

Service Committee Minutes

Honorable Council
City of Newark, Ohio
October 18, 2022

The Service Committee met in Council Chambers on October 17, 2022, following the Finance Committee with these members in attendance:

Jeff Rath - Chair
Jeff Harris – Vice Chair
Spencer Barker
Beth Bline
Ms. Hottinger

We wish to report:

1. **Resolution No. 22-98** A RESOLUTION REAUTHORIZING THE DOWNTOWN NEWARK SPECIAL IMPROVEMENT DISTRICT, INC., APPROVING THE ARTICLES OF INCORPORATION, THE PROPOSED PLAN FOR SERVICES FOR THE SPECIAL IMPROVEMENT DISTRICT, AND DECLARING THE NECESSITY TO LEVEL A SPECIAL ASSESSMENT FOR THE COST OF SERVICES AS SET FORTH IN THE PLAN AND DECLARING AN EMERGENCY.

David Rhodes, Service Director – First I'd like to say I can't believe it's been almost 5 years since we discussed and voted on the original SID. I think we all agree it's been a positive impact for the City of Newark. Under the SID guidelines, once every 5 years we need to go through the process of collecting signatures from members of the SID within the City. We have to get a minimum of 60% signatures. Cheri what percent did we get?

Ms. Hottinger – 65%

Director Rhodes – So, what we're asking you to do is to pass this on to full council so we can continue the SID operations in the manner that it's going and we do have a monthly meeting so everyone is invited, if you have a question or want to view the financial report of the SID, it's all done in public here in Council Chambers.

Mr. Rath – Are you anticipating changes?

Director Rhodes – Last year we bought live greens, this year we're going to wreaths. Fourth Street here we're going to be adding 5 baskets and more area to clean up. The amount of police patrol we have is significant, off duty police officers to make sure the SID district is being looked after and can also say there's some parking enforcement being done as well as the general care and cleanup.

Motion to send to full council by Mr. Barker, second by Ms. Bline

Ms. Hottinger – I'd like to abstain because I am on the board.

Mr. Rath – Mr. Rhodes are we doing anything or are there plans to do anything for our downtown residents in regards to parking?

Director Rhodes – Through the SID we do not have a parking initiative. On parking legislation, I have thoughts on that.

Mr. Rath – And that can be brought up at a different time.

Director Rhodes – A different time.

Motion passed 4-0 with Ms. Hottinger abstaining

Director Rhodes – The other thing is we do have a November meeting on the 9th at 6pm at the Midland. I just wanted to get that out.

2. Update on Projects from Roger Loomis, Water Administrator

Roger Loomis, Water Administrator – I just wanted to give a brief update on some of our projects a quick update on where our projects stand.

Mr. Rath – If you would, we'll go over each project individually and after each one I'd like to see if there are any questions or comments. Then we'll close that project and move on.

Mr. Loomis – Perfect. The 40th Street transmission line in order to finish we just appropriated some money, we'll have that finished the first week in November. That's a 60 inch main we ran from basically Country Club Drive out to the west end to supply water that's part of a 2002 study that completed our master plan. So that will be completed by end of November.

Mr. Rath – This year? So that means sidewalks on the east side of 40th?

Mr. Loomis – The plan is to start that the first part of November and have it finished by the end of the month. Fourth Street Separation Project, the plan is to pave this next week, all the way down through here, so by the end of next week, hopefully the weather holds out, we'll finish the paving on this, we have to stripe it, put up signs, finish up the landscaping and the plan is to do that work by the second week of November and have that open mid-November. We'll be working on Locust and by the Catholic Church, that project will be completed somewhere in mid-July of next year which will be our deadline. We're working with St. Francis on some bussing we have some temporary bus routes right now. Basically, we're not going to do that work on the roundabout while school is in session, we're going to use that as a temporary road through there and then when schools' out that's when we'll put in the roundabout in the summer months. That's the plan at this point in time.

Ms. Bline – I have a question. Thank you, you guys have been doing great work. You have been working down past the Fire Station, is that considered completed?

