

COUNCIL MINUTES

October 15, 2018

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the October 15th Newark City Council Meeting to order.

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

INVOCATION – Mr. Blake

PLEDGE OF ALLEGIANCE- President Ellington

CAUCUS

MINUTES of October 1, 2018 Motion by Mr. Labutis to approve the October 1, 2018 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. Cost. **Motion carried by acclamation.**

REPORTS OF STANDING COMMITTEES

Finance- **Received & Filed**

REPORTS FROM CITY OFFICIALS

Stephen Johnson, City Auditor- operating report for the period ending September 30, 2018- **Received & Filed**

Barb Jobses, City Tax Administrator- income tax reports for the period ending September 30, 2018. - **Received & Filed**

COMMENTS FROM CITIZENS

Melinda Bolster, 494 Beacon Rd- she was concerned about the new venue and stated her complaints regarding how loud the music was and the vulgarity of the music that could be heard plainly from her house. She stated that they just bought their property a year ago and loved it because they have a big back yard and that it is peaceful and they could enjoy nature and they are concerned that will become prisoners in their home on the weekends.

President Ellington- just to be clear where was the venue?

Melinda Bolster- on National Drive behind the ball field at the Moose called Roost on the River.

Kimberly Broyles, 514 Beacon Rd- had the same concerns about the noise and that you could hear what they were saying when they were speaking on stage as well as singing. She stated that she is ok with concerts but they need to be good neighbors and turn it down at a decent hour. We called the Police and they said they had a permit to keep going until midnight.

Mrs. O'Connor, 481 Beacon Rd- she stated that she had the same concerns about the venue and had just purchased their home in August and one of the selling points was that it was quiet with a big yard and a gorgeous patio. They want to be able to entertain outside and with the noise and the vulgarity it won't be possible.

Vanessa Evans, 22 Summit St- I have the same concerns and I worry next summer if it continues that we have to be subjected to this. I am concerned that we will have another Legend Valley.

Rochelle Bolen Smith, 237 Violet Ct- she stated that she lives 10 miles from Legend Valley and her house was booming so she can appreciate what they were experiencing.

ORDINANCES ON SECOND READING

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

18-33 AN ORDINANCE ANNEXING CERTAIN TERRITORY, GENERALLY DESCRIBED AS BEING 0.576 ACRES, MORE OR LESS, LOCATED IN NEWARK TOWNSHIP, TO THE CITY OF NEWARK, OHIO.

Motion by Mr. Rath to adopt Ordinance No. 18-33, second by Mr. Lang

Law Director Sassen- as I mentioned in committees this was a petition to annex that was filed by a married couple that was part of an estate planning subsequent to the bulk of this process having transpired the husband passed away and the surviving spouse does not wish to go forward with the annexation. I have received this in writing from her attorney who is the attorney that represented them in the filing of the petition. He doesn't feel that it is possible to withdraw the petition for annexation now that the County Commissioners have approved the same and we are at the very last step of the process so he has asked that Newark City Council reject this annexation so this parcel of property can remain in Newark Township per Mrs. McCoy's wishes. On their behalf I am asking Council to reject this annexation.

Mr. Rath- based on Mr. Sassen's comments I will be voting no on this and I would encourage everyone else to vote no also.

Motion to adopt Ordinance No. 18-33 failed by a vote of 0-10.

RESOLUTIONS ON FIRST READING

By: Marmie, Cost, Rath, Lang

18-79 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE DEPARTMENT OF HOMELAND SECURITY, FOR FISCAL YEAR 2018 FIRE ACT GRANT PROGRAMS, IN SUPPORT OF TRAINING PROGRAMS, EQUIPMENT PURCHASES, FUNDING FOR PERSONNEL, FIRE PREVENTION, AND FIRE SAFETY PROGRAMS THROUGHOUT THE CITY.

Held for a second reading

By: Marmie, Cost, Rath, Lang

18-80 A RESOLUTION APPROPRIATING AND DISAPPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (**100 General Fund-\$9,000.00: Machinery & Equipment; 931 JEDZ 2 - \$612,000.00: JEDZ 2 Distribution)-Expedite**

Motion by Mr. Marmie to waive the two day reading rule on Resolution No. 18-80, second by Mr. Fraizer

Mr. Marmie- we collect money for the JEDZ and we have to disperse that and get it to them as quickly as possible.

Motion passed by a vote of 10-0.

Motion by Mr. Marmie to adopt Resolution No. 18-80, second by Mr. Fraizer

Motion passed by a vote of 10-0.

By: Marmie, Cost, Rath, Lang

18-81 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 2018 EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG-LE) FUNDING.

Held for a second reading

By: Marmie, Cost, Rath, Lang

18-82 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (**661 Sewer Dept Fund-\$50,000.00: Professional Services; 621 Water Dept Fund-\$50,000.00: Professional Services**)

Held for a second reading

COMMENTS FROM CITIZENS

Daniel Crawford 163 S 2nd St- today marks the 7th anniversary of the organization that I help found 99% of East and Central

Ohio. We organized our first event at the gazebo and it is around the one year point when we found out that the gazebo was going to be removed from its' previous location. Based on anonymous letter that he received he wrote up some questions regarding what was in the letter.

