, Mr. Neely, Ms. Bline, Mr. Labutis**

**23-97** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR CERTAIN ESSENTIAL SUPPLIES FOR VARIOUS

DEPARTMENTS OF THE CITY OF NEWARK, OHIO, FOR 2024.

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

**RESOLUTIONS ON FIRST READING**

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

**23-98 Exp** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$15,000.00 -Interpreter Services for court remaining of 2023)( \$210,000 - Disbursements for 3<sup>rd</sup> Qtr 2023 - Collected more than certified)

**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**

**By: Mr. Marmie,**

**23-99** A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE OHIO DEPARTMENT OF DEVELOPMENT FOR THE BRIGHTENING OHIO COMMUNITIES (BOC) GRANT PROGRAM.

**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**

**Mr. Marmie** - This actually the City is not wishing to proceed with this so, therefore I brought it to the table so we can just clean it up, I urge everybody to vote opposed to this so it goes down so the City is not going to go forward with submitting the grant application.

**Mr. Houser** - I'm just curious as to why we aren't going forward with this?

**Mr. Marmie** - I was informed by Barbara that the City is just not moving forward to apply for this funding I don't know if there was more to it.

**Mr. Barker** - She emailed me because I originally brought this to her asking if we could and she emailed me back and said that we don't qualify after looking into it further.

**Motion to adopt failed 10-0**

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

**23-100** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$6,500.00 -Rec'd as grant from Energy Coop for purchase of drone equipment, needs appropriated to complete intended purchase)

**Held until January 2, 2024**

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

**23-101** 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

**Held until January 2, 2024**

## COMMENTS FROM CITIZENS

There were none this meeting

## MISCELLANEOUS

**Ryan Bubb, City Auditor** - Congratulations again on the Cleveland Browns win yesterday. Just a few items, I want to thank all of you for passing the budgets, it's been a great year working with you and looking forward to 2024, I wish all of you a Merry Christmas and a Happy New Year. Spencer, thank you, great job, stay involved, be a great insight into the City, going to miss having you, but I know we'll be in touch and I expect to see you back. With that, Mr. Cost, welcome, anything my office can do to help you with the transition we'd be more than happy to, so that being said, thanks again.

**Mark Mauter, Director of Economic and Community Development** - I just wanted to take a few minutes to give you an update on Brownfield, it's been being worked on for quite a few years here in the City. It's located at 217 South 21<sup>st</sup> Street. To help you hone in on that if you know where 21<sup>st</sup> Street crosses the railroad tracks, it's the second property to the south. You may recall about a year ago we had the US EPA in here removing over 500 55 gallon barrels and drums of toxic, hazardous, volatile materials and we were successful working with the Ohio EPA, ultimately the US EPA they sent in a rapid response team to remove those drums and properly dispose of them, that was a huge safety win for the City of Newark and the citizens. That being said, the building those were being stored in was also experiencing deterioration, the roof was collapsing, some of the wall was starting to collapse and so forth, at the same time we had homeless people going in there even with our best efforts of trying to keep them out to keep them protected, they still were getting in. So, that brings us to about 2 weeks ago, we finally were able with the cooperation of Director Hickman's Department of Property maintenance and Joe Paul who heads that up and myself, we all worked together to do a demolition. The funds to do the demolition came from the Property Maintenance Division, if you haven't been by it, go by, the building is gone, we have a safe site. We did keep the concrete slab in place that was underneath the structure for various reasons, one is just maintenance of the property until we figure out what the next steps are. Actually we have a phase 2 update going on to see what is the condition of the contaminants that still reside below ground. We're getting an update on that so hopefully we can move forward with a remediation process, so we're excited to get that done as well in the future, but another big win, we have a safe property. The City does not own the property, it's still owned by local residents, but we have been able to do things with their permission to get access agreements to do work on the property, to continue to do environmental work on the property and I just wanted to let Council know if you drive by, you're going to see a nice clean, safe site and happy to report that to you.

