

## COUNCIL MINUTES

August 5, 2024  
Council Chambers  
7:00 P.M.

**President Harris called the meeting to order**

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

**INVOCATION** – Ms. Bline

**PLEDGE OF ALLEGIANCE**

**CAUCUS**

**MINUTES of July 15, 2024, Motion to accept by Mr. Labutis, Second by Ms. Bline, 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**

**REPORTS FROM CITY OFFICIALS**

There are none this meeting.

**COMMUNICATIONS**

**Ohio Division of Liquor Control** – Transfer application from Fishmore Properties LLC Big Corner Store and Drive Thru, 126 S. Second St., to Second St. Corner Store LLC dba Big Corner Store and Drive Thru, 126 S. Second St., Newark, OH 43055

**Received and filed without objection.**

**Ohio Division of Liquor Control** – New application for Archive Newark LLC, 35 N. 3<sup>rd</sup> St., Unit 14, Newark, OH 43055

**Received and filed without objection.**

**Ohio Division of Liquor Control** – Transfer application from Macs Convenience Stores LLC dba Circle K 5305, 34 S. 30<sup>th</sup> St., to ALFAA LLC, 34 S. 30<sup>th</sup> St., Newark, OH 43055

**Received and filed without objection.**

**Trish Perry, Ohio CAN-Licking Coordinator** – Email regarding the 10<sup>th</sup> Annual Overdose Awareness Day Rally on August 29, 2024 at Canal Market, #TogetherWeCan #EndOverdose #IOAD2024

**Received and filed without objection.**

### **PUBLIC HEARINGS**

**By: Mr. Rath, Ms. Bline**

**24-15** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 417 GARFIELD AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID# 054-196872-00.000, 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:*

1. *The planning commission believes the best course is for the property to remain the way it is zoned. With the size of the lot a split could be completed and a single-family home could be built on the other lot. Therefore, the planning commission is not preventing the owner from maximizing the use of the property.*

**Motion to Adopt by Mr. Rath, Second by Mr. Lang, Motion is lost 0 – yes 10 - no**

**By: Mr. Rath, Ms. Bline**

**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.

*Upon consideration of the information presented, the following actions are recommended:*

1. *The zoning classification for the parcel at 842 Jewett Ave. shall be changed to LC - Limited Commercial District. Ordinance 24-17 is recommended for passage and approval by Council.*

**Motion to Adopt by Mr. Rath, Second by Ms. Bline, Passed 10-0**

### **COMMENTS FROM CITIZENS**

**Sigrid Neilsen, 302 N. 11th St.** - This is my neighbor.

**Allisha Fox, 318 N. 11th St.**

**Ms. Neilsen** - We've noticed an increase in obviously sick wildlife around the neighborhood. We're right next to the high school. At one point, we had a skunk and had to call NPD multiple times and got no response. Meanwhile, it's walking in circles in the street, and we have high school students stopping to take selfies with it. We were advised that we were not allowed to dispatch it ourselves, and that they would send somebody, and then we called back when nobody came, and basically they said, try ODNR. ODNR will not respond in our city limits. There was no response. Then she had...

**Ms. Fox** - Then about, what, a month, month and a half after this skunk, I had to have some pipe work done inside my house, and while my wall was open to figure out where this leak was

coming from, if in fact that's where the leak was, a bat got down from my attic, which we had learned previously with the last like two weeks before that, that we had a colony of bats living in our attic. One has gotten down into our house and got in a tuffle with one of my cats, sent it into the health department. It came back positive for rabies. Health department here in Licking County had no services whatsoever to offer me in the aid of this. Basically, all they told me was, get your cats vaccinated and you go get vaccinated. That's all we can do for you.

**Ms. Neilsen** - Which is \$26,000 plus and not covered by most insurances, we found out. This just says, this is kind of an informal petition that went around through, that we initiated through social media that was signed by concerned citizens in our community to the Newark City Council and government. As concerned citizens of the city of Newark, we would like an animal control entity to be implemented to deal with nuisance, sick, and dangerous wildlife. We request that a clear protocol be defined, published, and made easily accessible so that citizens and law enforcement are aware of how such animals are to be handled with respect to removal, necessary humane destruction, and testing for communicable diseases such as rabies and disposal.

