

COUNCIL MINUTES

September 16, 2019

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the Monday September 16, 2019 Newark City Council Meeting to order
ROLL CALL- Mr. Marmie, Mr. Rath, Mr. Blake, Mr. Bubb, Mr. Cost, Mr. Fennell, Mr. Fraizer, Ms. Hall, Mr. Labutis, Mr. Lang

INVOCATION – Mr. Blake

PLEDGE OF ALLEGIANCE- Boy Scouts

CAUCUS

MINUTES of September 3, 2019 Motion by Mr. Labutis to approve the September 4, 2019 Newark City Council Minutes as presented and the reading be dispensed with in view of the fact each member of Council has received written summary of same, second by Mr. Bubb. **Motion carried by acclamation.**

REPORTS OF STANDING COMMITTEES

Finance- **Received & Filed**

Service- **Received & Filed**

Ways & Means- **Received & Filed**

Capital Improvement- **Received & Filed**

REPORTS FROM CITY OFFICIALS

Stephen Johnson, City Auditor- operating report for the period ending August 31, 2019- **Received & Filed**

Barb Jobs, City Tax Administrator- income tax revenue reports for the periods ending July 31, 2019, August 15, 2019 and August 31, 2019. - **Received & Filed**

COMMUNICATIONS

Roger Loomis, Water Administrator- lien document in the amount of \$17,563.20 for past due water, sewer and stormwater bills. - **Received & Filed**

COMMENTS FROM CITIZENS

Dwayne Anderson, 914 Empire Dr- thanked Mr. Cost and Mr. Fraizer for guiding him to where he could find financial records for people running in office. After all the questions regarding the new fire station at the last meeting he made an appointment with the Fire Chief for a half hour or so. He stated the part of Rotary Park from Granville Street to the freeway looks like Home Depot; it needs trimmed badly and there are trees hanging over right when you go under the overpass. There is not enough room for two bicycles going each way someone has to stop. There is a lot of rust and corrosion on the pillars and cross members of the bridge at Granville Street that needs to be looked at.

Vanessa Evans, 22 Summit St- comments were regarding the noise from the Roost on the River concert venue

Beth Bline, Summit St- comments were regarding the noise from the Roost on the River concert venue

Jeff Molden, Beacon- comments were regarding the noise from the Roost on the River concert venue

Bill Price, South end- comments were regarding the noise from the Roost on the River concert venue

Jeremy Davies, 19 Summit St - comments were regarding the noise from the Roost on the River concert venue

Dave McElfresh, 153 N 39th St, President Newark Firefighters Local 109- I worked the last meeting but I did watch the video and after several calls and text messages I felt the need to try to set the record straight. This is about the conversation about Ordinance 19-18. There were several comments made that I can only assume that people misspoke, misinformed or just didn't quite get the facts right. Additionally I am curious as to why this has the emergency clause added. I don't see where this was justified usually Mr. Marmie asks why the emergency clause but I didn't see that in the minutes or the video. I believe more time for community input is important as well as disclosure of facts and therefore should be held for two readings. Mr. Blake started asking some questions about the new proposed station. Mr. Rhodes stated that the new station would be fully staffed with a medic and a fire truck this is somewhat semantics but keeping

