

COUNCIL MINUTES

February 20, 2018

Council Chambers

7:00 P.M.

7:00 P.M.- President Ellington called the Tuesday February 20, 2018 Newark City Council Meeting to order.

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

INVOCATION – Mr. Labutis

PLEDGE OF ALLEGIANCE- President Ellington

CAUCUS

MINUTES of February 5, 2018

REPORTS OF STANDING COMMITTEES

Finance- **Received & Filed**

Service- **Received & Filed**

Economic Development- **Received & Filed**

Capital Improvement- **Received & Filed**

REPORTS FROM CITY OFFICIALS

Stephen Johnson, City Auditor- operating report for the period ending January 31, 2018. - **Received & Filed**

Barb Jobes, City Tax Administrator- Income Tax Revenue Report for the period ending January 31, 2018- **Received & Filed**

COMMUNICATIONS

Department of Transportation- notice of final abandonment of a section of existing State Route 13 which is currently identified as West Church Street, North 3rd Street, Hudson Ave and St. Clair Street, within the City of Newark, Licking County Ohio and the renaming of existing State Route 13D which is currently identified as Mount Vernon Road/4th Street from St. Clair Street south to West Church Street to State Route 13 within the City of Newark, Licking County Ohio. - **Received & Filed**

COMMENTS FROM CITIZENS

Laura Cambe, 1120 Wintermute- asking for answers from the Mayor regarding the gazebo and funding to remove it.

ORDINANCES ON SECOND READING

By: Labutis, Marmie, Cost, Bubb, Fraizer, Rath

18-01 AN ORDINANCE AMENDING CHAPTER 454 AND CHAPTER 407 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO, REGARDING THE REGULATION OF PARKING VEHICLES IN THE DOWNTOWN AREA

Motion to adopt Ordinance No. 18-01 by Mr. Labutis, second by Mr. Fraizer

Motion passed by a vote of 10-0.

RESOLUTIONS ON SECOND READING

By: Cost, Marmie, Rath

18-04 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (669 Storm Water Utility Fund: Design work for Cherry Valley-\$175,000.00; 661 Sewer Dept Fund: CSO Optimization work-\$500,000.00)

Motion by Mr. Marmie to adopt Resolution No. 18-04, second by Mr. Fraizer

Motion passed by a vote of 10-0.

By: Marmie, Cost, Rath

18-05 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- CI(335 CI Fund: Machinery & Equipment-\$36,746.00, Buildings-\$4,339.34, Tree Trimming-\$10,000.00)

Motion by Mr. Lang to adopt Resolution No. 18-05, second by Mr. Cost

Motion passed by a vote of 10-0.

By:Rath, Cost, Marmie

18-06 A RESOLUTION APPROVING THE RENEWAL APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT AND DECLARING AN EMERGENCY- Watson Co LLC

Motion by Mr. Rath to adopt Resolution No. 18-06, second by Mr. Fraizer

Motion passed by a vote of 10-0.

By: Rath, Cost, Marmie, Fraizer

18-08 A RESOLUTION AUTHORIZING PARTICIPATION AND RATIFYING PRIOR PARTICIPATION OF THE CITY OF NEWARK, LICKING COUNTY, OHIO, WITH THE DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, FOR THE NEWARK, OHIO - SECTION 14 FEASIBILITY STUDY, AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, AND OTHER APPROPRIATE CITY OFFICIALS, TO ACT FOR AND ON BEHALF OF THE CITY OF NEWARK, IN EXECUTING, ACCEPTING OR OTHERWISE APPROVING ALL DOCUMENTS, AGREEMENTS, INSTRUMENTS, OR OTHER NECESSARY PAPERS REQUIRED BY THE DEPARTMENT OF THE ARMY TO IMPLEMENT SAID PARTICIPATION IN THE NEWARK, OHIO - SECTION 14 FEASIBILITY STUDY

Motion by Mr. Rath to adopt Resolution No. 18-08, second by Mr. Bubb

Mr. Rath- this is routine legislation but it is an emergency to meet deadlines.

Motion passed by a vote of 10-0.

By: Rath, Bubb, Marmie, Cost, Fraizer

18-09 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO ENTER INTO A PURCHASE AGREEMENT WITH PARK NATIONAL BANK FOR THE LEASE-PURCHASE OF SIX (6) CRUISERS FOR THE DIVISION OF POLICE

Motion by Mr. Rath to adopt Resolution No. 18-09, second by Mr. Cost

Motion passed by a vote of 10-0.