**Ms. Fox** - Because when I called a couple pest companies, nobody wants to handle bats, the few that do handle bats are full right now and won't do anything to help me. So, I have no choice but to really push them out of my house into the community to get them out of my area.

**Ms. Neilsen** – So, I've had some comments come back that, oh, the City has a contract with the Humane Society. We contacted the Humane Society. They won't do anything. We're just, more and more people are noticing obviously distressed animals and we're concerned.

**Ms. Fox** - There's no help for that.

**Ms. Neilsen** - If there is something that you guys are aware of, then it needs to be made public knowledge on how these animals are supposed to be handled.

**President Harris** - All right, thank you.

#### **ORDINANCES ON SECOND READING**

**By: Mr. Lang, Mr. Labutis, Mr. Cost, Mr. Rath, Ms. Bline**

**24-25** AN ORDINANCE CREATING THE POSITION OF Assistant Director IN THE CITY OF NEWARK, DEPARTMENT OF Community/Economic Development, AND AMENDING THE DEPARTMENT AUTHORIZATION TABLES OF AND SETTING THE COMPENSATION THEREFORE

**Motion to Adopt by Mr. Lang, Second by Ms. Bline, Passed 10-0**

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

**By: Mr. Rath, Mr. Labutis**

**24-26** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1845 WEST MAIN STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-218160-00.000 FROM THAT OF GB – GENERAL BUSINESS ZONING DISTRICT TO LI – LIMITED INDUSTRIAL ZONING DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

**Referred to the Planning Commission for a public hearing**

**By: Mr. Rath, Mr. Labutis, Ms. Bline**

**24-27** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 2236 RIVER ROAD, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-225738-00.000 AND 054-225744-00.000 FROM THAT OF MFC – MULTI-FAMILY CONDO ZONING DISTRICT TO MFR – MULTI-FAMILY RESIDENCE ZONING DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

**Referred to the Planning Commission for a public hearing**

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

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

**24-62** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO NEGOTIATE AND ENTER INTO CONTRACT, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE WASTEWATER PLANT AND COLLECTION SYSTEM MASTER PLANNING PROJECT. PURSUANT TO ARTICLE 10.02 (D) OF THE CHARTER OF THE CITY OF NEWARK, THIS CONTRACT FOR PROFESSIONAL SERVICES DOES NOT REQUIRE COMPETITIVE BIDDING.

**Motion to Adopt by Mr. Rath, Second by Mr. Houser, Passed 10-0**

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

**24-64** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION.

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

#### **RESOLUTIONS ON FIRST READING**

**By: Mr. Marmie, Mr. Cost, Mr. Labutis, Ms. Bline**

**24-65** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

**Held until 8.19.2024**

#### **COMMENTS FROM CITIZENS**

**Tim Waldren, 167 S. Second St.** – They shut Second St. bridge down. Today I sat on my front porch. There are cars coming down Second St. They get down between Holliday and National Dr. in my area and they turn around, bounce up on the curbs, in our yards, and stuff to turn around. I'd like to see if you can get the people to put a complete stop sign, a barricade, right there at Holliday. Holliday is the last road that goes all the way through since from the by-lock, the track. I hate to say put down Holliday, I mean, yeah, Holliday because it's a narrow street, but if they keep coming up and down our street and turn around our street, they're going to tear our yards up. I just ask to talk to the people down there, see about putting barricade at Holliday. The only people that should be going down past my house be people in Little Texas now. So, thank you.

