

COUNCIL MINUTES

November 18, 2019

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the Monday November 18, 2019 Newark City Council Meeting to order

ROLL CALL- Mr. Blake, Mr. Bubb, Mr. Cost, Ms. Hall, Mr. Labutis, Mr. Lang, Mr. Marmie, Mr. Rath

INVOCATION – Mr. Labutis

PLEDGE OF ALLEGIANCE- President Ellington

CAUCUS- Motion by Mr. Marmie to excuse Mr. Fennell, second by Mr. Cost

MINUTES of November 4, 2019 Motion by Mr. Labutis to approve the November 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 Ms. Hall. **Motion carried by acclamation.**

REPORTS OF STANDING COMMITTEES

Finance- **Received & Filed**

Service- **Received & Filed**

REPORTS FROM CITY OFFICIALS

Stephen Johnson, City Auditor- operating report ending October 31, 2019. - **Received & Filed**

Barb Jobes, City Tax Administrator- income tax reports ending October 31, 2019- **Received & Filed**

COMMUNICATIONS

CITIZENS COMMENTS

Carol Cook, 898 Lateglow Ct- I am concerned about our democracy. Our country is representative democracy meaning we vote for people who represent us on making the laws. As a citizen of Newark in this legislative district of Ohio I am concerned that our democracy is at risk. We recently elected new Council At Large members one of them already serving as Ward Councilmember then that individual was appointed to an Ohio legislative position opened by the resignation of the elected State Representative who was appointed to a position within the Republican Administration. Mark Fraizer gave no service or very minimal service in the position to which he was newly elected. I can accept that Mark Fraizer would give up his Council seat to become elected to the position of Council At Large however I can't accept that two seats on Council for which Mr. Fraizer was elected will now be filled by people of the Republican party and the seat of our Ohio legislative representative will be occupied by Mr. Fraizer through appointment not election. Thus voters have had no vote for three people who are supposed to be representing them. This is not a representative democracy. This seems to be a trend among Republicans in this area; have someone elected to office resign so that seat can be filled by someone appointed. This not only leaves the voters without a true democratic representation for a period of time but it also gives the person appointed the well know advantage of incumbency and I think that we all understand that the incumbent has a certain advantage. In 2013 Councilman Johnson was appointed by the County Republican Party in September to serve the final three months of Duke Frost's term after Frost was appointed by Governor John Kasich to the county's Domestic Relations Court bench. In 2017 Curtis Johnson Republican 5th Ward announced his resignation in June and he wasn't seeking re-election that fall and Lang was appointed and ran as an incumbent in the coming election. Since Mark Fraizer has not served the people of Newark in his elected position he has not honored the ethical commitment to voters candidates make when they run for office. It is not in keeping with representative democracy for his seat to be filled from day one by someone they did not elect. I have nothing against Mr. Lang or Mr. Fraizer, in fact I voted for both of them for Newark City Council seats. I thought that both had done a good job on Council. I have a big problem with Republicans appointing elected officials to non-elected positions and then filling positions for which voters should have had a say with people that they appoint. This is not democracy and the people of Newark should be paying attention. I believe that democracy is the best form of government. The future of voters to hold our elected officials

accountable, holding them accountable means that our vote means something. I am against the Mayor's pay raise. It wasn't brought up in the election and I think that we should have had a chance to vote on that.

President Ellington- just a correction Mr. Fraizer was a Councilman At Large not a Ward Councilman and the replacement is done by the rules of the Secretary of State.

Rochelle Bolen Smith, 237 Violet Ct- I thought that was beautifully said and I want to go on record agreeing with it as well as the Advocate Editorial that was in the paper recently I think that it stated the situation very well.

ORDINANCES ON SECOND READING

By: Cost, Rath, Labutis, Lang

19-30 AN ORDINANCE CREATING ONE ADDITIONAL POSITION OF COURT SECURITY BAILIFF WITHIN THE MUNICIPAL COURT AND SETTING COMPENSATION THEREFORE

Motion by Mr. Bubb to adopt Ordinance No. 19-30, second by Mr. Cost

Motion passed by a vote of 8-0.

RESOLUTIONS ON SECOND READING

By: Marmie, Rath, Cost, Labutis, Lang

19-76 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 2019 EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG-LE) FUNDING

Motion by Mr. Marmie to adopt Resolution No. 19-76, second by Mr. Bubb

Motion passed by a vote of 8-0.