in mind the definition of full staffed means different things per national protection safety standards a full staffed engine has 4 people, a ladder has 5 and a medic has 2 preferably 3. The way that Newark runs full staffed in 3 on an engine and 2 on a medic so based on how we do that it would take 5 additional to fully staff this new station they are calling Station 5. To further explain why that number is important we currently staff 3 stations with a minimum of 16 people on duty so if you add another station that is fully staffed that would take an additional 5 so that means you would need an additional 21 people. Anything less than that means you're not fully staffed or you would be cutting from somewhere else to fully staff this new station. Mr. Rhodes made 2 comments, one that we had 4 stations in 2015 with only 72 firefighters and today we will have 79 with three fire stations. I did some checking and in 2015 we were staffing at 14 which involved cross staffing at the west end, sometimes at the north end and the east end station was closed most of the time. In fact I just did a Google search and the Advocate story July 23rd 2016 said Newark's east end station open one in four days and I quote the Advocate "Connor who moved into leadership in February of 2015 established a policy to call in firefighters when manpower falls below 14 on duty. When staffing is at 15 there are not enough firefighters at the west end station to keep all emergency vehicles in service at one time. When 16 are available 3 of the city's 4 stations are fully staffed." I didn't just take my information from the Advocate although that does seem fairly adequate I did look up internal memos and what the staffing conversation was when we were shutting down the east end and browning out stations and cross staffing others. At that time I tried to go chronologically listening to the video, Mr. Marmie said that the majority of the runs happen in this district. That kind of hit me because that is not the case. This is not the busiest district nor is it the second busiest district it is true however that the response times in that area are high and need to be addressed. I have no argument that there is a need for that station, there is a need but there are other parts of the city that need covered as well and we need to deal in accurate information. Downtown is very busy; the second busiest station is the north end currently and the west end followed by that. It also became apparent that the reason that administration couldn't give an answer on staffing was because they don't know how many firefighters will show up that day. I am paraphrasing that is not verbatim they kept referring that it depends how many call off. Director Baum said that the last OSU Michigan game 12 firefighters marked off sick. I am aware that he has already sent an email apologizing for that and I do appreciate that. I did not get that email but someone forwarded it to me. I am assuming that the Director misspoke or was misinformed because the fact is 6 firefighters took a contractual personal day, 3 were on scheduled unpaid Kelly day and two were on contractual vacation day. That equals 11 off total and none marked off sick. Certainly that is a specific incident of high use of time off and it does occur occasionally like any profession or work place but that is not the norm and saying that 12 firefighters marked off sick for a football game certainly wrongfully paints our firefighters in a negative light and it is completely false. When I got hired in 1988 minimum staffing was 12 or 13, in the 2000's in contract negotiations we raised that to 19 until 2010 when we lost that 19 contractual staffing and then by policy it has been cut from anywhere to 16 to 14. Currently by policy of the Chief and the city are at 16. This is to maintain a certain level of service. Throughout history we have had to account for employees taking time off in any workplace and we have a contract that spells that time off so it is well known but there is also a known level to protect the citizens of Newark and we know that sometimes overtime is necessary to meet that level of service. Going forward Councilman Marmie questioned why Mr. Blake was suddenly concerned about response time at the north end station when he hadn't during the recent construction which increased response times significantly and from my understanding the Chief tried to address that by having a lane open but either wasn't cost efficient or was not feasible and it was a concern however comparing response times because of construction to not actually having staffing at a station is not a fair comparison. Imagine your response times up there in the north end with construction and that station not staffed. Later in the regular Council meeting Councilman Lang stated that it has been a transparent process and plenty of time to have questions and have them answered. The question has been asked over and over including by me but there has been no clear direct answer as to how they plan to staff and equip a new station and the impact that it will have on other areas of the city. It is always you will have to ask the Chief. I believe that there may be a plan but the administration doesn't want to disclose because it does reduce service to other parts of the city and they refuse to admit that. Let's face it we have already reduced service to the east end by closing the east end fire and EMS service because we could not afford to staff it. If there is not a clear plan how we will do this with a new station and again I ask why are we building a 3 to 3 and a half million dollar station if we don't know how we are going to equip it or staff it? Transparency is not just allowing questions it is providing answers to the public. As a stated earlier to further staff another station takes 5 more people a day, there are three shifts so that would mean 15 additional personnel need to be hired at a minimum and I say minimum because those 15 also get vacation, time off so much more than that because they will have to provide that service 24/7 365 days a year. So again what is the plan? Are you going to hire 15-20 more firefighters? If not where are you going to cut service? You have to; you need 21 to open a fully staffed station. The public deserves to know. This is an issue that affects the well-being and safety of our residents of Newark. I am almost done but I feel the need to clarify one more issue that arose during the last Council

meeting that I watched and read the minutes to. A question by a member of the audience and one Councilman, Councilman Lang regarding who received union campaign donations. It appeared to me that there was a possible insinuation that this was the only reason that Councilman Blake was concerned for public safety and asking questions. The Union has always tried to make an issue of concern for our public clear. Make clear that we understand and recognize the need for a station in this area station 5 but not when you shut down the east end while saying you can't afford to staff it and it clearly appears that you are going to cut somewhere else to open station 5. You have disclosed no plan to staff and we haven't talked much about how you will equip it. Yes we need additional trucks to put in this new station. We have consistently asked why you are building new stations when you can't adequately equip and staff what you have. These are public safety issues not political. So for a legally organized political action committee they use fire fighters voluntary contributions not union dues we decide to donate to candidates that share our concerns for public safety why is that in question? It is fair to ask but let's also question who is to receive money from the construction company who gets most of the city's bids for construction including all the fire stations, the architect who profits from the plans, bankers who profit from all the building and loaning, the foundations and landowners who own all of these lands and profit from the lands and building deals. I am glad that Mr. Cost and Mr. Fraizer mentioned looking them up on line because I did and all of the aforementioned people have donated to Mayor Hall and many on this Council who make decisions that have the potential to bring them a lot of wealth. But for some reason we are worried about the hardworking public servants our firefighters giving to those who desire to help protect public safety. Firefighters have no monetary gain one way or the other for a new fire station. The contributors to some candidates have had and continue to have great financial gain from their support. Let's just deal in facts and not blame our firefighters.

ORDINANCES ON FIRST READING

By: Marmie, Lang, Cost, Fraizer, Rath

19-18 AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF \$2,950,000.00 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTION SHARON VALLEY ROAD FIRE STATION NO. 5, INCLUDING SITE PREPARATION AND ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

Motion by Mr. Marmie to adopt Ordinance No. 19-18, second by Fraizer

Mr. Fennell- I would like to make a motion to amend to remove the emergency clause to allow for a second reading and more discussion.

