

COUNCIL MINUTES

December 2, 2024
Council Chambers
7:00 P.M.

President Harris called the meeting to order

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

INVOCATION – Mr. Houser

PLEDGE OF ALLEGIANCE

CAUCUS

Mr. Marmie - With the support of Councilmember Cost, I would like to invoke Rule 11 on Resolution 24-107.

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

Resolution 24-107 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Motion to waive the 2-day reading rule by Mr. Marmie, Second by Mr. Cost, Passed 10-0

Motion to adopt by Mr. Marmie, Second by Mr. Barker

Mr. Marmie - This item, even though it came through as Rule 11 and is expedited, we did discuss this in committee. It just did not meet the required deadline for us to enact or act upon it. So, we chose to go this route. These funds are necessary. They were not aware of the fact that they had to be moved to use the ARRP fund dollars, and it has to be done before the end of the year. So that's the reason for the Rule 11 and the expediting. I know we discussed it last week, but for those who weren't at our committee last week, I wanted to explain that. Thank you.

Passed 10-0

MINUTES of November 18, 2024, 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**

REPORTS FROM CITY OFFICIALS

Brandon Fox, Water Administrator - A list of properties being sent to lien for past due water, sewer, and stormwater bills, totaling \$10,600.05. **Received and Filed without objection**

COMMUNICATIONS

Ohio Division of Liquor Control – New Liquor License for Dolgen Midwest LLC, DBA Dollar General Store 30110, 1687 N. 21st St., Newark, Ohio

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

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

24-42 AN ORDINANCE AUTHORIZING AND DIRECTING THE NEWARK CITY SERVICE DIRECTOR TO CERTIFY TO THE LICKING COUNTY AUDITOR, THE SUM OF \$3,800.00 INCURRED BY THE NEWARK CITY DIVISION OF ZONING WITH RESPECT TO ZONING VIOLATIONS TO BE PLACED AS A LIEN UPON CERTAIN PARCELS OF REAL PROPERTY SITUATED IN THE CITY OF NEWARK, OHIO.

Motion to adopt by Mr. Rath, Second by Mr. Cost

Motion to amend by Mr. Rath, Second by Mr. Cost

Mr. Rath - The original amount is \$3,800. I'd like to amend that to \$1,400. One of the properties is being omitted from this ordinance.

Mr. Marmie – On the attachment A, you need to remove 220 Robbins Dr. because the attachment is part of the legislation.

Mr. Neely – It was on the old one.

Mr. Marmie – Okay.

Motion to amend Passed 10-0

Motion to adopt Passed 10-0

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

24-43 AN ORDINANCE AUTHORIZING AND DIRECTING THE NEWARK CITY SAFETY DIRECTOR TO CERTIFY TO THE LICKING COUNTY AUDITOR, THE SUM OF \$379,110.00 INCURRED BY THE NEWARK CITY PROPERTY MAINTENANCE DEPARTMENT WITH RESPECT TO PROPERTY MAINTENANCE VIOLATIONS TO BE PLACED AS A LIEN UPON CERTAIN PARCELS OF REAL PROPERTY SITUATED IN THE CITY OF NEWARK, OHIO

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

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

Mr. Rath – The original amount is \$379,110.00. We are going to amend that to \$371,160.00. I also would like to amend attachment A. There have been some additions as well as some exclusions.

Motion to amend Passed 10-0

Motion to adopt Passed 10-0

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

24-45 AN ORDINANCE ACCEPTING THE DEDICATION TO PUBLIC USE OF THE STREETS IN WILLOW BEND SUBDIVISION, PHASE 2.

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

Mr. Rath – This has gone before the Planning Commission. They have recommended this change as well as the Planning Commission Director, Mr. Rhodes. Because of that, I will be supporting this. I would encourage everybody else to support it as well.

Passed 10-0

ORDINANCES ON FIRST READING

There are none this meeting.