#### **MISCELLANEOUS**

**Tricia Moore, Law Director** – I pass, thank you.

**Mayor Hall** – Yeah, just a couple of things. Tim, thank you for telling us. I mean, as we do construction in neighborhoods, sometimes we don't have that same view that a resident has, and we appreciate that a lot. We use that a lot in the downtown area, a lot of different areas. And any time somebody gives some input, we like to do that. So, we'll have that discussion, appreciate that. This past week, OSU Newark, CFTC opened up, reopened Founders Hall, and it is called Hodges Hall now. It is beautiful. I mean, it ought to be something that this community is so proud to have a campus here like that. Just unbelievable. And the stories, of course, of how hard Jim Breese worked to help establish that college, we are extremely fortunate. So how nice it was. This afternoon, ribbon cutting, and some were there for Newark City Schools Preschool and Digital Academy at the State Farm Building. I want to thank them for the wonderful job they did. It's just state of the art, I will tell you, unbelievable. And one of the big fears, probably, of a mayor in a city is big, empty buildings. So, when State Farm moved out, that's not a building just anybody can take over and handle, and I would give kudos to Newark City Schools that stepped up. They'll be bringing preschool care into that from, I believe, three elementary schools. I talked to Dena, that's the principal up at Ben Franklin. That's a long time for some of our schools. When they have preschool and afterschool and everything in between, it's just gonna be really state of the art facility as they bring all that together. So, kudos on that. What a beautiful job they did. Last week, or a week ago this past weekend, the Master Gardeners had an open house out at OSU Extension Office on S. E. Main. I would kudo Polly that works up in our engineering department, arranged that. If anybody has a chance to go out and see that garden, it's just phenomenal. Every year, I go out every year, and they just do the best and help people how to learn how to establish gardens and work gardens and herb gardens and all kinds of things. It's kind of a hidden gem out there on the east side a little bit at 771 East Main. This weekend, Pelotonia came through town. We had Pelotonia on Saturday. We had Summerfest on Saturday. So, kudos to everybody that worked hard to establish that. As the bike riders came down through, we were on the 65 and 100 mile runs. When they left here, they actually went up O'Bannon, which I don't wanna have to ride a bike up O'Bannon, but especially after I left Columbus or New Albany, and then was headed to Mount Vernon or up to Gambier College. But anyways, NPD, kudos to NPD for handling traffic. Just did a phenomenal job with the drone and with the radios. And it's a great, I call it practice, but it's actual working it. They just did a phenomenal job. And the residents with the cars going up and down 21st St. and stopping at Granville and all that, it just worked wonderfully in so many ways. So really good. We had the Newark Wildcat cheerleaders out on South Park Place cheering the bikes through a tunnel when we had the sports teams there cheering them on. So, a real proud day. Then Summerfest, our third annual Summerfest was on North Park Place into the evening, and we had crowds of people and it was very good. Two quick other things. This week is Hartford Fair, and it's kind of our county fair. I would say many, many years ago, Newark had a thing up there when we had more people with more money and all those things. But at the end of the

day, I'd encourage a lot of people from around here that have kids up there with animals and just all kinds of things, just a wonderful fair. If you got a chance to visit, please do. And finally, next week, school starts. It's that time again, August 15th. And I would just like to ask everyone to heed and be safe out on the streets. It starts changing again, more traffic, more kids. Please be careful and be very cognizant of the pedestrians in the mornings, especially after school. With that, I pass. Thank you.

**Mr. Chute** – Thank you, Mr. President. I'll just second what the mayor said about the opening of the Louella Hodges Reece Hall at COTC Newark this week. It was a pleasure to be there. It really is a shining example of what I've always thought. Here in Newark, there is a real deep culture of giving back in our community that the Reece family is certainly a shining example of, and it's neat to see that. So, I'd like to say it was just nice to be there, and if you have a chance to see that building, it's absolutely beautiful, and it's a great addition, or improvement, rather, to the campus. And with that, Mr. President, I will pass.

**Mr. Cost** - I will pass.

**Mr. Houser** – Thank you, Mr. President, I will also pass.

**Mr. Labutis** – Thank you, Mr. President, I will pass as well.

**Mr. Lang** – Yeah, thank you, Mr. President. Really just one bit of news I wanted to share with everybody. I'm going to be moving later this month, and so it's bittersweet, but the next meeting will be my last meeting on City Council. I will be stepping down after that meeting. So, more to come, and I'll be sharing farewells with everybody next meeting, but just wanted to give folks a heads-up that I was going to be reluctantly resigning, but I will be moving out of the Fifth Ward, so such is life. So, I just wanted to share that, and with that, I'll pass.