Mr. Marmie- a motion can't be made to remove the emergency clause in these situations because Bond Council requires it.

Law Director Sassen- stated a motion to amend can be made to remove the emergency clause

Motion by Mr. Fennell to amend Ordinance No. 19-18 to remove the emergency clause, second by Mr. Blake

Mr. Marmie- I am going to advise Council that the Bond Council is the one that requires the emergency clause. It is on all of our bond issues including the other three that are on here tonight.

Mr. Fennell- I think that the reason in particular with this is from what we heard there might be benefit from further discussion

Motion to amend failed by a vote of 2-8

Mr. Blake- thank you for the opportunity to speak to this ordinance. I first want to say that I agree we have had a lot of discussion regarding the response times on the west end of town and I am in favor of this project. I think that this is a project that is worthy and needed. When I have had conversations with leadership within the Division of Fire and firefighters we know that the response time is what actually saves lives when we are able to get someone from the station to the patient who is having a heart attack, stroke or whatever the medical issue may be we need to get there as quickly as possible. I want to make it very clear that I am not in objection we have known for a long time historically that area of town has had long response times so I just want to reiterate that and make that very clear. Since the last meeting I have had an email exchange with the Fire Chief that you all have been copied on and he does state in his response that it is 21 that is the number to be fully staffed to be able to operate the new fire station and to maintain full service at the other stations. The number is 21 he clearly puts that within his response at which I am appreciative of that because I believe that it was over a year ago where myself. Councilman Fennell, Councilman Ellington participated in a town hall meeting to discuss this very issue of staffing. It was at OSU Newark and I thought that we had a good discussion there weren't any solutions from that but it was the beginning of a public discussion. Since there have been many private conversations and small group meetings and things of that nature but I think that the issue is that this issue needs to be public. A committee of this Council should be involved in how we are deciding the staffing issue. There needs to be more

open discuss on how we are going to spend this ordinance 2.9 million dollars to borrow to put to debt to the citizens of Newark to build this station. This is a very expensive project so they deserve answers to how exactly are we going to staff this. If you just look at the answer that our Chief gave me of 21 and you look at the other stations how are we staffing the other 3 stations in our community. We do have three on a truck and two on a medic so that means that there are 5 per shift. We know that we run a 24/7 fire station which means there are three shifts which is your 15 number. I know that there are numbers that like to get thrown around to make the issue complex but it is not as complex as it needs to be. I think that it is something that we need to continue discussions on in the future and those discussions need to be public and on the record so that everyone has the same information and so everyone is aware what direction we are going. Because if we need 10 more people not just the five SAFER grant positions but an additional 10 people at minimum then where is that coming from? Where are we doing that? Ultimately if we are going to be asked to reduce service in another area of our city then that needs to be stated publicly. I am going to urge a no vote on this just because we have no plan how we are going to staff this building. It is our staff, our firefighters and EMS personnel that saves the lives not the building that saves lives. Just on the fact of us not having an inclusive public discussion on the staffing issue I am not supportive of borrowing 2.9 million dollars on the backs of the citizens of Newark.

Mr. Fraizer- since we are talking numbers we have 6 downtown, we have 5 at Hollander and we have 5 at West Main so when the Chief is asked the question we are going to have a firetruck and an EMS unit the number is going to be 5 that is 21; currently we have 22-23 firefighters on staff per shift with people who are on vacations, sick, Kelly days that is what drops that number down to the appropriate level. When it comes to staffing the number one key to staffing is the contractual obligations set up between the city and the firefighters union. When it comes to that contract being negotiated in the fall of this year and the spring of next year those contract negotiations are essential to make sure our staffing is in order. A couple of weeks ago the fire department, firefighters the union brought up a great idea about internship programs about getting young people engaged and bringing them to help with the EMS to give them an educational credit also to get them more engaged in the city. We are building for the future. We know that there are high run times in that area, everybody says there is a need and that the funding of this is not going to take away staffing at all. They are separate buckets of money. When it comes to the Auditor coming forward stating we can afford this and the Fire Chief and Safety Director stating that we absolutely need this as well then we are doing what is in the interest of the publics good. When it comes to the decisions of staffing of this in two years we still have the contract negotiation that has to occur as well as opportunities for improvement and advancement not only in educating but in providing the services that we all hope to see. I look forward to the future and I totally support this. I think that it would be very short sided if you did not support this.