RESOLUTIONS ON SECOND READING

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

24-94 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Motion to adopt by Mr. Chute, Second by Mr. Labutis, Passed 10-0

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

24-95 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR FISCAL YEAR 2025 BODY WORN CAMERA GRANT FUNDING.

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

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

24-96 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

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

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

24-97 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR PARTICIPATION IN THE ODOT COOPERATIVE PURCHASING PROGRAM THROUGH OHIOBUYS FOR THE YEARS 2024 THROUGH 2029.

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

RESOLUTIONS ON FIRST READING

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

24-99 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (Remainder of the year advertisement, Appropriate previously added funds to line item account for potential expenditure(s))

Motion to waive the 2-day reading rule by Mr. Marmie, Second by Mr. Barker, Passed 10-0

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

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

24-100 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 12.16.24

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

24-101 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT WITH LAYTON, INC., FOR THE EXCAVATION OF THE TOWER SITE AND CONSTRUCTION OF A RETAINING WALL FOR THE NEW STEEL ANTENNA TOWER AT HORNS HILL PARK AND WAIVING COMPETITIVE BIDDING

Held until 12.16.24

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

24-102 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT WITHOUT COMPETITIVE BIDDING WITH PAUL J. FORD & COMPANY FOR THE DECOMMISSION OF THE EXISTING ANTENNA TOWER AT HORNS HILL PARK, THE INSTALLATION OF THE REPLACEMENT TOWER, AND THE TRANSFER OF BROADCAST EQUIPMENT

Held until 12.16.24

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

24-103 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT WITH REMBCO GEOTECHNICAL CONTRACTORS, INC., FOR THE DESIGN AND CONSTRUCTION OF THE FOUNDATION AND ANCHORS FOR THE NEW STEEL ANTENNA TOWER AT HORNS HILL PARK AND WAIVING COMPETITIVE BIDDING

Held until 12.16.24

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

24-104 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT WITH VALMONT INDUSTRIES, INC., FOR THE PRODUCTION OF A NEW STEEL ANTENNA TOWER TO REPLACE THE CURRENT HORNSHILL ANTENNA TOWER AND WAIVING COMPETITIVE BIDDING

Held until 12.16.24

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

24-106 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR CONSTRUCTION OF A NEW SOUTHWEST PRESSURE ZONE WATERLINE EXTENSION.

Held until 12.16.24

COMMENTS FROM CITIZENS

MISCELLANEOUS

Tricia Moore, Law Director – Thank you. Kudos to Spencer Barker on the courthouse lighting. That was a great event, and how you made it snow like that was magical. Mr. Labutis was wonderful as well. That's it. Go Browns.

Mayor Hall – Yeah, absolutely. A wonderful night downtown. Everything was packed and busy and the show was great as always. It put a lot of smiles on kids' and adults' faces. Since we met

the last time, we lost an employee in the police department. Fran Heimerl had services over the weekend and I would just be remiss without saying what a wonderful personality. The chief and I spoke a little bit about that. She was very direct but delivered it in a wonderful way and that's a compliment to her. She always had a smile on her face and would tell you what she thought and that was pretty neat. A real nice person. We want to extend our condolences and support to her family, her aunt and uncle and the rest of her extended family that was there. She had a battle of cancer and it was tough. Luckily, it didn't go on and on. There's always a good side to that. She'll be missed dearly throughout the city in many ways. With that, I'll pass.