Mr. Loomis – That's not completed. There are some handrails that go up down there and there is some track lighting that needs done. There's some conflict on how that gets done, there are just some punch list items that need completed, hopefully here in the next few months.

Thornwood and Faye Dr. Booster Station, the extra station at Thornwood is going to be the back-up that supplies Park Trails, along with that we're putting lines that go down River Road and Reddington. That project right now has been bid, the stations are 45 weeks out for supply so that's kind of our issue with that. Water pipe is almost 50 weeks out. It may be

a good thing because by the time they get the bridge thing figured out, we don't want to tear up the road too many times.

Mr. Rath – Do you anticipate that having any impact on the home development on River Road or Cherry Valley?

Mr. Loomis – Part of us putting this in is to make sure they have supply out there. Also, if that industrial part ever develops, that's the main driver behind this. Lead Service Line replacement, as you know we're replacing lead service lines throughout the city, when we started that project we only had one bidder on 100 service lines. We have about 3,000 we're going to be putting in. We're bidding that again the first part of November for another 4 or 5 hundred. That total project came out with some grants and some low interest loans, we're putting in almost \$25 million for this project in the end. It's going pretty smoothly we have about 50 or 60 in right now, the contractor is doing one a day, not going as fast as we thought. We did a siphon project, to reduce sewer overflows and that project is currently being done by some of our own staff and is 99% complete and should be completed in the next couple of months. UV Upgrade to install UV lights at the wastewater plant, that project is just finishing up as well. The contractor just has a few punch list items to finish up. The Raccoon Creek Streambank Restoration Project, if you notice at the exit of Country Club Drive, that is an Army Corps of Engineers project that we are funding 35% of the Federal Government is funding 65% of. Because that is now a centralized stream it's subject to a lot of erosion. If you've ever been on the bike path there is a big slope there. That could cause that bank to fall and SR 16 to slip and we have a big problem. It was bid out by the Army Corps of Engineers, we're going to be in the half million dollar range, but they came in very low on this. It just started last Thursday. They're building an access road that's why the bike path is currently closed, they have to be able to access the dam and once that's done they will move it back out. It will roughly be about May 31st on that it's a 6-8 month project.

Mr. Marmie – Is there any way to put a sign up by the overpass over 16 that then goes to the right down past that that says the bike path is closed.

Mr. Loomis – I'll mention that. That's not our project we kind of work through them but we can put a little sign up there. The Water Plant Instrumentation upgrade we're upgrading our controls up there, the project is ongoing and won't be completed till the 1st quarter of next year. It's just basically control systems within the water treatment plant. River Road Sewer, this is a sewer we are installing to eliminate the lift station out in that area, we're working on the details of the design right now, there's going to be a public meeting tomorrow night for residents in that area that are not currently connected to the sewer. There are residents on the south side of River Road and although there is a sewer there they aren't connected to it because it's a pressure sewer, so we're meeting with them to find out who needs hooked up and that sort of thing.

Mr. Rath – When and where is that meeting?

Mr. Loomis – It's a zoom meeting.

Mr. Morehead – I'll send you an invite to it. We mailed the information out to the folks on the south side of River Road.

Mr. Loomis – East Side Transmission Line, this is the funding we got through Ohio Bills, it's a line that's going to out to the east side of town. The design work is nearing completion, we're waiting on the County on some of the County Rods out there, the design should be completed sometime next month and completed by sometime near the end of next year. South Second Street that's our next big CSO project, we're having a design kick-off meeting tomorrow and what we're hoping to do is re-do the entrances to the Babe Ruth area and Mound City. It will improve that area down there and have some of the landscape features we have now on South 4th. That design is just getting started. The 16 North Project, we're having a public meeting on that as well on Thursday night, it's a TEAMS meeting, I can send that invite out. This is in regards to the initial design. The bigger question we have going out there is brick streets, I'm sure you will all hear about that because it's a big item. Again, we're just in the preliminary design at the moment trying to figure out how we're going to do it.