By: Rath, Marmie, Cost

18-10 A RESOLUTION APPROVING THE RENEWAL APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT AND DECLARING AN EMERGENCY- Amachler

Mr. Rath- this is listed under the second reading

Mr. Ellington- yes it should be under first reading

Motion to adopt by Mr. Rath, second by Mr. Bubb

Mr. Rath- this is routine legislation but it is an emergency to meet deadlines.

Motion passed by a vote of 10-0.

By: Rath, Bubb, Marmie, Cost, Fraizer

18-11 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR VARIOUS CONSTRUCTION PROJECTS.

Motion by Mr. Rath to adopt Resolution No. 18-11, second by Mr. Bubb

Motion passed by a vote of 10-0.

RESOLUTIONS ON FIRST READING

By: Marmie, Lang, Cost, Rath, Fraizer

18-13 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- EXPEDITE

(929 Intra/Inter Govt Fund: JEDZ1 Distribution-\$78,450.49; 665 CSO Sewer Projects Fund: Anaerobic Digester-\$9,875,000.00; 100 General Fund: Recreational Services-\$7,000.00)

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

Mr. Marmie- these need to be expedite because we need to give money to the JEDZ and there are bills that are past due

Motion passed by a vote of 10-0

Motion to adopt Resolution No. 18-13 by Mr. Marmie, second by Mr. Lang

Motion passed by a vote of 10-0.

By: Marmie, Lang, Cost, Rath, Fraizer

18-14 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR AN AWARD OF FISCAL YEAR 2018-2019 FUNDING UNDER THE OHIO EMS TRAINING AND EQUIPMENT GRANT PROGRAM.

Held for a second reading

By: Rath, Cost, Marmie

18-15 COOPERATING WITH ODOT WITH THE PROJECT THAT CONSISTS OF REPLACEMENT AND RELATED WORK ON OHIO STREET BRIDGE AND MANNING STREET BRIDGE OVER THE NORTH FORK OF THE LICKING RIVER, LYING IN THE CITY OF NEWARK AND DECLARING AN EMERGENCY.

Motion by Mr. Rath to adopt Resolution No. 18-15, second by Mr. Fraizer

Motion by Mr. Rath to amend Resolution No. 18-15, second by Mr. Fraizer

Mr. Rath- there is a paragraph that says leaving 1.9 million and some change and the amendment says leaving a balance of zero dollars and the reason for that is that ODOT is paying for this project and then giving us a low interest loan. The reason we are doing this with an emergency clause is because we have to keep up with ODOT's deadlines.

Motion to amend passed by a vote of 10-0.

Motion to adopt Resolution No. 18-15 as amended passed by a vote of 10-0.

By: Lang, Cost, Marmie, Rath

18-16 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION - CI **(Memo 2017 OPWC \$56,881.53)**

Held for a second reading

COMMENTS FROM CITIZENS

Daniel Crawford, 163 S 2nd Street- he stated that he feels the people deserve to see the paper trail regarding the gazebo beyond what the words they have been told. He stated that he looks forward to seeing if and when a study group will be formed regarding non-partisan elections. He offered to participate in that group but preferred that those participating didn't have an opinion one way or the other. He discussed the tragedy that happened in Florida with the shooting at the high school there. He will be emailing City Council proposed amendment to legislation for them to consider.

MISCELLANEOUS

Mr. Fraizer- I wanted to highlight some things that were on our agenda especially with the parking. We are really focusing on our infrastructure build out and it is a very encouraging sign. When it comes to parking we really want to see how it plays out with the downtown area to try to ease the congestion. I went down there are 12:55 yesterday on President's day and I found one of the last parking spots and that is with a holiday. We do have some great things going on in the city, a police officer was sworn in today, the boys and girls club that is coming to town as well as the grant that is available for downtown businesses to apply for to improve downtown. The tragedy in Florida is heartbreaking,

devastating and the only real word is tragic. When it comes to gun control and violence it is a really hard subject of how do I prevent somebody who wants to do ill to others regardless whether it is a gun, a pipe bomb or a mail bomb, there are a lot of ways for people to hurt one another. I'm interested to see what your ideas are on the topic. That incident was heartbreaking and tragic and a lot of kids lost their innocence that day.

