

## COUNCIL MINUTES

October 1, 2018  
Council Chambers  
7:00 P.M.

**7:00 P.M.** - President Ellington called the Monday October 1, 2018 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. Labutis

**PLEDGE OF ALLEGIANCE-** President Ellington

**CAUCUS-** Mr. Rath stated that he was going to bring Ordinance No. 18-16 off the table.  
Mr. Bubb stated that he would be abstaining from any conversations and voting of Ordinance No. 18-16

**MINUTES of September 17, 2018** Motion by Mr. Labutis to approve the September 17, 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. Fraizer. **Motion carried by acclamation.**

### APPOINTMENTS

**Mayor Hall-** reappointing Sue Spiker, Mark Mauter and Kandee Engle to the Etna Corporate Park Joint Economic Development Zone 2 (ECP JEDZ2) Board. Their new two year term will begin October 20, 2018 and end October 19, 2020. - **No Objections**

### REPORTS OF STANDING COMMITTEES

Finance- **Received & Filed**

Service- **Received & Filed**

Capital Improvements- **Received & Filed**

### REPORTS FROM CITY OFFICIALS

**Fairway Estates Sewer Assessment Equalization Board-** recommendation to City Council- **9-0-1 Mr. Bubb abstaining Barb Jobses, City Tax Administrator-** income tax reports for the period ending September 15, 2018. - **Received & Filed**

### COMMUNICATIONS

**Mayor Hall-** will be presenting certificates to 4 Licking County 2018 Special Olympics USA Games Athletes.

**Ohio Division of Liquor Control-** new application for a liquor license at 37 N 3<sup>rd</sup> Street, Gallery of Dreams. - **Received & Filed**

### COMMENTS FROM CITIZENS

**John Sweeney, 727 Garfield Ave-** advised Council that the cockroach problem that he reported two weeks ago at 96 Wilson St has not been remedied and it is costing him money to treat the property he owns as well as income because he can't rent his property until cockroaches are gone. He stated that when he went out at night 6 weeks after he treated and saw that the entire yard and house was covered with cockroaches. He stated that the Health Department needed to inspect at night. He stated that he had spoken to the exterminator and that person stated that the owner was doing the minimum allowed to treat the house. He urged Council to change the laws to make it so property owners like Steve Inlow with an infestation problem can't get away with it and allow it to effect surrounding property owners.

**Chad Brown, Director of Environmental Health for Licking County Health Dept-** we have limited ability to handle these issues. The board passed a resolution that states occupied structures must be free of insects and rodents. This structure is unoccupied structure. We have issued an order there was an accumulation of trash there as well and that has been taken care of. I did talk to the exterminator as well several times. He has a pesticide applicators license, he has to spray and treat the house in accordance with the law. We are always taught that the label is the law. He has to treat the house by the label of the pesticide if not he violates his license and he goes out of business. He treated there on September 14<sup>th</sup> and he is due back four weeks from that date to do that. Like I said this structure is unoccupied therefore we have

limited authority. I don't know your property maintenance code because I don't enforce it but I don't know what authority they would have maybe they would have more authority than we have. I agree, I don't live next to it but if I did I'd be upset as well. In talking with the exterminator he stated in his experience dealing with an infestation as bad as it was that we were looking at 6-8 weeks to fully remedy it. As far as the inspectors not coming out at night, number one it is a safety issue for our staff to be out at night by themselves. We had an incident several years ago where one of our employees was shot spraying for mosquitos in the city. We will work with anyone, I'm flexible but that is a safety issue for our folks to be out at night by themselves.

**Dustin Livingston, 102 Wilson St-** stated that the owner of 96 Wilson Street is not doing enough to get rid of the roaches at that property. His property is being infested due to the infestation problem at 96 Wilson Street.

**Elizabeth Livingston, 102 Wilson St-** advised Council that her family is still dealing with the cockroaches she reported two weeks ago to Council because of the property at 96 Wilson Street that is still infested with roaches. She stated that it is affecting the quality of life for her and her family.