By: Marmie, Cost, Rath, Labutis, Lang

19-77 A RESOLUTION APPROPRIATING AND DISAPPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (**100 General Fund-\$7,127.00: Vehicles, 100 General Fund-\$35,000.00: EMS Billing/MedBill**)

Motion by Mr. Marmie to adopt Resolution No. 19-77, second by Mr. Bubb

Motion passed by a vote of 8-0.

RESOLUTIONS ON FIRST READING

By: Rath, Marmie, Cost, Labutis

19-78 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT BIDS AND SELL CERTAIN SURPLUS PERSONAL PROPERTY NOW OWNED BY THE CITY OF NEWARK, OHIO, AND DECLARING THAT SUCH PROPERTY IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE, AND DECLARING AN EMERGENCY.

Motion by Mr. Rath to adopt Resolution No. 19-78, second by Mr. Cost

Mr. Rath- this carries the emergency clause to meet advertising and publication deadlines.

Motion passed by a vote of 8-0.

By: Marmie, Cost, Labutis, Rath

19-79 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-**Expedite (661 Sewer Dept Fund-\$102,354.00: Transfer from Wastewater to Water; 100 General Fund-\$4,000.00: City Auction Expenses; 100 General Fund-\$4,000.00: Misc Supplies APD)**

Motion by Mr. Marmie to waive the two day reading rule, second by Mr. Bubb

Mr. Marmie- we need to expedite these items in order to get them in the appropriate funds, we have some bills that are due and we also want to do some reimbursements to get the books straight before the end of the year.

Motion passed by a vote of 8-0.

Motion by Mr. Marmie to adopt Resolution No. 19-79, second by Mr. Bubb

Motion passed by a vote of 8-0.

By: Marmie, Cost, Labutis, Rath

19-80 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (209 Hotel/Motel Fund-\$20,095.81: Disbursement)

Held for a second reading

COMMENTS FROM CITIZENS

Laura Cambie, 1120 Wintermute- I just wanted to say that I think it would be a good idea for the Mayor to forfeit that raise and put it towards some of the problems in this town like the homelessness, the drugs and hungry people.

Daniel Crawford, 163 S 2nd St- democracy works when the voters are informed. Everybody I pretty much voted for lost but that's ok that is how this is supposed to work but I made all of the votes that I did being as informed as I possibly could have been. While some of the things that I am about to say will seem like they are partisan everybody in here knows that I am a strong advocate for non-partisan elections. I also opposed having our committee and City Council meetings on the same night because we had to postpone part of the Personnel Committee meeting until after this City Council Meeting. I miss when we had them on different night so we can have these conversations at length without interruption. I know that one of the arguments was reducing costs for electricity etc. and that is one of the arguments that we have heard for a number of things; for why we don't have the full staffing that is recommended for Police and Fire. We have full staffing for standards that we have set here recently but for what is recommended for a city of our size we don't have it in the budget. I have heard plenty of times where are you going to find the money for that but then we hear about the proposed pay raises. I think that the appointed officials deserve a pay raise my strong opposition is to the elected officials. I understand that this legislation is to remain compliant with our State Constitution but it doesn't have to include a pay raise. Have the discussion next year or year after about the pay raises. The problem that I had with the recent appointment was that the people of Newark were under the impression that someone was going to be serving a full term.

President Ellington- just an FYI on the Council Meeting situation we changed two years ago and I believe that this is only our second time we have had to suspend so I think for the most part it is working pretty well.

MISCELLANEOUS

Mr. Blake- I want to offer congratulations to Councilman Fraizer, he has sat in this room he knows experiences of the city's challenges and opportunities. He and I have been down on Saturday mornings at the Newark Homeless Outreach, he has had some good ideas dealing with public transit in our community and I hope that he takes those experiences with him to the State House to fight for the people that I hold dear in this community. About a third of our community is a paycheck away from being in trouble. I believe that he does have those experiences and he does care about those folks and I hope that he does champion them at the State House and the kids we have over 300 kids that are homeless in our Newark City School system and take care of our families that are in poverty in our city. I have seen him work with people regarding public transit. Regardless of how you gained the position I hope that you will advocate for those folks and continue to keep those folks in your mind in the decisions that you make. Hopefully you will have a door open because I may pop over to Columbus to harass you a little. I wish you well and look forward to working with you in your new capacity.