**Tricia Moore, Law Director** - Spencer it's been great working with you and thank you for all that you've done. Merry Christmas and happy New Year to everybody and we'll see you next year.

**Mayor Jeff Hall** - I have to echo the same words, Spencer, thank you very much, it's been a pleasure having you on Council, as everyone has said, I don't think you're going to be hidden

away somewhere and bill also, I look forward to working with you next year. Just to comment briefly on what our Finance Chair said about the budget, It is night and day versus 12 years ago and I'm just going to talk one quick second about the department level. We've educated the departments a lot, the General Fund is an interesting critter, our former Auditor Steve Johnson would say everybody dumps money into a 55 gallon bucket and which part is yours because it's all just a big mish mash. So, it's quite different than the private sector, but we've worked hard with the departments though out the year and now we do not have safeguards we had in place 12 years ago to protect that carryover money, so the last 2 months of the year were a little hectic around here 12 years ago which credit cards we did a whole lot because you're projecting your carry over that's helping balance your next years budget but you can't spend it all. So, anyway, kudos and I thank all of my departments and department heads they just do an outstanding job. Brenda slipped out, she's our Tax Administrator, she's on vacation this week, but came in for that one piece of legislation tonight that of course she didn't have to speak to, but I was going to give her kudos, she and her team did a phenomenal job of collecting income tax this year. They kind of hide out in the corners since most of their information is private and can't be discussed because it's all personal information, but they do a wonderful job processing an amazing amount of tax returns and we have a very nice collection this year and we thank them for all the hard work they do. With that I'll wish everyone a Merry Christmas and a Happy New Year, it's been a great year and we look forward to another one, but I'm going to stress everyone who goes outside of this group too, please be safe, party and have fun, but please be safe. Do not drink and drive, take a designated driver because God forbid that a problem you have become someone else's problem also, think beyond that.

**Mr. Houser** - I just want to thank Mr. barker for his time on Council and as everyone has said her, I'm sure we'll see you back and Bill I'll welcome you to Council look forward to working with you.

**Mr. Labutis** - I also want to thank Spencer for your exemplary service and excellence here on Council, I wish you the best. Bill, welcome back to Council, good to see you as always and with that I will wish everyone a Merry Christmas and a Happy New Year.

**Mr. Lang** - Bill, welcome, I look forward to working with you next year, Spencer, thanks for your service, I think everybody agrees we are here to serve our community, you don't do this job because of what it pays, it's definitely a dedication of service, so appreciate your service and wish you well. I wish everybody Happy Holidays.

**Mr. Marmie** - Typically the first thing I say when it's my turn is to call a Finance Committee meeting, we are not going to have a Finance Committee meeting on January 2<sup>nd</sup>, we're actually trying not to have any committee meetings that night, so make sure you pay attention to that. Spencer I definitely want to say thank you, you do a lot behind the scenes, a lot of the things that you do folks don't even know that you do and that's just a testament of the type of person that you are. I appreciate everything that you have done for the City, I look forward to what you continue to do, you are involved in other things that you will continue doing and who knows what's next after that even, but I'm sure that you're going to stay involved. You love Newark, that's apparent and I just appreciate that passion that you have to provide service to the citizens. The last thing, I've got to make Mr. Houser feel good, in the words of Frosty, what is it, Happy Birthday! Since he said something wrong today, I thought I'd say something wrong, Merry Christmas to everyone and Happy New Year, I hope that everyone enjoys their holidays. I

love being around family, it really makes you feel good and I'm blessed to have my family around the holidays and I hope all of you have a joyous holiday with your families also.

**Mr. Neely** - I as well will thank Spencer for his service. After the election actually I was at a watch meeting and I came across a nice lady from down in Ward 1 and she said she saw you lost and she actually cried, so that really speaks to your involvement in the City and I thank you for that. Welcome Mr. Cost to Council and I just want to wish everybody a Merry Christmas and a Happy New year.