Mr. Rath – Could you explain to me questions about brick streets.

Mr. Loomis – Do we put brick streets back in after we separate sanitary and sewer lines. Some people are adamant about brick streets, some people want them and some people don't want them. So we're going to have that discussion. That project is not going to be completed until about 2028 and it's going to be somewhere in the area of \$50 million, so it's going to be a big deal. That's our major projects, we're going to work on Church Street Bridge, we're looking at a new spillway at the Waterworks, I think we can incorporate that with some of the roadway work that's going to go on up there. We'll also be painting the water tower.

3. **Resolution No. 22-99** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT WITHOUT COMPETITIVE BIDDING FOR THE PURCHASE OF FLOCK SAFETY SYSTEM AND CAMERAS

Tim Hickman, Safety Director – When this Grant was written, it was written to specifically purchase the FLOCK system, there's only one vendor that sells FLOCK cameras and that is FLOCK. So, in order to comply with the grant we are asking to waive competitive bidding so that we can buy the cameras.

Motion to send to full council By Mr. Harris, second by Ms. Hottinger

Ms. Bline – I received a lot of feedback from citizens on this and they have a lot of questions. Many had asked to see if it could be a ballot issue, I found that wasn't possible, but long story short, they feels somewhat negative about it and after speaking to me, I feel somewhat negative about it and so I'm wondering if somehow we can get more information on this. Many citizens feel like and this is a quote a slippery slope and government overreach, an invasion of privacy. They feel the controls are too loosely engaged, cameras are a tool that in wrong hands that could result in a loss of citizen privacy and feel it may

compromise or become invasive of citizens travel patterns and habits. They by no means have anything negative to say about the NPD, in fact they want more officers, but in light of all these comments, very few have any information at all on this. So, what is being put out there I'm concerned that the truth of it and there's still concern that the government may be over stepping their bounds. So, is there any way to get out more information on this.

Director Hickman – Well, I would need to speak with the Chief, but we have nothing to hide, we can be completely transparent, basically, it's nothing more than a license plate reader system, we're not going to be collecting data on individuals. What I can tell you though is ironically, just this past weekend the police department received a shots fired call and they had a description of the vehicle, but that was it. They contacted Heath PD, Heath PD checked their FLOCK system and said that car just went through our jurisdiction on 79 South and they found the vehicle and the person who was the shooter on 30th Street. So there is living proof that it works.

Mr. Rath – The only thing I'll say to address that is and hearing all of those questions and comments is that there is a misconception to a right to privacy and there is no right to privacy outside of your home. Although I can say, maybe the Newark Advocate would like to print an article on the new phenomenal system we are going to be implementing in the City of Newark, and maybe they can get enough detailed information to get the word out.

Director Hickman – If anybody has any suggestions for a public education campaign, we would be happy to participate in that to get the information out there to people.

Mr. Harris – You made the comment that residents would like to see more officers. We would all like to see more officers and this is one of the reasons for getting the cameras because if we can't get the officers this is going to help the officers. Just like Director Hickman said, these cameras will help with the problems in our city.

Jonathan Lang, 1684 Emerald Ct. – Two quick points I think would be of help for the community to consider. I did look though some of the terms that are being presented for FLOCK. I do have some concerns that there are ways where they aren't going to sell our data directly, but I do believe the contract reads in such a way, that there is opportunity for them to take data they get from putting their system in our city and create other commercial offerings. So, they are not just actually going to sell the data outright, but it will create other commercial offerings that use that data and they will profit off of that. The other piece I think is important to recognize is it seems to me there is not a great understanding of what data is actually being collected because I've heard comments like we're not really tracking where people go. I think it's important for everybody to understand, what we are doing is exactly that. We're tracking where cars are going through our city and their routine for 30 days. I think it's important to just take a minute and reflect on whether this is a step we want to take as a community going down the path of monitoring our people in such a way that we can go back and look at everywhere someone has been for the past 30 days. With that, I would urge the committee not to support this.

Mr. Rath – I have a quick question for you. You said a lot. What did you say again.