Mr. Lang- we have known for a long time that this is a problematic area of the city. Where we plan to put this fire station is literally in the middle of 3 of our 4 longest response times based on the map that the Chief put together for us back in 2018 which is by the way is when we started talking about this fire station. It has been a very transparent process there have been how many Council meetings between June of last year and now for people to come in and talk to us. Every issue, every time it has come up there has been opportunities for folks to come and speak on it. We have asked questions those questions have been answered some of those questions may seem deliberately designed where the Chief has stated that we have to wait until we know about the SAFER grant and wait until we know what the budget looks like but we are still asking those questions and pretending like we don't know the answers therefore we can't support this. The Chief has been very clear that we need to know about the SAFER grants, we need to look at what the budget looks like next year and all the numbers that need to be worked out. The way that you end up covering however many you are going to staff on any given shift depends on what you got in the budget for overtime and things like that. We sat down with the Chief back in April that was the last most recent meeting where we asked these questions. I sat there with several Councilmembers that asked questions and certain Councilmembers that did not ask any questions at that meeting and have decided to wait until now to start asking the questions and I think again as I stated last meeting it to me is disingenuous to act like now we haven't had these opportunities and want to delay this further when we have the land it has been donated, interest rates are at a great spot and we are in a great spot to finance this at this time. I did want to address the discussions about the collective bargaining agreement which came up in the Finance Committee the last time around I think, my comment was just in understanding that it would be reasonable to ask who had received any donations when the collective bargaining agreement is being brought up multiple times when we are about to renegotiate that contract in another month or so. Certainly if you think that it is appropriate to look at donations across the board I think that has been brought up on past issues. When we have voted on things people wanted to know so I think it is appropriate to ask those questions that is why we make our finance reports public and available on the website.

Mr. Blake- I think that what is disingenuous is to try to understand that the 5 positions with the SAFER grant are going to be able to fulfill a new station. Five temporary positions are not going to be able to fully staff a 24/7 fire station. What I think is disingenuous is the idea thinking that through the next contract negotiation we'll be able to get 10 new positions out of that. That is not true, that is not going to happen. We have to have an open honest discussion about how we are going to move forward with the staffing and the safety. Building that building is going to be very nice but it is not going to keep the people in that neighborhood safe. It is the actual personnel that is going to keep the people safe. I was the one that pushed for the town hall, I've had conversations with our Fire Chief, we need public discussions about this because having behind closed doors discussion is nice but things need to be open in the public we are a public entity.

Mr. Lang- just two quick points, we talk about removing firefighters from Hollander and potential reducing times I think that when you talk to the Chief you do have to agree adding another location in a central location like this in the city is going to have the overall effect of reducing the average response times for the whole city; even if it gets a little longer here it gets a lot shorter there. When we look at average response times for the whole city which is probably the most important number to look at it is very likely that this is going to reduce regardless of how many firefighters we have manning those stations. Putting in a more centralized location is going to improve our response times overall.

Motion to adopt passed by a vote of 8-2 (Blake, Fennell)

By: Marmie, Lang, Cost, Fraizer, Rath

19-19 AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$2,550,000.00 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF TAMARACK 40TH STREET UPGRADE STORMWATER IMPROVEMENTS, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Motion to adopt Ordinance No. 19-19 by Mr. Marmie, second by Mr. Rath

Motion passed by a vote of 10-0.

By: Marmie, Cost, Fraizer, Rath

19-20 AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$525,000.00 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF WATER SYSTEM IMPROVEMENTS, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

Motion by Mr. Marmie to adopt Ordinance No. 19-20, second by Mr. Fraizer

Motion passed by a vote of 10-0.

By: Marmie, Fraizer, Cost, Rath

19-21 AN ORDINANCE CONSOLIDATING TWO BOND ANTICIPATION NOTE ISSUES OF THE CITY OF NEWARK, OHIO AND DECLARING AN EMERGENCY

Motion by Mr. Marmie to adopt Ordinance No. 19-21, second by Mr. Fraizer

Motion passed by a vote of 10-0.

19-22 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 1435-1445 WEST MAIN STREET, CITY OF NEWARK, LICKING COUNTY, OHIO FROM THAT OF MFR- MULTI-FAMILY RESIDENCE DISTRICT TO MB- MEDIUM INTENSITY BUSINESS DISTRICT ZONING CODE OF THE CITY OF NEWARK, OHIO.

Referred to Planning Commission

19-23 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 680 WESLEY AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO FROM THAT OF RH –HIGH DENSITY SINGLE FAMILY RESIDENCE DISTRICT TO GO- GENERAL OFFICE, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Referred to Planning Commission

19-24 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 176 MT. VERNON RD, CITY OF NEWARK, LICKING COUNTY, OHIO FROM THAT OF MFR-MULTI-FAMILY RESIDENCE DISTRICT TO LC- LIMITED COMMERCIAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Referred to Planning Commission

RESOLUTIONS ON SECOND READING

By: Marmie, Cost, Rath, Fraizer, Lang

19-59 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (100 General Fund-\$1000.00 Donation: PTSD Training NFD)

Motion by Mr. Marmie to adopt Resolution No. 19-59, second by Mr. Cost

Motion passed by a vote of 10-0.