1. Did the private donors supporting the gazebo's removal write checks to the City of Newark so that such could then be forwarded to Robertson Construction for the purpose of paying for the removal both of the gazebo and the concrete picnic table bases? If so, where is the public record of such transactions?
2. If a check wasn't written to the City directly, then is there some public record of a financial transaction between the private donors and Robertson Construction considering that the property affected belonged to the people of Newark?
3. Did the private donors write any checks to the Community Improvement Corporation (the CIC), or the Newark Development Partners for the purpose of forwarding said payment to Robertson Construction? If so, is it possible that these donors were then able to claim such a contribution as a tax deduction?
4. Is it not true that the CIC and NDP receive federal grant dollars? Moreover, with a number of city officials sitting on as board members thereof, would it not likewise be the case that its decisions and financial transactions ought to be subject to public records requests? If this is the case, then wouldn't it be incumbent upon these city officials to submit to the people a list of any and all private donors whose contributions may have influenced the decision to remove public property from the Square? He stated that he would email a copy of this list of questions to every member of Council.

MISCELLANEOUS

Safety Director Baum- I want to congratulate the Fire Chief and his staff for coming up with a creative outside of the box solution to a problem that we told you we were trying to fix before building station 5. I think that they have accomplished at least part of that. In response to the Roost on the River complaints first of all we will certainly address the profanity and we can talk about the volume there is a city noise ordinance, it is 85 decibels but it is 85 decibels where you live and there is a meter that the Police can bring out to measure it. The Roost on the River people did meet with myself, Police Chief, Fire Chief, Property Maintenance, Fire Inspector and the City Engineer a couple of times before this concert. They are interested in doing everything right, they jumped through every hoop that I put in front of them, they had private EMS and Private security. They understood that they had to have it shut off by midnight and I believe that they did. I would also like to put your minds at ease; this isn't an every weekend place. They are not interested in having a concert every weekend. They do own the property and they are looking at a few concerts a year, a couple of weekend concerts and a few other day concerts. We will address it as it comes, they will certainly meet with the city officials but as far as not allowing it I don't have a mechanism to say; I encourage them to think about their choice of music but what they choose to do as long as they are within acceptable limits they are a free enterprise business. They were responsive and I am sure that they will accept this criticism that I will give them about a couple of the choices they made with equal grace that they prepared for this. If you have any complaints please send them to me at stevebaum@newarkohio.net. I have taken a couple from Jeremy and I have spoken to Dee before the meeting. I will be happy to hear your complaints and I will be happy to address it with the couple that owns the property.

Law Director Sassen- I appreciate Council's cooperation on Ordinance 18-33

Mr. Rath- called a Service Committee meeting.

Mr. Blake- I want to thank the residents of Beacon Road and Summit Street for coming in tonight it is always important to hear what is going on in the neighborhood. I hope that we continue conversations with you.

Mr. Cost- thanked the residents for coming this evening. I think that we do need to take a look at the levels of volume and language concerns to make this so it can be acceptable for everyone in the residential neighborhood.

Mr. Fraizer – thank you for coming in, this is a public forum so if there are concerns across the board not just the concert please come in and address it. You have the Safety Director who has already heard about it and we can get in front of it next time following the process that is there by using your representatives and the forums that are available to you to communicate what the issues are and find a resolution. I think the good side of it is the venue seems to want to be good neighbors since they are already cooperating with the city so hopefully next time a lot of these issues will resolve themselves through communication. I want to thank the Newark Fire Department for letting me ride along with them Saturday out of Station 2. It was a really eye

opening experience. As far as their professionalism, their ability and the technology that is there, the amount work that it takes to do the job and the amount of time they are on site. It was very eye opening and very rewarding. I just can't say enough about working with those five guys how great they were and their abilities and their ability to diagnose serious medical conditions by sight and the ability to respond and change and go from waiting to responding in a blink of an eye. The other thing that I wanted to highlight was transportation. I prepared recommendations to the transit board from a flex route transportation perspective of some of the opportunities that are available with the city to dramatically improve our transportation model and leverage the existing services to drastically improve the usability as well as the affordability for our residents. I will continue to go the third Wednesday at 5:00 P.M. every month to the board especially during this transition period to try to provide insights and recommendations that represent the needs of our community and the wishes to improve transportation and provide it to our citizens. I want to call an Economic Development Committee.

Ms. Hall- I want to thank you for coming tonight and talking about the concert. I feel like you do as well. We will be talking about it and we will try to work something out. It was just too loud obviously but thank you for your comments and I hope to stay in touch. I wanted to thank Director Rhodes he has found another wall for our mural project that we have been working on, the Hopewell Indian artwork from last year. The wall that we had they were going to renovate the building so we lost the wall but Director Rhodes found us another wall. He has spent some much time with this and as of tomorrow we have another project for our mural project so now we need another wall. I wanted to thank him for all of his time as well as Dan with Explore Licking County.

Mr. Lang- I would like to start tonight by thanking everyone who came tonight to talk about the new venue. To echo what Mr. Fraizer said this is the right forum to come and do that. It sounds like you certainly got the attention of some of my colleagues from that area of town. Director Baum is on it and I encourage you to continue contacting all of your officials if this continues to be an issue and hopefully it won't be. I also wanted to compliment Mr. Fraizer, he put together a great plan I think at least some initial great thoughts that I think we can work from and I think should be discussed on transportation. I hope that the Transportation Board gives those serious considerations. I understand it's not a city proposal it is Mark going outside of his responsibilities as an elected official on this board and spending time on the issue and putting together what I think is a really thoughtful proposal so hopefully that gets some serious consideration.

Mr. Marmie- called a finance committee meeting

President Ellington- I would like to add my thanks for everybody coming out tonight, you're always welcome and your opinions are always welcome. Thanks for showing up. Next Committee meeting is Monday November 5th at 5:45 P.M. and the next Council meeting is Monday November 5th at 7:00 P.M.

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