Ms. Hall- I agree with that Mr. Fraizer

Mr. Labutis- I would like to congratulate Director Baum on swearing another officer in this morning, the individual has a lot of experience from other departments so he will bring a wealth of knowledge to us. He called a Safety Committee Meeting.

Mr. Lang- I want to remind folks that the group that met at Trinity a few weeks ago will be meeting this Saturday at 10:00-12:00 at Trinity we had a good turn out last time and will continue the discussion. I echo a lot of what Mr. Fraizer had to say, it was tragic. I will be interested to see what you propose Mr. Crawford. We have the preempted State Law that prohibits us from doing a whole lot; I am interested to see what we can do within the confines of that. There are a lot of protests going on and I think that is great when people exercise their constitutional rights. In the meantime what we can do tomorrow we can reach out to the folks that we have in our lives that we all look over and don't recognize as being isolated or separated from society I think we can do what we can to extend a loving hand. The gun control debate has been raging for a long time and I don't think that there are any easy answers there given our history. I think we need to think about what we can do tomorrow on a micro level to help.

Mr. Marmie- called a Finance Committee Meeting. He congratulated the Mayor on his Paul Harris award at Rotary today. It is well deserved. In addition to that I wanted to make it clear that the Clerk of Council is correct those items were on the second reading. The first reading came prior to them going to the Planning Commission and the second reading comes today. The reason the emergency isn't acted upon the first one is because it has to go through Planning Commission then it comes to us so the reason for the emergency is because once legislation is signed it takes 30 days to enact it so the emergency allows it to be effective as soon as the Mayor signs it. I agree Daniel anything that we can do to protect our children and loved ones and facilitate that I would encourage and I would like to see what you are proposing. I am always open ears when it comes to the safety of our citizens or visitors.

Mr. Rath- called a Service Committee meeting. Daniel I feel right there with you, it is a heated debate with definite divided thoughts. This is a quote that came to mind the only thing needed for evil to win is for good people to do nothing and unfortunately that is what happened in Parkwood. There were a lot of good people who did nothing that could have prevented that. There are other things that can be done to prevent things like that as well that don't necessarily include limiting the second amendment rights of others. I will be interested to hear what you have to say.

Mr. Blake- a reminder that the Kiwanis pancake breakfast is this Saturday it starts at 7:00 A.M. and goes until 1:00 P.M. and I do have a few tickets left if you haven't purchased your ticket. We are getting to the close of Black History month and there are two key events going on in our community that I want to make everyone aware of. We were talking about protesting and giving an unheard voice to protesters who want to bring change and make a difference, this Thursday at 5:00 P.M. at OSU Newark at the Reese Center they are having a panel discussion dealing with protesting for change and what that means to a civically engaged community. Police Chief Connell and I along with another person will be serving on that panel. Sunday at 3:30 P.M. at Trinity AME Church near the hotel and the post office they are having their annual Black History celebration. The violence in our communities is not just Parkland. I think people are getting upset because there are thoughts and prayers, Facebook debates, Facebook events then it goes away and nothing happens. What people are really wanting is change. For everybody who is saying they are waiting to see what Daniel has or what you can do I would invite you to come to a march. We are going to have a march on March 24th on Saturday at 2:00 P.M. on the courthouse steps. You might have heard the term from some of the students at Parkland march for our lives they are going to be going to Washington D.C. to protest to speak out, to demand to have the courage to speak to our elected leaders and us as elected leaders if we speak out I think that has power. This shouldn't be just one section of our population it is effecting all of us. We are talking about the safety of schools, children, teachers and people in our community. I would invite you to get engaged and join in that event. I know that we did have a swearing in of a new Police Officer today but I had lunch a few weeks ago with Chief Connell and I think that they need more, better equipment and we as a Council need to have conversations about what we need to provide to our safety forces. With the statistic that he gave me, right now the number of officers that we have on the force he looked back and it is the same number as in 1972. He was telling me this day and age we should be up another 20 to really fulfill the duties. That concerns me and I hope we as a Council, as a community really because it is going to take a real discussion about revenue. My thoughts and prayers are always out there but I think that it is time for action and time for people to get engaged and just sit up here and make comments but be part of it and make our voices heard.

President Ellington- we will have committee meetings next Monday February 26th at 5:30 P.M. Then the following Monday March 5th we will start our new schedule of committees at 5:45 P.M. and then Council following at 7:00 P.M.

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