

## Service Committee Minutes

Honorable Council  
City of Newark, Ohio  
December 20, 2022

The Service Committee met in Council Chambers on December 19, 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:

**Mr. Rath** - Before we get started on the legislation I want to let you know there will be two things under at the discretion of the chair after the legislation, there will be an update on the FLOCK contract as well as an update on the Cherry Valley Bridge.

1. **Ordinance No. 22-55** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 293 MERCHANT STREET (PARCEL #054-250128-00.000), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF SINGLE FAMILY RESIDENCE - RM - MEDIUM DENSITY DISTRICT, TO TFR-TWO FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

**David Rhodes, Service Director** - As always I ask that these get passed on to Planning Commission so we can take an in depth look at it and give you an opinion on it.

**Motion to send to full council by Ms. Hottinger, second by Ms. Bline**

**Mr. Barker** - Director Rhodes I'm assuming, I've looked this up to see where it is and this looks to me like it could be a case of spot zoning.

**Director Rhodes** - Could be, everybody is allowed to make an application. There's a process that's held the same for everybody, we don't encourage these changes, people bring them to us, so we're going to take a look at it and come back with an opinion.

**Motion passed 5-0**

2. **Ordinance No. 22-57** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1401 MT. VERNON RD., (PARCEL TAX ID #054-269934-00.003), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF GC GENERAL COMMERCIAL ZONING DISTRICT TO LI LIMITED INDUSTRIAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

**Director Rhodes** - This would be the same as the Ordinance above, just ask that you pass it on to Planning Commission, let us take a look at it and render an opinion on it.

**Motion to send to full council by Ms. Hottinger, second by Ms. Bline, motion passed 5-0**

3. **Ordinance No. 22-58** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1425 MT. VERNON ROAD, (PARCEL TAX ID #054-269934-00.002), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF GC GENERAL COMMERCIAL ZONING DISTRICT TO LI LIMITED INDUSTRIAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

**Director Rhodes** - Again we just ask that you pass it on and we'll come back with an opinion.

**Motion to send to full council by Mr. Barker, Second by Ms. Hottinger, motion passed 5-0**

**Mr. Rath** - Do you want to give us an update on the FLOCK system contract?

**Director Rhodes** - Again, I always say I like to read things three times before I really come up with an opinion on them, so I've gone through this about a time and a half and got a little more to read on it, but there was a meeting with Mr. Lang, Mr. Marmie and Ms. Blin in attendance with the Law Director's office, they had some questions, some changes were made to the contract, which makes people a little more comfortable and Jon if you want to elaborate on those a little bit please do so.

**Mr. Lang** - There were a few areas of the contract that we identified that were particularly troubling, I will thank our Law Director for doing a great job getting that meeting together and I'll give FLOCK some credit, I think they were willing to work with us, I expected as with a lot of companies they say here's our terms take it or leave it so, I feel better about moving forward with them given how they were able to work with us. One of the biggest areas of concern we had was their use of aggregated data, how they might be able to commercialize that down the road. La Director Moore did a great job with just a few changes, little tweaks, really narrowed the scope of what they can do. So, they're very narrow in what they can use the data for, it's really just limited to improving the system itself and for crime prevention efforts. I think there's going to be a really hard argument to me made to commercialize that data if someone else buys them and wants to do something with it. The data they get from the City of Newark is going to be a bit more limited than data they get from any other municipality that has signed their standard terms, so that was one important change that I think really addressed a lot of concerns we had. Another area that was addressed was with respect to facial recognition biometric screening, they were very clear the system we're getting doesn't do that, will never do that so we wanted to put some language in the contract with some clarifications at the request of our Safety Director and our Chief just to give us some flexibility there, but long story short, we've got limits in place we're not going to be doing facial recognition anytime soon at least not without further discussion, so that was good. The third area that we didn't really address in the contract and I don't know Law Director if you want to speak to this any further, but there are some Ohio Revised Code limitations with respect to liability that some of my initial concerns were certainly addressed by the Revised Code, a lot of that is not going to be enforceable. So, I think we're in a pretty good spot when it come to the contract and I again want to thank the Law Director and FLOCK for working with us I think we ended up with a pretty good contract compared to other municipalities.

**Director Rhodes** - So a little more on that, I'll read through this more and if I have any questions I'll reach back out to FLOCK and if I don't I'll check with the Chief one more time before I sign it.

**Mr. Marmie** - I just would like to comment that I really appreciate our Law Director and also Councilman Lang, it's great to have two great attorneys talk with these folks and honest to

goodness FLOCK was not only receptive, but I think they're going to end up taking a lot of suggestions and incorporate it into their contract with what these two individuals did and I think it's really noteworthy that they really respected and appreciated what we were doing and what we questioned and I thought it was just a fantastic conversation and meeting with a superb outcome. It was a win win for both, I thought it went great. Just wanted to comment and thank the two of them publicly.

**Mr. Rath** - Two come to the table with a common goal and are receptive, very nice. Mr. Rhodes, tell us what is going on with Cherry Valley Road, I'm by there quite often and see fairly limited activity.

**Director Rhodes** - Weekly meetings to keep the project moving forward. US Bridge, they are constructing the bridge, the company out of Cambridge. Scheduled delivery of the bridge in portions by the end of January. Most of the foundation design work is completed, the foundation will be put in throughout the month of January. We also have to coordinate to get some trees removed and expose all of the existing utilities so we don't have problems as we move forward. It looks like once the bridge is in place it will be asphalted so we'll come back when the asphalt plant is opened and we can get asphalt down , could be as late as April, could be earlier.

**Mr. Rath** - Now West Main Street.

**Director Rhodes** - Good news on West Main Street. Number one we didn't use any of the City's demo money County is overseeing this operation and working with the Administration and the Land Bank at the County and the developer. So, we're hoping at the latest and I'll use the term latest because it could be before, Thursday at 3:30pm West main will be open.

**Mr. Rath** - Nice, so there's nothing else they're going to do to that building that could cause a problem?

**Director Rhodes** - There could be closures, but not for long lengths of time.

**Mr. Rath** - Thank you Mr. Rhodes for you time and efforts.

Meeting stands adjourned

Jeff Rath -Chair