

COUNCIL MINUTES

May 20, 2024
Council Chambers
7:00 P.M.

President Harris called the meeting to order

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

INVOCATION – Mr. Labutis

PLEDGE OF ALLEGIANCE – Regen Figgins, 3rd grade, Legend Elementary

CAUCUS-

MINUTES of May 6, 2024, Motion to accept by Mr. Labutis, 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**

Economic Development – **Received and Filed without objection**

Capital Improvements - **Received and Filed without objection**

REPORTS FROM CITY OFFICIALS

There were none this meeting.

COMMUNICATIONS

Ohio Division of Liquor Control - New D5 Liquor Permit Application Short and Stout Mobile Bar LLC., DBA MNCHS, 56 W. Main St., Newark, OH 43055

Ohio Division of Liquor Control – New D1 Liquor Permit Application Short and Stout Mobile Bar LLC., DBA MNCHS, 56 W. Main St., Newark, OH 43055

Ohio Division of Liquor Control – New D2, D3 Liquor Permit Application 3GFAN LLC, DBA Fantuzzos Ristorante, 24-30 N. 4th St. Units 41, 19, 21, 23, 25, Newark, OH 43055

COMMENTS FROM CITIZENS

Rochelle Volen-Smith, 237 Violet Ct. – Point of perhaps misunderstanding, the topic of dispensaries for medical marijuana and liquor came up earlier. A question about the amount of space between schools, churches, etc. was also mentioned. At one point, there was a question as to how many feet from these locations was permissible, and I thought 500’ was mentioned rather than 100’. I guess the concern is that alcohol is a drug too. It causes a lot of wrecks, and I think the proximity to schools comes into question. I myself have encountered people that have come up to pick up their kids drunk. That is an issue and we don’t need to help that situation. So, I think it needs equal status. As well as vape shops. So, if you’re going to tackle it, you’ve got to tackle it. Thank you.

ORDINANCES ON SECOND READING

There were none this meeting.

ORDINANCES ON FIRST READING

By: Mr. Marmie, Mr. Rath

24-16 AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$14,000,000 PARKING GARAGE BONDS AND/OR BOND ANTICIPATION NOTES, SERIES 2024.

Held until 6/3/24.

By: Mr. Rath

24-17 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 842 JEWETT AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-219432-00.000, 054-219468-00.000, 054-219486-00.000, 054-219402-00.000 AND 054-219408-00.000 FROM THAT OF SINGLE-FAMILY RESIDENCE – RH-HIGH DENSITY ZONING DISTRICT TO GC – GENERAL COMMERCIAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Referred to PC for Public Hearing on 6/11/24.

RESOLUTIONS ON SECOND READING

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

24-35 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO NEGOTIATE AND ENTER INTO A

LEASE PURCHASE AGREEMENT WITHOUT COMPETITIVE BIDDING WITH PARK NATIONAL BANK FOR THE LEASE-PURCHASE OF TWO (2) VEHICLES.

Motion by Mr. Rath to adopt, Second by Mr. Cost, Motion Passed 10-0

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

24-36 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

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

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

24-39 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF HEATH AND THE LICKING COUNTY TRANSPORTATION IMPROVEMENT DISTRICT FOR PHASE ONE OF THE THORNWOOD DRIVE-FAYE ROAD INTERSECTION IMPROVEMENTS PROJECT

Motion by Mr. Rath to adopt, Second by Mr. Lang, Motion Passed 10-0

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

24-40 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE LICKING COUNTY TRANSPORTATION IMPROVEMENT DISTRICT, THE BOARD OF COUNTY COMMISSIONERS OF LICKING COUNTY, AND THE CITY OF HEATH FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO THORNWOOD DRIVE KNOWN AS THE THORNWOOD DRIVE PROJECT

Motion by Mr. Rath to adopt, Second by Mr. Cost, Motion Passed 10-0

RESOLUTIONS ON FIRST READING

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

24-33 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 2025 OHIO TRAFFIC SAFETY GRANTS PROGRAMS: SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) AND THE IMPAIRED DRIVING ENFORCMENT PROGRAM (IDEP).

Held until 6/3/24.

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

24-34 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 2024 COMMUNITY DEVELOPMENT BLOCK GRANT ONE YEAR ACTION PLAN.

Held until 6/3/24.

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

24-41 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Held until 6/3/24.

By: Mr. Chute, Mr. Cost, Mr. Marmie, Ms. Bline, Mr. Rath

24-42 CI APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Held until 6/3/24.

By: Mr. Chute, Mr. Marmie, Mr. Cost, Ms. Bline, Mr. Rath

24-43 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO NEGOTIATE AND ENTER INTO A PURCHASE AGREEMENT WITHOUT COMPETITIVE BIDDING WITH COUGHLIN FORD, INC. FOR THE PURCHASE OF A 2023 FORD F-350 DUMP TRUCK.