Mr. Marmie – Thank you, Mr. President. I need to call a Finance Committee meeting for the 16th. I also just want to echo what the mayor said about Fran. She was a year behind me in high school. I've known Fran ever since I was in the second grade and she was in the first grade. She definitely had a directness about her and it didn't change from grade school until her passing. She had the biggest heart. We kind of separated after high school. I didn't hear from her or see her or anything. Just a matter of our lives went in different directions and all of a sudden, we're back together at State Farm. She's working at State Farm. She worked there for a number of years. Decided to resign from State Farm to work for the Newark Police Department. Our paths crossed again. If you ever went down there for your BCI check, she was always the one right there just telling you what to do and doing a lot of different things. If you didn't know her and what she did for a relative, a special needs relative, she would bring him to almost every Newark Catholic game and take care of him. Fran didn't have a lot of family. That isn't direct family, immediate family. If you knew her, she was family. You knew that she just did things. I can't say enough about the woman. She will be missed. I want to thank the auditor's office for all the work that they have done to prepare reports, run scenarios, do all kinds of different stuff in order to come up with a balanced budget. We talked about it in committee. Special thanks to, of course, the auditor himself, Ryan Bubb. Jim Weisent and Jackie Williams have just done a phenomenal job as far as just working those numbers, reworking them, keeping people on task, communicating with departments, doing all the heavy lifting on that. The administration's involvement as far as if there are questions or where do we cut, what do we need to do, how's it looking, and the meetings that they had in order to make sure that we're doing the right thing. I want to thank the mayor and his administration. There wasn't a department out there that didn't make some adjustments in order to make this work. I know our safety forces who are sitting here, they did it. Law director, HR, all the different departments. Grants wasn't, I would mention you, but you fall under grants. I appreciate what you do for the grant side. But yeah, it was a team effort, and it is greatly appreciated. I'm glad we have a balanced budget. I look forward to voting for that on the 16th. And go Browns. With that, I pass.

Mr. Neely - Thank you, Mr. President. I will also extend my condolences to Fran's family and her extended family at the police department. Congratulate Spencer on a successful lighting. Me and my wife were down here in the cold in about nine layers, but it was a great event. It's always great to see the downtown filled with citizens just having a great time and being in that community. I had the pleasure of attending the police department and the fire department swearing-ins last Monday. Brought in two new police officers formally there, and then I believe there were five firefighters. So, it was kind of a double-header event, which was really, really great. I hadn't seen that before. Congratulations to the police department, fire department, some good officers on the street, new officers in the fire department. So, it's always good to

see quality public safety personnel coming into the city, wanting to come to our city. So, congratulations on that. And with that, I will pass.

Mr. Marmie - Can I add one thing? I want to also thank Spencer for all that he did for the downtown lighting, and greatly appreciate Santa also. I want to make sure that Santa doesn't go unmentioned.

Mr. Neely – We'll get that message to him.

Mr. Rath – Spencer, again, just like everybody else, great job. I did not go to the lighting. I chose a warmer venue, but I was still in the downtown area, which was every area that we went to was crowded. So that does draw a huge crowd into the downtown area, whether it's the lighting or insularity. I will call a Service Committee meeting for the 16th. And with that, I'll pass.

Mr. Rine - Thank you, Mr. President. Spencer, the courthouse looks great. Not only for the night, but how long is it lit for?

Mr. Barker - It goes till January 1st.

Mr. Rine - OK, cool. Yeah, and with Fran, I want to extend my condolences. I didn't know her personally like Doug, but I called into the police station, and the majority of the time it's not a good call, but she always told you where to go. Kind of kept you calm a little bit. I remember getting off the phone, I felt a lot better just talking to Fran. I didn't really get any answers, what Fran could tell me, but she at least pointed me in the right direction. I could appreciate that. With that, I'll pass. Thank you.

Mr. Barker - Thank you, Mr. President. I just want to thank, really, first up, Newark Fire and Newark Police for helping with the delivery of Santa and the security of everybody in downtown. It's not a small undertaking to do. It is an all-year planning thing. And so, I appreciate everybody's support. I know the mayor was there. A couple other council members were in the crowd that I didn't necessarily see in the mix of all the people and getting the snow to come in at just the right time. I'm in the front a lot, but I have eight other directors on my board that I report to as the president that help every day with that organization. And it's 76th year, going into 77. So, we really are just looking forward to keep trudging towards the future. So, I appreciate everybody's comments on it. I hated to hear about Fran. She's a great lady. She always would grab me at Newark Catholic games when I'd go with Caileigh and want to talk about something every time. It's hard to not go to a game and not see her. So, I just want to reiterate, as Councilman Rine asked, the courthouse will be lit till January 1st. If it goes out at night, please call me. I'll figure out how to turn it back on. I've climbed through the rafters before to do it. And Councilman Marmie, I can assure you that Santa will get that message. With that, I will pass.