**Mr. Marmie** – Thank you. I need to call a Finance Committee meeting for the 19th. A couple things. Tim, thanks. I know that they'll get right on that, and try to help you out at all possible. As far as just some comments about the animal control, animal control is handled by the county. I also know a little bit about the bat situation. The bat situation, no municipality handles that. Bats are protected. They cannot be fumigated at certain times of the year because of their babies and so on and so forth. So, that is always going to be a private endeavor. It's not going to be a public endeavor with bats. The skunks, yeah, it's a tricky situation. It really depends on what it is and the availability of either police or the animal control. But I'm sure that we try to do the best we can. Sometimes, as far as our police department, they usually don't get involved in that because of the staffing, the priorities that they're working on. But animal control is in charge of that through the county. They're not 24 hours. I also want to thank the City and the contractors, the roundabout out there on Horns Hill. It is just fantastic. I mean, you're not waiting to turn left anymore. It is fantastic there. In addition to that, the spillway project is going on. I know it's mainly being conducted due to the overflow during flooding and just making sure that the erosion doesn't go away, but it sure is making the place look a lot nicer as well. So, that's really looking good out there. Between those two projects and then the bikers

up on Horns Hill, just what they do, they try to keep care of that the best they can. It's just a really nice place. Wildcat Park is right there as well. It's becoming just a part of the city that's a real nice green space and very attractive. Now, I also, for those of you that live out in that area, I know next year there's going to be a bridge project for some repair. So, there's going to be another detour again next year. And then finally, I just want to congratulate our Law Director for being inducted into the Baseball Hall of Fame. I think that's really neat. And congratulations, and it's well-deserved. I remember you going through sports day. And with that, I'll pass.

**Mr. Neely** – I would just echo the congratulations from Mr. Marmie for the roundabout. I think the timing's perfect with school coming in next week and for people who live out there when that school was beginning at the end of the day, you were going to be backed up a while coming out of there, and if you're trying to turn left onto Waterworks, you could just forget about it. So, it's been very smooth, and I think it was really well put together. So, with that, I will pass.

**Mr. Rath** – Thank you. I hope to be making an announcement about a roundabout opening soon, but River Road, Thornwood, that area, that should be coming open here within the next...short period of time. I'm as committed as I'm going to get on that, but it won't be soon enough, I can promise you that. Within the last week or so there was an announcement made that the country club has bought the Trout Club and will be moving out after the first of the year. The historic association will be taking over the country club. That piece of property has been incredibly well maintained over decades of residence by the country club. I'm already having citizens having concern about what that property is going to look like, how well it's going to be maintained, just what's going to happen in that area. So, I hope that they intend on being good residents and good neighbors in the city of Newark and they can maintain that property as well as the country club has in the past. I had a chance to attend the Summerfest on Saturday night, put on by the Downtown Newark Association. I saw Mr. Mayor there make a nice announcement from the stage. You looked good, like you've done that before, maybe a couple hundred times. But that was a great event, there was lots of great people there, everybody having a good time. The Menus played. They've been around for 42 years, and I think a lot of the people that were there have been fans of the Menus all 42 of those years. It was a good crowd. I will call a Service Committee meeting for the 19th and with that I'll pass.

**Mr. Rine** - Thank you, Mr. President. I'll pass.

**Ms. Bline** – Thank you, Mr. President. I want to thank everyone for signing this. We've experienced similar issues and I'm sorry about the experience at the health department. They were very helpful to our family in the past and the Law Director I'm certain has answers. So, thank you for bringing this. You know, I often wonder how many people watch these broadcasts because if they did, they'd be really proud about what's happening in our city. We are gaining, we have momentum, great things are happening here, and what a privilege to be in this city. There is so many good things happening and the citizens in my ward, I'm so proud of

them. They've been coming out every weekend often. They want to control the controllables, the things that they can handle, what they see, what they can do, and what they can prevent. I mean, as citizens, they are stepping out and they're taking the neighborhoods back and I'm so proud of them. The order that they see downtown, they want in their neighborhoods, and rightly so, and they're doing it. And I'm very proud and just think that there's an opportunity to complain. Just think of all the great things that we have here that a lot of cities are lacking. So, thank you so much.

**President Harris** – Thank you. I attended the ribbon-cutting today too with the Mayor. Mr. Cost was there. It's a really nice facility. The kids will be getting off to a good start this year. So, our next meeting is August the 19th.

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

**Jeff Harris, President of Council**