Held until 6/3/24.

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

24-44 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT WITH MPW INDUSTRIAL SERVICES, INC., WITHOUT COMPETITIVE BIDDING FOR PRESSURE WASHING OF THE SIDEWALKS SURROUNDING THE DOWNTOWN SQUARE.

Held until 6/3/24.

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

24-45 A RESOLUTION TO DISBURSE ONEOHIO OPIOID SETTLEMENT FUNDS IN ACCORDANCE WITH THE TERMS OF THE ONEOHIO MEMORANDUM OF UNDERSTANDING ENTERED INTO BY THE CITY BY WAY OF RESOLUTION 21-52

Held until 6/3/24.

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

24-46 A RESOLUTION APPROVING THE RENEWAL APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT AND DECLARING AN EMERGENCY.

Motion by Mr. Rath to adopt, Second by Mr. Lang, Motion Passed 10-0

Mr. Rath – Mr. President, this is a standard application legislation that we go through every year. It’s just coming to us late. We had the emergency clause added to meet those application deadlines.

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

24-47 EXP A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Motion by Mr. Marmie to waive the two-day reading rule, Second by Mr. Lang, Motion Passed 10-0

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

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

24-48 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Held until 6/3/24.

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

24-49 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Held until 6/3/24.

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

24-50 A RESOLUTION REVISING AND DESCRIBING THE BOUNDARIES OF “THE FLATS COMMUNITY REINVESTMENT AREA NO. 6” IN NEWARK, OHIO.

Held until 6/3/24.

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

24-51 A RESOLUTION DETERMINING THAT A PETITION TO ESTABLISH THE NEWARK DOWNTOWN NEW COMMUNITY AUTHORITY IS SUFFICIENT AND COMPLIES WITH THE REQUIREMENTS OF SECTION 349.03 OF THE OHIO REVISED CODE IN FORM AND SUBSTANCE; SETTING THE TIME AND PLACE FOR A HEARING ON THE PETITION AND AUTHORIZING THE NOTICE BY PUBLICATION OF SUCH HEARING; AND DECLARING AN EMERGENCY.

Motion by Mr. Rath to adopt, Second by Mr. Lang, Motion Passed 10-0

Mr. Rath – Mr. President, the reason for the emergency clause is to be able to meet the publication deadlines.

COMMENTS FROM CITIZENS

Gary Babcock, 67 Philmont Ave. – A couple of things I want to bring out. Summer is here. I was sitting at a friend's house, and we were looking at the cars going up and down E. Main St. If there were 100 cars, there were 10 illegal vehicles going up and down there. Dirt bikes, mopeds, electric bikes. I don't know how we're going to get a grip on that, but it's out of control. We are going to have to address it. It's out of control. At 2 and 3 in the morning, you're not going to sleep if your window is open. I don't care where you live. Any part of Newark. Seating around the courthouse. We've got these wonderful restaurants, but the seating is moving closer and closer to the curb. I was at the coffee shop, and people cannot maneuver wheelchairs and such. I think you need to get that in control. We need these restaurants. They're great restaurants. I eat at them. They're getting closer and closer to the curb. They've taken up all the concrete.

MISCELLANEOUS

Tricia Moore, Law Director – I'll pass. Thank you.

Mayor Hall – Just a quick comment. Water and wastewater is something we take for granted. What I think Brandon demonstrated tonight is how hard that department works and how proud we should be. It is critically important for the community. Water and wastewater. We've seen communities across America that have had issues at times, and how complicated it gets. He's kind of an unsung hero. He runs a department and he has a great staff. We give them all kudos. I work with him quite a bit. We dealt with the EPA a lot lately just about ideas and creativity in Licking County's growth strategies. We should be proud. Roger did a phenomenal job, and certainly when someone like that goes to retire, you scratch your head and (inaudible). Brandon stepped in and has done a wonderful job, and is working with a great team there. We should all be proud. As you can see, what he didn't talk about was daily operations, he talked about projects. If you add daily operations to that, wow, there's a lot going on. I'm proud of him every day. And as you can see, he's got his plate full, and he takes it with a real positive nature in a lot of ways. Again, we're lucky to have great people and great employees throughout water and wastewater. Nothing away from police and fire. We talk about them a lot, but we also have safety factors with water and wastewater. We have a lot of great employees in the city, and I thank them for all the hard work that they do. Certainly, from the street sweeper side, they're thinking efficiently, and financially, and I appreciate that. With that I'll pass.

Mr. Rath – Coming up Monday is Memorial Day. It is a time to honor all those who have lost their lives while defending their country. Keep that in mind this weekend in between festivities. I will call a Service Committee meeting on the 20th. With that, I'll pass.

Mr. Rine – I'll pass. Thank you.