Mr. Bubb- I had the opportunity Saturday to watch a live fire training with some of our Newark City Firefighters and our mutual aid partners, it was very insightful and a very good learning experience. It was nice to see Chief Pat Connor as one of the instructors for the event and thank you to the Layton family for donating the home in Newark Township for this training. Best wishes to the Newark Catholic football team as they continue to make a run to State playoffs.

Ms. Hall- I want to wish Mark well.

Mr. Labutis- I want to wish Mr. Fraizer all the best as he moves on the State House. You were prepared and served Council and the City well and I hope that you not only continue to do that for our city but the entire 71st District as well.

Mr. Lang- I will start off and congratulate Mr. Fraizer. I was one of many I think that were really excited to have you at the State House and I really think that you are going to do a fantastic job. I was very disappointed in seeing some of the ways that this whole matter was covered by our Newark Advocate, in particular the Editorial. I don't think that any of the folks involved have really had a chance to speak or were questioned. I will let Mark speak to how everything went down himself but I know just from being friends with him the guy went down to the State House without any idea that he was going to get the appointment that day and he was under a lot of stress going through that whole process. I think Ms. Cook that your comments really spoke to this, left out of that article this was same year 2017 we had a Democrat

that resigned and the person who was running was appointed to take that seat. I think that we are in a position right now where we have a lot of Republicans in higher positions in the State so you are going to see a little bit more movement on the Republican side but this is a process that is played out time and time again and I don't think that anything different is happening in this instance. The process itself for replacing Mr. Fraizer is outlined in our City Charter which is a document that our citizens vote on so we talk about a representative democracy that is the opportunity that the citizens have to vote or not approve of a city charter change or the city charter itself that was a document originally passed by the people. We review it every 5 years, it was reviewed in 2017 Mr. Crawford was on the review committee and I don't recall this subject coming up maybe it did but I don't recall it being something that was discussed. Maybe this is a situation that has highlighted it so maybe in 2022 when it comes up for review it is something that we can address but the City Charter itself I would say is a very democratic document that is passed by the people. This is not a new process that was made up this year it has been in our charter forever and the process itself ultimately puts it to a committee, the central committee is one party but those central committee members are also democratically elected and anybody can run for central committee position. I don't share the same concerns as others do with the way the process is played out I think that the original process is working out the way it was designed to work. Whoever is appointed will serve for two years then they will have to run again for that spot.

Mayor Hall- I will congratulate Mark too and I want to remind everyone that we have a representative in the House from Newark and that could have been any other community in Licking County. We had one with Scott Ryan and that is an asset in many, many ways and I wish you the best of luck. I also want to wish Newark Catholic football the best of luck as they go into the playoffs they have a big game this weekend. Newark High marching band went to OMEA finals for the 40th straight year and that is the only band in the State of Ohio that has done that. I met with them about a week ago and gave them a proclamation for that and they were pretty wound up about that. Veterans Day around Newark was something to be very proud of; we started with a 244th birthday dinner for the Marine Corp. I want to thank all of the lodges and groups that work to honor our veterans as they so deserve and those of course who gave the ultimate sacrifice.

Mr. Marmie- called a Finance committee meeting for two weeks. I want to congratulate Newark Catholic football team for getting where they are at. Anybody that can come out Saturday night they play a very well organized team, they are very good team that has had great success in the past with Harvest Prep. They will play at Westerville Central Saturday evening and it should be a great game Newark Catholic is peaking at the right time in the season so if you want to watch some great high school football Newark Catholic will be taking on Harvest Prep. I too want to congratulate Mr. Fraizer; I have a list of things for you after the meeting. I appreciate the fact that we have somebody who really digs in to every aspect of legislation and will definitely make sure that every t is crossed and i is dotted. He is one who will listen to anybody and everybody and no matter the cause he will take it up if it is something that is important to the citizens that he represents whether it is the park in his own neighborhood or if it is something city wide and now State wide. I think that we have a great individual who is going to represent us well and I wish you great success and thank you very much.