By: Rath, Cost, Fraizer, Lang

19-60 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT APPLICATIONS TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENTS PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED.

Motion to adopt Resolution No. 19-60 by Mr. Rath, second by Mr. Fraizer

Motion passed by a vote of 10-0.

By: Rath, Cost, Marmie, Lang, Fraizer

19-61 A RESOLUTION OF CONSENT AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF NEWARK OHIO TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR REPLACEMENT OF GUARDRAIL END TREATMENTS ON THE NATIONAL HIGHWAY SYSTEMS ROUTES THROUGH NEWARK, ST RT 16, ST RT 79 AND ST RT 13.

Motion by Mr. Rath to adopt Resolution No. 19-61, second by Mr. Cost

Motion passed by a vote of 10-0.

RESOLUTIONS ON FIRST READING

By: Marmie, Cost, Fraizer, Rath

19-62 CI A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- Expedite

Motion by Mr. Lang to waive the two day reading rule on Resolution No. 19-62, second by Mr. Fraizer

Mr. Lang- this is to correct lease payments that weren't budgeted for originally and we need to expedite it to make that payment.

Motion passed by a vote of 10-0.

Motion to adopt Resolution No. 19-62, second by Mr. Fraizer

Motion passed by a vote of 10-0.

By: Marmie, Cost, Fraizer, Rath

19-63 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY

Motion by Mr. Marmie to adopt Resolution No. 19-63, second by Mr. Fraizer

Motion passed by a vote of 10-0.0

By: Marmie, Cost, Fraizer, Rath

19-64 A RESOLUTION APPROPRIATING AND DISAPPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- Expedite

Motion by Mr. Marmie to waive the two day reading rule on Resolution No. 19-64, second by Mr. Fraizer

Mr. Marmie- these need to be expedited because we have some crucial deadlines to meet especially with road salt and other miscellaneous supplies that need to be bought right away or we lose our opportunity to purchase them at a discounted price.

Motion passed by a vote of 10-0.

Motion by Mr. Marmie to adopt Resolution No. 19-64, second by Mr. Fraizer

Motion passed by a vote of 10-0.

By: Cost, Rath, Fraizer

19-65 A RESOLUTION APPROPRIATING AND DISAPPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Held for a second reading

By: Rath, Marmie, Cost, Fraizer

19-66 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE BIDDING FOR THE REBUILD AND RE-INSTALLATION OF ONE SCREENING UNITS AT THE CITY OF NEWARK WASTEWATER TREATMENT PLANT.

Held for a second reading

By: Marmie, Cost, Fraizer, Rath

19-67 A RESOLUTION REPEALING RESOLUTION 19-33 AND AMENDING THE DISTRIBUTION AND USE OF NET EMERGENCY MEDICAL TRANSPORT REVENUE

Held for a second reading

By: Marmie, Cost, Fraizer, Rath

19-68 CI A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Held for a second reading

COMMENTS FROM CITIZENS

Tom Bruner, 419 S 2nd St- his comments were regarding the noise from the Roost on the River concert venue

Melinda Molden, Beacon- her comments were regarding the noise from Roost on the River concert venue

Rochelle Bolen Smith, 237 Violet Ct- congratulated the Advocate on an excellent article about the deaths in our community due to drug overdose. I think they did an excellent job on the issue of how our community has a greater loss than other communities that have dealt with it more proactively. It is disappointing noise but it seems to be accurate. Regarding the noise ordinance in our ordinance it specifically states about places of public entertainment that they are supposed to have a warning sign stating that sound levels within can cause permanent hearing impairment. That is for the people who are going to the concerts on other people living in the community. All other residents are under the obligation to be quiet within the hours of 9:30 P.M. to 7:00 A.M. yet there seems to be exceptions for special interest groups. That seems curious to me that they have more rights than the community. It also indicates that the Director of Public Safety can grant special variances and that is not being disclosed to the public and I think that they have a right to know that their interest are being considered less important than the rest of the public.

Robert Evans, 22 Summit St- his comments were regarding the Roost on the River concert venue.

Daniel Crawford, 163 S 2nd St- stated that he usually works on Saturdays so he hasn't been exposed to the concerts however he got off early and realized how much agony the residents closer to the venue must be in. He doesn't think that it is wise to have a concert venue in the middle of a residential area. He stated that he was standing up in solidarity with those who are concerned about building another fire station without being able to say that it is going to be manned.

Andrew Swick, South side of Newark- he and his wife served as missionaries in Haiti since 2011 and have dealt with concerts similar to what the others have been talking about. His comments were regarding the foul language that was being used that his small children could hear. It was very loud and disturbing of the peace.