Ms. Bline – Thank you, Mr. President. I was down there outside of Station 1. I was waiting for Santa to come out on those trucks. It was great. There was a little crowd of kids that was standing across from the station, and when Santa came out, we heard them go, oh! It was great. I loved it. We got some great pictures of the trucks and kids with the trucks, and then we pretty much ran down here so we could see the lights come on. I'll tell you, it was cold, but who cares? It was a great time. It was great to see the kids out and the families come out. So, thank you, sir. Thank you, Mr. Barker. I, too, want to send my condolences to Fran's family. Being new on council and trying to handle citizen requests, I would go down to the station and Fran would see me and she'd go, how can I help you? And I said, well, guide me. And she did. She had a

heart to serve and we had a lot of good laughs about some things and I just appreciate her so much. I hope, you know, people, when you have someone like that and then they're not there anymore, I want to say thank you ahead of time, I guess is what I'm trying to say. Make sure we count those people as valuable. Last week I had a chance to go and tour the Humane Society and what an amazing place. The load of animals they deal with. She said they did over 2,000 spays and neuters at a cost that no one around here can match. So, she said they want to do it just to help people. They have me talked into fostering dogs on the weekend. So that's going to be one of my new projects. So, I just want to thank that great staff out there. I also want to thank the water department, Brandon Fox. There's a lot going on down there in Second Street and there's a lot of requests. Some are easy, coming from the residents and some are not. And he has been spot on and just a really good gentleman to work with. Same for Lindsey Brighton. We had a zoning meeting and residents came and then a side issue came up with flooding and I messaged her the night before and the very next day her staff was there. So, I appreciate them. I also want to invite, I guess there's not a lot of citizens here tonight, but we've started small business development, mapping and mobility sessions. Because you can sit and talk about it and until you do something, nothing happens. So, the mobility piece is very important. We've had two meetings and they are growing and it's just wonderful to see the vision having a couple of small businesses myself. You know, it's fun to get back in the water and to hear people's vision. So, we're excited about that. We're excited to hear everything that the residents or citizens are planning to do and we'll keep you posted. Thank you, Sir. I will pass.

Mr. Chute - Thank you, Mr. President. I'll just echo all of my colleagues' remarks about my sympathy for Fran and her family and the police department. I also want to congratulate the fire department, the police department on their new hires and some good press in the paper today. Thank you for all the good work that you're doing on behalf of the citizens of Newark. Thank you for all the work you did, Spencer, for the courthouse lighting. And with that, I will pass.

Mr. Cost – Fran was one of those people that I don't care what event we went to, she was there. At any community event, I knew I was going to see her there. And always a big smile and always an incredibly friendly lady. And Spencer, thank you as well. The courthouse looks excellent. Thank you. I'll pass.

Mr. Houser – Thank you, Mr. President. I think the best I could do is echo all things that have been previously said, so I will pass.

Mr. Labutis - Thank you, Mr. President. I'd just like to thank Law Director Moore for her assistance with a couple issues I've spoke with her about. Congratulations to the fire department and the police department on your new hires. Thank you to Spencer and his committee for a great courthouse lighting on Friday. With that, I will pass.

President Harris – Spencer, you might want to let Santa know he's got competition next year. Maybe a new Santa in town. I want to thank you for the online courthouse because I was nice and warm. I work outside in the cold all day, so I appreciate the online. I want everybody to know that on December 12th, Mr. Cost's birthday, he will turn 70. So, happy early birthday to you. Then on January 20th is the Martin Luther King breakfast. It's not too early to start talking about that, so if you need a ticket or a table sponsor, please let me know. Go Browns. We're on a winning streak. In case you didn't know, they beat the Steelers last time. I was in that snow bowl.

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

Jeff Harris, President of Council