Ms. Bline – Thank you, Mr. President. I'd like to thank ODOT for pursuing great customer service in south Newark. I'm grateful for their tenacity in pushing to reclaim a very (inaudible)

area. I appreciate them. I'm going to shorten my comments on the grant for the Raccoon Creek Bridge. It's been altered somewhat, but in our favor. I'll be putting the short list and explanation in everyone's emails. Plus, the opportunity to sign and support it. Long story short, we went from being one of many opportunities, the only bridge being considered in Ohio. That is a great testament to our local rail companies Genesee & Wyoming. They are coming taking measurements of the bridge. I'm noticing updates on it weekly. Presently, our status is one of ten bridges nationwide. The repair cost for Raccoon Creek is presently at 6.3 million. Obviously, we want to get this finished and this work started as soon as possible. We heard things are getting more and more expensive. The decision will be made on the grant in October. I'm constantly in contact with Genesee & Wyoming to see what we can do to get pushed to the top of the list. We really need this grant, so I would appreciate your support. Thank you.

Mr. Chute – Thank you, Mr. President. I will pass.

Mr. Cost – I had the privilege today to see two of our firefighters promoted. It's always a great opportunity to celebrate our safety forces. Police and fire. You want to be there. You want to see it happen. It's really special. With that, I'll pass.

Mr. Houser – Thank you, Mr. President. I want to comment on the ordinance that was in front of the Economic Development Committee relating to the zoning for the different recreational adult use marijuana facilities. I know we moved that out of committee, and I'm interested in seeing what the Planning Commission has to say about that. I think this is an area we have to move extremely cautiously with. I think it's something new for the city of Newark. It's not something that we've had to deal with before. I do think we should honor the voters and the choice that they made as Mr. Cost said. I don't disagree with that at all. I do think we need to tread carefully. I think especially when it comes to adult use dispensaries within our community. I feel pretty strongly about that. As we start talking about licensing and additional ones being added, I'm definitely not in favor of additional dispensaries outside of the three that we have currently under medical operation receiving those licenses. That will certainly be reflected in the decisions that I make moving forward. Thank you.

Mr. Labutis - Thank you, Mr. President. I just wanted to congratulate our daughter, Regan, on graduating high school this past weekend. We celebrated her and her accomplishments. We're very proud of her. With that, I'll pass.

Mr. Lang – Thank you, Mr. President. Mrs. Volen-Smith, I know you had a question regarding Ordinance No. 24-18 the zoning updates for cannabis. Regarding the buffer zone, 500' is the state requirement. The city had chosen previously with the medical dispensaries to make them at least 1000'. So, we can be more restrictive. We can't be less restrictive. We expanded that to 1000'. That's the same thing we're doing here. I mentioned the original 500 in my comments just to clear that up. The legislation that we moved forward tonight included a 1000' buffer. With that, I will pass.

Mr. Marmie – Thank you, Mr. President. I need to call a Finance Committee meeting June 3rd. A lot of people giving out kudos. I'm going to start out with the fire department. Everything they do everyday is definitely noteworthy. I hear a lot of sirens throughout the day, and I know that the majority of them are them responding to accidents and things going on in our community. I am also looking forward to further discussions with the Chief. I know he wants to talk about his vision for the future and what our fire department looks like. So, I'm looking forward to those discussions. Water and wastewater, yeah, fantastic presentation. Like the Mayor indicated,

those are just the projects. It's the everyday things that keep your water on and water pressure correct. There have been communities that have gone cheap and they've paid for it. There were lawsuits. Our water and wastewater does a fantastic job. I want to thank the current leadership with Brandon, as well as our past leadership, because they've always had succession planning. They've done that for years and years. Our police force continues to do phenomenal things with limited resources. I know we have such high-quality police officers on our police force. Great men and women who are dedicated to serving. I really appreciate every single one of them, and our leadership in the police force. I look forward to working with them and doing whatever we can to make sure that continues. I'm going to say progress has started. The orange barrels are out. The road closures are increasing, but it is progress and I commend the city for keeping up on progress. There are sacrifices we have to make, but it is in order to progress. So, I applaud all the men and women who are a part of that. With that, I'll pass.

Mr. Neely – Thank you, Mr. President. I would also like to congratulate all the graduates including Regan Labutis and my daughter, Madison Neely is graduating as well. I wish them the best as they move forward in their future. I also wanted to congratulate the Vermaaten family. Chief Vermaaten's son got raised to Eagle Scout yesterday, which is a huge accomplishment, and is also graduating high school. He will continue his future endeavors of becoming a firefighter. It runs in the family. So, congratulations to the Vermaaten family. With that, I will pass.

President Harris – I want to thank Mr. Rhodes and Buster. I got a couple phone calls about how well 21st St. looks. As you're getting off the ramp there heading north the fence, the trees, and shrubbery and how well it looks. You guys did a great job. Thank you. Our next meeting will be June 3rd.

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

Jeff Harris, President of Council