Mr. Lang – I looked at the terms from FLOCK. There's language in there both around the actual data they collect, the direct data and there is also a section they talk about aggregated data. So they take all that data that comes in and they put it all together, so that it's not necessarily statistical to an individual, the way I read the contract, one example that came to mind for me, certainly Director Moore if she has comments I welcome those, but they can take that aggregated data and use it to create a commercial offering, let's say you're putting a business into the City of Newark and you want to know best places to put it, you know hot spots, they could create an offering that sells that information, saying this is the best place to put your business.

Mr. Barker – I just wanted to comment on what Mr. Lang said there about the best place to put a business. ODOT already does that, they have traffic counts, they have traffic cameras that they provide to any citizen, it's public knowledge. ODOT is already providing information where public traffic is in every municipality in Ohio.

Ms. Hottinger – I just wanted a clarification, they are not going to track everywhere you've been, it's only where the cameras are located. They aren't going to track me going home and going to Walmart, they're tracking you if you pass by a camera and we won't have a camera on every intersection. I just wanted to make that comment.

Steven Smith, 237 Violet Ct. – The statement that was just made a minute ago, was yes they are tracking you. In that the shots fired incident was tracked by the FLOCK system in Heath. Aside from that, a general comment. My name is Steven Smith. There is an astronaut, a football player, a Columbus police officer who was killed in the line of duty with my name. When I was a teenager I had to explain to the police that a backpack that was left in a house that had been broken into with my name on it was not me. It may not be exactly the situation and maybe that's a side issue, but this is raising many questions for me. I've had to explain to collection agencies many times about whether I was the one they were trying to collect for. This has been very difficult in a couple of situations. This sort of information can be badly misused. Not that the sort of information that's going to be collected here can't be used for some good purposes, but it can be used for some very bad purposes too. I'm very leery about what's going on with this control and use of information. That's what I have to say about it.

Colton Rine, 394 Clarendon St. – I want to say I appreciate everything the NPD and you guys do, I have the utmost respect. You have my full support. I was doing some Googling and I cannot find, I guess I have one question does FLOCK manufacture the cameras?

Chief McKee – Correct.

Ms. Hottinger – I have a question for Law Director Moore. The information that Mr. Lang said about the contract, have you reviewed the contract?

Director Moore – Yes, actually I have it right in front of me.

Ms. Hottinger – Can you elaborate on that?

Director Moore – Sure. Aggregate data that is collected by the camera, first of all, it's specifically in the FLOCK safety that they shall not sell Agency Data or Aggregate Data, that's

number one. What they do say is that they can use information that's been completely made anonymous, so you can't tell where the statistics are coming from, what City, what incident, anything and they will use that information to better their services to perhaps come up with new programs from FLOCK. It's all about making a company better, which I think is probably the goal of every company that sells a product, but that information is not going to be sold and any information that is used, you will not know where they got that information.

Mr. Rath – I will say this, I know there's concerns, my concerns in the beginning was with the data collected, I've conversations with the Chief and Safety Director as well as the Law Director, there are checks and balances in place that prevent that from ever happening. The chances of this being used nefariously is slim to none. So, I'm very comfortable with that.

Ms. Bline – It's my understanding that this is a short term contract for 2 years, does it automatically renew.

Director Moore – It does, unless there are changes to the terms. If there are new terms it has to be a new contract, but I believe our funding is only for two years, correct?

Beth Bline – This is a procedure question for me because I am still navigating this. If we were to consider some of Mr. Lang's suggestions as well as some of the citizens comments, can impact should this go to full council?

Mr. Rath – We're having a discussion here as to whether you can enter into a contract without competitive bidding. The answer to that is obviously yes because there is no competitor out there. This will go from here to be read at Council in two weeks, there is no emergency clause so it is not being voted on and can be discussed. Two weeks after that it will go for a second reading, there can be further discussion and then at that point in time we will call for a vote.

Motion passed 5-0

Meeting stands adjourned

Jeff Rath -Chair