Mr. Rath- I want to congratulate Mr. Fraizer as well and he is one that will listen to anybody if you can get him to stop talking long enough. ☺ You have always come to Council very well informed, very well prepared and there is no doubt in my mind that you will do that on a State level. It is awesome that we have somebody from the city of Newark representing us on the State level. As far as the appointment process goes maybe some people aren't aware of this but Mr. Fraizer was required to take out petitions and have them completed and returned to the Board of Election by sometime in December of 2018. It is a very long election process; it's not just a day so a decision to run for Council At Large was made well before any talk of the appointment came. I know for a fact that he walked into a meeting at 10:00 A.M. a week and a day after the election not knowing whether he was going to have the appointment or not. I know that there were 5 or 6 people who were up for that. It's not like he took out petitions a year earlier knowing he was going to get appointed and knowing he is going to abandon the position. That wasn't the case at all; the opportunity came up because of the things that he has done on Newark Council. He has been recognized at the State level as somebody who would be very qualified for that position and I for one and very proud of that. The appointment process is a constitutional process and it is a legal process that is used widely by both parties. To call out the Republican Party is taking advantage of this process is unfair. It has been used by both parties legally and fairly on the State level and on this board. I know there have been both Democrats and Republicans appointed to City Council. The person who will get appointed to the seat after January 1 will not have the luxury of serving for four years they will only serve for two and then they will run again for a special election because that is the legal process. Daniel you talk about non-partisan elections all the time and I have to be honest with you I think that having a party name open, honest and out front is part of having a well-informed election. The fact that you are a Republican or the fact that you're a Democrat tells people where you stand on a lot of issues without even having to talk to somebody. I think that if we had non-partisan elections it would be non-partisan in name only. They're going to continue to be partisan elections they just won't have an R or a

D next to their name at the ballot and that is the only thing non-partisan about it and that is why I oppose that. I want to say best of luck to Newark Catholic football and congratulations to Newark Catholic volleyball for making it to the State finals. Called a Service Committee Meeting.

President Ellington- well Mr. Fraizer you have been a very well prepared and extremely dedicated Council Member, I appreciate your work and what you have done here and I expect that to continue at the State House. I expect you to ask as many questions there if not more than you have here. I will miss you.

Mr. Fraizer- when it comes to this whole situation the Newark Advocate never called me, they never asked for any information or clarification. They wrote a hypothetical piece on conjecture. The way that it worked was I ran for the election and I won the election with the full intent on serving. The next day Scott Ryan resigned and by November 11th I submitted a cover letter, application and a resume in order to be considered for the position. Five people were interviewed I got called back at 10:00 A.M. on Wednesday the 13th and at 10:30 I had to call my whole family in order for them to come over because I was getting sworn in at 1:00 P.M. This thought of backroom politics and not having a democracy the easiest thing for me to do would be to stay in this seat and have four years of being an At Large Councilman. Next year I have to run District wide to earn my seat to continue to represent this community and I full intend that and I fully intend over the next year for us to do great things in our community including Newark my hometown. I really look forward to working on the State level to improve the District; not just Newark but Heath, Granville, Utica, St. Louisville, Johnstown, New Albany, Reynoldsburg and I have already started out by reaching out for school funding and working for economic development. My motivation is to see our community improve and to see that everybody is treated equally and the quality of life for all citizens continues to increase and we continue to be proud of our community. When it comes to conjecture and poor reporting I am at a loss for words where one simple phone call could clear up this whole thing and everybody could understand that Mark walked into a meeting not knowing if he was going to be a State Representative or not. I appreciate the Speaker and the Caucus for appointing me, I appreciate the opportunity to serve my community my goal is to continue to make you guys proud. This body has been one of the greatest privileges I have had. For the relationships that I have with these people and the willingness to work together on legislation and issues to actual improve the lives of people has been very insightful and very inspiring for me and I intend to continue it and I look forward to the opportunity of seeing new people serve in this position and move the agenda which is making Newark better. I want to thank you all for your time and well wishes. The door is always open for me and I intend to continue to work for the people of Newark and for the 71st District of the Ohio House and we are going to see in the State of Ohio.

President Ellington- our next meetings are on Monday December 2nd Committees will begin at 5:45 P.M. and City Council will be at 7:00 P.M. City Hall is closed next Thursday and Friday for Thanksgiving.

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