MISCELLANEOUS

Mr. Marmie- called a Finance Committee meeting. I really do feel for the residents in that area, I completely understand something going on in your neighborhood that you don't want. I can tell you that there are a couple of issues in my neighborhood that I don't agree with but it fell within the law. We have multi housing with four unrelated individuals in various houses in my neighborhood and nothing can be done about it. I can hear music at the Trout Club three nights a week during the

summer. There are individuals in this room that I believe play there. I can hear it in my neighborhood and at my house; it was not that way when I moved into my house. A woman in the audience spoke while he was making his comments but was asked to be quiet. The same type of respect that was just displayed was the same type that some of us on Council got this weekend for individuals saying that if we have to stay up so is Council we are going to call all night long. Is that community threatening the Mayor that we're going to call him all night long because if you have to stay awake he is going to have to stay awake? Music is an art you may not like what is being said up there but it is an art a form of speech. Property owners have their rights, you have your rights and we will fight for what is within the law. We will work on things that will assist but we can't do that overnight. Attorneys make so we have to have a machine calibrated just hours before using it and after using it and that is the only way it is an enforceable law. We can't change everything to satisfy everyone. We do listen to you and we are in support of you whether you think we are or we aren't. You can shake your head sir that is fine. We are trying to help, we really are. Can we do it overnight? No we can't but can we also can't shut down the rest of the city that is not fair to the other businesses and venues that happen within our community. It has to be fair and it has to be just. We can't legislate morals and values either. Give those of us on Council the opportunity to assist be patient we need to work on things. We indicated that when you folks came here for the very first time that even if we had an ordinance to put forward that it wouldn't have gone through in time for the concert that happened last weekend. The profanity is unacceptable I am 100% in support of that. I was sitting here when she said that there would be no profanity and I want to hear an answer from her on that. There are only certain things that can be done we have to do what is right for the entire city not just for one area and don't get angry it doesn't help anybody it doesn't help the issue. If we want to work together, work as a community then let's not get so angry.

Mr. Rath- I received a bunch of phone calls about the other night as well. I received five phone calls from two different people. One of those people that called me three times isn't even in the room and the other person that called me was Tom Burner who said nobody called him back. I'm sorry but on both of the messages that were left there was no name or number given and the number I was called from was blocked. I am compassionate with you guys, I understand I wouldn't want this in my neighborhood either. There is a legislative, executive and administrative branch of government even in city government. We are in the legislative branch so why I have people calling me insisting that I do something I don't know what I could do on a Saturday afternoon and Saturday evening. Am I going to hold a special Council meeting and hand out a piece of legislation to everybody to pass with an emergency clause without a public meeting and take that piece of paper over to the Police Department to have them shut them down. No that is absolutely ludicrous to think that would happen or that we would do that. When you guys came two weeks ago I even said at that time do we need to address the noise ordinance? Yes it is old, antiquated and needs to be addressed. I got threatening and demeaning voicemails that were just shocking to me. I didn't appreciate that very much and it is not very level headed or mature thinking the voicemails that I got. I am not talking about what you guys said here tonight I understand your complaints. I don't know what the right answer is but that is what we do, we take time do research and look at other ordinances that other municipalities have then we compare that municipality to us and look at the success rate and effectiveness to see if we could implement there here. Then after all of that and we feel we have found what might work best for the City of Newark we then propose, pass and enact legislation. Sometimes we screw up and we come back and change it because what we thought was right wasn't right. I look forward to the discussion on the noise ordinance in the future. I am happy that we passed Ordinance 19-18 the money for the fire station. If you go online of the Board of Elections and look at the donations for people who have contributed to me you're not going to find any monies from the FOP or the firefighters. According to what Mr. McElfresh said tonight I haven't received any money from the firefighters union because I don't support the safety forces. He said that he wants to support the people who support safety for the people of Newark. That couldn't be further from the truth. There has never been a time anyone from the fire department or the police department or any other safety forces have come to this Council and asked for something and been able to justify their request that I have voted against that. When the Safety Director or the Police Chief or the Fire Chief comes and asks and the Auditor says we have the money for it and it makes sense to do this and those who control the purse strings says it makes sense to do this I am 100% in support of that and always have been and always will be. Like I said this is a legislative branch of government not an administrative branch not an executive branch so far be it for me to tell our Fire Chief how he is going to run his office. If I have a problem with the way that he is running his business we are going to go to the Safety Director, the Mayor and if it is a big enough problem we are going to cause a big enough stink and say we need to replace him he is not doing a good job. It is still up to them if they want to do it or not but I don't see that happening anytime soon. So when he tells us that we need a new fire station and our response

times are long and it is going to create a safer environment to put a fire station in this area to decrease response times when those response times are way out of standards then I am going to support that. Also very happy to have voted yes for Ordinance 19-19 which was for Tamarack and 40th Street and the intersection of Cherry Valley and West Main stormwater upgrades. That is an important entrance way into the City of Newark and that is going to improve that thoroughfare significantly as well as lend towards future development in that area.