**Mr. Rath** - I want to say Spencer, thank you for all you've done and your dedication and while you won't be on Council tomorrow, there's no doubt in my mind that you will continue to be involved with the City. Mr. Cost, welcome back to Council, I enjoyed serving with you in the past, I'm sure I will in the future as well. I will say Merry Christmas and Happy New Year or Happy Birthday whichever it happens to be.

**Mr. Rine** - Spencer thank you. It's been an honor, coming in as a newbie absorbing everything I can and your leadership is par none. I want you to know that I think you have great leadership skills, I think you know that, so keep up with it. Merry Christmas, Happy New Year.

**Ms. Bline** - Spencer thank you, I've been learning to echo what Colton said and I thank you, I appreciate you very much. Mr. Cost, I don't know you very well, but it seems like I've known you for a long time with your involvement. I'd like to thank Director Mauter, the citizens have been watching what you've been doing down there, I was knocking on doors in the area recently and they said what's going on, so it was really nice to put the truth out there what you and everyone else had been doing to clean that up, that's a big deal and people are just starting to realize what a close call it was and you have made a big difference and I thank you for that. I want to thank the Parks department for cleaning up some heavily vandalized materials, a wood bridge had to be taken out and some benches that had been heavily vandalized, so I'm grateful for their intervention to get that out of there, it's sad, but at the same time it needed to happen. I'm grateful for NPD's intervention in our area always, always there, so we appreciate them. Lastly, I'd like to thank Genesee and Wyoming Railroads for our meeting this past week and we were able to talk about some difficult happenings, the raccoon Creek Bridge is one and our overpass between 2<sup>nd</sup> and 6<sup>th</sup> Street and the change that needs to come to them, not just for optics, but to extend business opportunities in south Newark and as well as relating to the downtown area. I'm grateful for them because it was a really good problem solving time and they were very positive and I'm excited to take that next step to see some of these great changes take place. Thanks again to the Mayor and his great vision and to the citizens who have been so helpful this year, they've gone above and beyond.

**Mr. Chute** - Unfortunate thing about being where I am on the pecking order is I don't have anything new to say, I can't even really put a different spin on it. I want to thank Spencer for his service to Council and welcome Bill and wish everyone very Happy Holidays and a safe and Happy New Year and we'll see you next year.

**President Harris** - I want to remind everybody that January 13<sup>th</sup> is the Martin Luther King Breakfast, if you are able to sponsor a table or need tickets, let me know. I want to let everybody know on December 27<sup>th</sup> at 4:30pm here in Council Chambers is going to be the swearing in ceremony, we want to do it before the 1<sup>st</sup>, so we'll do all three At Large, myself, the Law Director, the Mayor and the Auditor, so that will be at 4:30pm on December 27<sup>th</sup>. We may do it live too for people who can't come, so we'll see. Spencer, I want to thank you for your



service. I don't think you guys remember, some of us were here during the pandemic and we had to do everything on Zoom and Spencer was the guy that handled all that and we appreciate you doing all that. If we ever have to go back to all that, we'll be calling you. Hopefully we don't, but I appreciate your service. Being a Council member is more than just coming to meetings like Mr. Marmie and some others have said, it's being out in the community doing things and you did that and we appreciate your service and hopefully you'll be back soon. Welcome Mr. Cost, you'll be sitting right here beside me so I can keep my eye on you, so this is where you'll be sitting, so welcome, I look forward to working with you. Now I'll turn it over to Mr. Barker.

**Mr. Barker** - Fellow members of Council I appreciate all of your kind words, the Administration and the Law Director, thank you. The past 4 years have been an adventure, it's one I would not say I regret at all and with that, Bill, congratulations, I look forward to calling you when I've got a problem. I trained Mr. Houser, as long as he hits the yes button not the no button, you never know. I want to wish everyone Merry Christmas and a Happy New year and the best of luck in the year 2024 and beyond.

**President Harris** - Our next meeting will be January 2<sup>nd</sup> 2024.

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

**Jeff Harris, President of Council**