**Christine Chaconas, 242 Pierson Blvd-** urged Council members to help her to do something about the speeders on Pierson Blvd. She stated that the problem has gotten worse since the street was repaved and the stop sign was removed. She is concerned with the safety of those in her neighborhood who are in their yards doing yard work and trying to walk down the road. She stated that the traffic device the Police Department put out there did not help out all to slow motorist down. She also stated that there are very large trucks that use that go up and down that street that she feels are too large for that street.

**Alesha Frias, 116 Smithview Dr Madison Twp-** I wanted to thank the Mayor and the Mayor's office for recognizing the athletes and their families and coaches. Thanked Director Rhodes for getting the water fountains working downtown around the square. I think the other issue that we are going to be facing is a 24/7 access to a bathroom because we have such a surge in homelessness now. I also wanted to recognize Doug Sassen and the Prosecutor for meeting to talk about the issue with the people who are experiencing homelessness right now. Hopefully we will have some good solutions.

**Dave McElfresh, 153 N 39<sup>th</sup> St, President of the Local 109-** I missed the last meeting because I was working or I would have brought this up then, we are very grateful for the purchase of the new ladder truck that is being discussed. It would not be in my character to not have a concern with the fact that we are using personnel money to purchase it. I was kind of outraged last year or a couple of years ago when they used personnel money for HVAC at the Police Department. We are begging for personnel and a big portion of the fund from the Fire Department came out of the personnel budget. I just wanted to share my concern with that. When we need people we shouldn't be spending personnel funds on apparatus.

**John Sweeney-** I talked to a couple of exterminators and they told me that the people who own the house could have came back and put stuff in the yard and set trap baits out.

**Dustin Livingston-** stated that it is a great thing that the water fountains are turned on around the square and that the square is beautiful but the water fountains working has only allowed the heroin addicts water to shoot up with. That is why we have homeless problem down on the square.

## **ORDINANCES ON FIRST READING**

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

**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.

**Held for a second reading**

## **RESOLUTIONS ON SECOND READING**

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

**18-74** 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 by Mr. Marmie to adopt Resolution No. 18-74, second by Mr. Fraizer**

**Motion by Mr. Rath to amend Resolution No. 18-74, to include a second project listed as item number two under the third whereas. The project is 2019 Sleepy Hollow Ditch Project located between Donovan Drive and Randy Drive, west of Horns Hill Raod in cooperation with Newark Township, second by Mr. Fraizer**

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

**Motion to adopt as amended passed by a vote of 10-0.**

#### **RESOLUTIONS ON FIRST READING**

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

**18-77 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION - Expedite (233 COPS Fund- \$6,310.00: STEP & IDEP Grants; 221 Street Fund-\$6,000.00: Temp Services; DISAPPROPRIATION 100 General Fund-\$250,000.00-Purchase of Ladder Truck; 100 General Fund-\$250,000.00: Purchase of Ladder Truck)**

**Motion by Mr. Marmie to waive the two day reading rule on Resolution No. 18-77, second by Mr. Fraizer**  
**Mr. Marmie-** there are some items that we have to fund immediately particularly the ladder truck for the Fire Department.

**Motion passed by a vote of 10-0.**

**Motion to adopt Resolution No. 18-77 by Mr. Marmie, second by Mr. Labutis**

**Motion passed by a vote of 10-0.**

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

**18-78 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION - CI Expedite (335 Capital Improvement Fund-\$250,000.00-Vehicles: Purchase Ladder Truck)**

**Motion by Mr. Lang to waive the two day reading rule on Resolution No. 18-78, second by Mr. Fraizer**  
**Mr. Lang-** this is the last piece of legislation to secure the funds so they can move forward with the purchase of the new ladder truck.