Mr. Blake- I want to tell you folks thanks. I live on Gainor Ave and I drove down National Drive, up 2nd Street then to Summit it was unbelievable. I appreciate that you are here and that you will stay involved. I know from the previous meeting there were some Councilmembers who were interested in working on the noise ordinance so I would add my name to that. I understand that people made phone calls and left voicemail messages, you're upset, you're frustrated there are emotions there so I understand that and part of being a public servant is that you have to deal with that. That is our duty. I hope that you continue to stay involved because it's not going to be a quick fix we aren't solving it tonight but hopefully we can start getting some ideas together and something drafted and have public discussions, some more public discussions about this issue. Thank you for being here tonight. Since I have been on Council I have supported public safety during my tenure. When we had discussions about staffing and part timers we had a town hall meeting, when we had discussions related to this fire station we had a town hall meeting. I view wanting to expand the discussion to the entire community as important. I want to get people involved because this affects all of us. If we build a station on one end of town which is wonderful like I said before but if it is going to affect the service because you are reducing staffing in another area that is a concern that needs to be discussed publicly. As we move forward with this Council and with the construction that was passed tonight I hope that one of these committees is involved in a public discussion related to staffing. There is a gap here the only solution that we have heard to this point has been the 5 positions from the SAFER grant. There are 10 more positions that need to be filled for a station. The Chief said that in our email exchange points to that, there are 10 positions that need to be filled for a 24/7 fire station to be built. That has to be stressed and I hope that we have public open discussions about it because we are the purse strings; City Council is the purse strings. Thank you for being here tonight and I hope that you stay involved. I'm not going to shy away from being supportive of public safety in our community. My interest is to make sure that the citizens of Newark are safe if that aligns with any group in our community I welcome their alliance.

Mr. Bubb- that Patrick Guancile for his donation regarding Resolution 19-59 for PTSD training for the Fire Department.

Mr. Cost – I would like to thank the south side citizens for coming this evening. It is essential that we take a look at the noise ordinance and see what we can do to make it objective and make it enforceable and that is not an easy task but it needs to be done and it will take time and effort to make it fair for everyone throughout the community. I think that it is important thing to achieve. I also welcome phone calls whenever you want to call. I came back to two recorded messages at the place of my business, I was not there when those calls were made but I would appreciate if you leave your name and phone number so I can call you back. I would be glad to do that I return all of my phone calls and all of my messages. Please feel free to reach out to me when you feel the need or if you have a question or a concern.

Mr. Fennell- I would like to thank everybody for coming. I think that it is clear that we need to look at our noise ordinance and I think that your comments will be considered heavily in that conversation. I appreciate you coming out and sharing I know that it can be intimidating to come up and speak to people when they can't speak back to you I know it feels a little awkward so I appreciate you coming out and sharing all of the information that you did. I would also like to state again I am not opposed to the fire station being built I just want to make sure that all of our fire stations are fully staffed and that they are functioning. My concern as the representative of the 7th Ward is that the Hollander station would have people taken away from that and the 7th Ward has some of the oldest houses in the city. They don't have the same safety provisions set as your homes do and I just want to make sure that when we move forward that we're creating a safer community across the board. I faith in the Fire Chief and this body that we will consider that and make the decisions the appropriate way as we move forward. My no vote tonight is because I felt that this merited a little bit more discussion, I understand that generally these bonds are written to have the emergency clause in them however in this particular instance I would have liked the public to have another opportunity to listen and make comments.

Mr. Fraizer- Tom if I had known that I could go to your house I would not have driven around, Tom and I drove around and tried to listen to it. When anything is new it is hard to gauge the noise. The property owners at this point with the cut off being 11:30 getting EMS services there, the Sheriff there it looks like they are moving in the right direction. I think that there needs to be a

review of the noise ordinance it was written as a residential basically termed noncommercial noise ordinance. The Safety Director does have a clause in there but ultimately if members are going to draft it I have been very involved in 11 pieces of legislation I know that the first step is putting the pen to paper. Anybody that is interested I would welcome you to write it and we'll take a look at it but it ultimately takes someone to write it. I would really appreciate those who spoke today that said they wanted to be involved to do the task, get involved and try to write something that we can remediate the situation with. The other piece on the south end is there has to be a delicate balance, the venue is zoned for that, they got the appropriate permits so they are there. The comments about Legend Valley in two weeks your windows are most likely to shake because they are having Lost Lands. The conversation is not the people out there knew they were there it is you in Newark are going to be effected by something at Lost Lands as well. Chewy I love the name; I appreciate the work that you do it is the most impoverished country in the western hemisphere anything good that can happen in Haiti is good for the rest of the world. When it comes to the fire station ultimately it is investing in the future of Newark. We have a college there and we have 7-11 minute EMS runs there according to a presentation I believe 4 years ago by Mr. McElfresh 3 minutes is about where you want to get to for a cardiac arrest in order to facilitate breathing and to make sure that they have the highest rate of recovery as possible. When we look at the rates and the location fire station 4 is in a bad location to respond to the city of Newark. When it was built it was built with Longaberger Basket with 500 employees there and it was built with the TIF, the TIF went defunked and the city had to incur a lot of cost and opportunity cost by the investment made over there. With this fire station being centrally located to be able to respond it is a good thing for our community. When it comes to staffing the SAFER grant is a yearly grant I expect more grants to be applied for, I expect part of the union negotiations with Kelly days and other opportunities to fully staff to 22-23 whatever the total number of staffing it needs to be. I think that it is going to be a cooperative effort between the union and the city if we want to come to an agreement on staffing and to make sure that we do it above board to make sure that everybody is can be aware and have the right conversations. When it comes to the same fire station it is a good investment for our community and I am 100% behind it.

Ms. Hall- I want to that every one of you for coming tonight. Tom I got your message. I think that it's not really pointing fingers at Council saying do something I think it is what can we do? What do we do? We have to start this legislation we have to redo it. It is going to take some time and hopefully by the next concert next year we will have something in place. We would like you to be involved as well so please come back and let us know your thoughts; we are going to work on this. I didn't have to drive around I just live a couple of blocks away from you guys and after about two hours you are anxious and you notice that your pets are anxious. What can you do? I didn't want to leave my house so my thoughts are with you too. Hopefully we can all get together and get something resolved. My heart goes out to you all you are closer to them. Thank you for being here. I also wanted to remind you that this Saturday is the Heath October Fest it is free admission at Davis Shai. There will be a beer garden, food, arts, crafts and a kid's area which will have inflatables, face painting, gladiator balls, a comedian twice, a ventriloquist twice and a balloon artist. It is from 4-10 P.M.

Mr. Labutis- I want to thank all of the south side residents who came this evening and shared your concerns. I did receive a couple of voicemails on Saturday but like Mr. Cost I would ask that you leave your name and number so that I can return the call. I did take a drive however I think that I had the worst timing on Council because I went at 8:30 which I understand was between sessions. I didn't hear much at that point because of bad timing so if we decide to work on this it is something that we don't want to make a rush judgement on. We want something that can address this issue but also be fair to other venues in the city. We want to help but we want to be fair in making those decisions because they will affect everyone. I am glad that we were able to pass Ordinance 19-18 in support of the new fire station. Obviously we need better response times there is a growing campus, more housing going in so I am glad we could support that.

Mr. Lang- first to address the Roost on the River, to echo what everybody else has already said tonight I appreciate everyone who came out tonight. I think that I spoke to one person who called me the other didn't leave a number and I think that it might have been Mr. Bruner. Mr. Bruner please leave a message I will get back to you in the future if you do. We talked about needing to come back, don't wait until the next concert to come back. It sounds like there is enough support here there are several members willing to work on some legislation. I would say come back and hold us to task I would be happy to consider what my other colleagues come up with. I think that it is important that whatever revamping we do can't be overly board and capable of being enforced. Those are two goals that we should look at as we look to move forward with that. In regards to Ordinance 19-18 I am very much in support of building a fire station in the 5th Ward, I am really excited that it passed tonight. I was very

disappointed that it wasn't unanimous. I trust the Chief to tell me what strategically makes the most sense for fighting fires in our community and I think that it is short sided to not support a building that is centrally located in an area of growth when the opportunity presents which is what we are going to do. It is going to be what shapes our community for a long time. I am really happy to move forward with that. Last I would like to thank Mr. Cost and Mr. Fraizer for joining me, we had the opportunity to go and speak to the third graders at Legend Elementary they gave us a couple of thank you cards for coming to speak. These kids were really engaged it was really cool sitting down with them. We took them through a mock committee meeting and they dealt what to do about pizza on Fridays. We had about twelve amendments to these things, I think one measure passed and one failed but they learned a lot about compromising. I think Mr. Fraizer did a great job he one amendment that wouldn't go through and he worked with the committee to see what folks would support then they ended up passing it. It was a fun time. I have gone and spoke a couple of times and I really appreciate them letting us come speak. It is probably my favorite part of the job.

President Ellington- I would like to add my thanks for all of you coming tonight. I was there around Summit and 2nd about 4:00 so I know there was music at 4:00. It was fairly loud. I drove around Beacon and then stopped at the Moose parking lot you could hardly hear a thing over there. I think that towards Summit and 2nd the speakers have got to be going that way because it was pretty loud. I went out again about 11:00 to get a frosty. I was over on Summit and 2nd for about 15 minutes and it didn't seem like it was quite as loud as it was at 4:00. Maybe I'm wrong but it was loud over that way. I got back over to the Moose and the Moose's band was louder than that. Maybe there is an adjustment with the speakers that can be made because they have to be going your way. We would like to help so we will get working on that. I am not sure what that is going to be but we will try to come up with a solution. Our next meetings are October 7th Committees are at 5:45 P.M. and Council will start promptly at 7:00 P.M.

ADJOURNMENT- Motion by Mr. Cost, second by Mr. Labutis. Motion carried by acclamation.