**Motion passed by a vote of 10-0.**

**Motion to adopt Resolution No. 18-78 by Mr. Lang, second by Mr. Fraizer**

**Motion passed by a vote of 10-0.**

#### **COMMENTS FROM CITIZENS**

**John Sweeney, 727 Garfield Ave-** suggested that speed bumps be put up on Pierson Blvd regarding the speeding.

#### **MISCELLANEOUS**

**Mr. Rath-** I would like to bring Ordinance No. 18-16 off of the table, second by Mr. Fraizer

**Motion passed by a vote of 9-0-1. (Mr. Bubb abstaining)**

**Motion to amend Ordinance No. 18-16 to include the Assessment Equalization Boards recommendation to waive the fees for the property owner at 2399 Horns Hill Rd, second by Mr. Fraizer.**

**Motion passed by a vote of 9-0-1. (Mr. Bubb abstaining)**

**Ordinance 18-16 A as amended was adopted by a vote of 9-0-1 (Mr. Bubb abstaining)**

**Mr. Rath-** Jen and I had the chance to volunteer at the Jailhouse Rock this weekend to benefit the jail and the Haunted House. That was a great event and well-attended. Called a Service Committee Meeting.

**Mr. Blake-** I want to thank Ms. Livingston, I know what you're going through is a hard issue to deal with. I know that Chad and his crew have been doing what they can but we probably need to have some type of outside meeting to bring the people together to have a conversation about the suggestions that you sent. We will try to get a meeting set up here soon to do that. Thank you for coming back and making your voice heard and for advocating for what is going on right there. I don't have an immediate solution but hopefully we can work together to find something.

**Mr. Bubb-** I wanted to congratulate all of the Special Olympics winners, very impressive and up lifting for certain. Chris thanks for coming in and I share your concern. Two things I would say to that is I am going to speak with the Police Chief and Mr. Baum the Safety Director to allocating the resources that we have to get some extra traffic enforcement out there. There are grants out there and the city has received them in the past as well as the Sherriff's office they are called Step grants stepped up traffic enforcement program and I will speak with Ms. Gilkes about trying to exhaust every option with that.

**Mr. Cost-** I would also like to thank the Special Olympics people for coming in tonight. I think that it is phenomenal. I also want to thank citizens for coming in and making us aware of the challenges and problems that they are having. We need to see what we can do to help out.

**Mr. Fraizer-** I wanted to congratulate Newark Naz on a 100 year anniversary. The Special Olympics was great, very impressive what young people are doing in our community regardless of obstacles and barriers they still achieve and overcome. It is a beautiful thing. Congratulations to Hot Head Burritos and Moo Moo car wash on coming to town as well as Dickey's BBQ. The Jail House Rock was also a great event. Make sure that you register and vote in the upcoming election. In regards to the homelessness The Look Up Center on October 6<sup>th</sup> will be giving away coats and additional apparel for those in need from 9-noon. John and Elizabeth thank you for taking the time to come and express your concerns and continue to do so until you are satisfied. I love the freedom of speech and the public forum.

**Ms. Hall-** I wanted to thank the Mayor for bringing the Special Olympians in, I thought that was exciting.

**Mr. Labutis-** I want to congratulate the Special Olympians who were here earlier.

**Mr. Marmie-** called a Finance Committee Meeting. I too congratulate the Special Olympian medal winners I think that was fantastic. I would like to know which entity limits the occupied versus the unoccupied. If it is us we could possibly do something about that. If that was one of the setbacks I find that hard to believe why there would be a differentiating terminology for that. I mean we should be able to fix that hopefully. Hopefully we can work on some other things that will help in those types of situations. Chris I appreciate you coming and voicing your concerns. I continue to work on different things on Pierson. The road was bad but now that it is nice it is worse. In addition to speed signs and I think that there is one no truck but I think that it is larger trucks over a certain ton. Maybe we can just add a larger sign and make sure it is visible. There are Sherriff Deputies and State Highway Patrol that I talk with and I ask them to drive down Pierson on their way home. It's not that they would actually enforce it there but sometimes just the presence of an officer there. I think that anytime an officer can use that as his though fare it is beneficial. Hopefully we can work on that and make it better. I don't know that we can solve it but maybe we could improve it.

**President Ellington-** City Hall will be open for Columbus Day next Monday October 8<sup>th</sup>. Committees will meet October 15<sup>th</sup> at 5:45 P.M. and City Council will follow at 7:00 P.M. that day.

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