

## COUNCIL MINUTES

January 3, 2017  
Council Chambers  
7:00 P.M.

**7:00 P.M.** - President Ellington called the Tuesday January 3, 2017 Newark City Council Meeting to order.

**ROLL CALL**- Mr. Cost, Mr. Fraizer, Mrs. Floyd, Ms. Hall, Mr. Johnson, Mr. Marmie, Mr. Rath, Mr. Rolletta, Mr. Blake, Mr. Bubb

**INVOCATION** – Mr. Johnson

**PLEDGE OF ALLEGIANCE**- President Ellington

### CAUCUS

**MINUTES of December 27, 2016** Motion by Mr. Rath to approve the December 27, 2016 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. Johnson. **Motion carried by acclamation.**

### REPORTS OF STANDING COMMITTEES

Finance- **Received & Filed**

### REPORTS FROM CITY OFFICIALS

**City Income Tax Administrator, Barb Jobes**- income tax revenue report for the period ending December 15, 2016. - **Received & Filed**

### COMMUNICATIONS

**Ohio Division of Liquor Control** – a request for a new liquor license for Frank & Sammies LLC 34 S 3<sup>rd</sup> Street. - **Received & Filed**

**Ohio Division of Liquor Control**- a request for a transfer of a liquor license from Coughlin Investments LTD DBA Kwik N Kold to Back Up Plan Too LLC DBA Kwik N Kold at 998 N 21<sup>st</sup> Street Drive Thru. - **Received & Filed**

### COMMENTS FROM CITIZENS

### RESOLUTIONS ON SECOND READING

**By: Mr. Rath, Mr. Cost, Mr. Johnson, Mrs. Floyd, Mr. Marmie**

**16-103** A RESOLUTION COOPERATING WITH ODOT FOR THE PROJECT THAT CONSIST OF ADDITION OF TURN LANE AT THE SR 16 EASTBOUND OFF RAMP AT THE CHURCH STREET EXIT RAMP (RAMP C, RAMP 45054), LYING WITHIN THE CITY OF NEWARK.

**Motion by Mr. Rath to adopt Resolution 16-103, second by Mr. Fraizer**

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

### COMMENTS FROM CITIZENS

**Chris Shook, 572 Honeycutt Dr Reynoldsburg**- I want to thank City Council and the Administration for giving me the opportunity to speak tonight to discuss the recent agreement between Council President, Don Ellington and the Ohio Ethics Commission. As some of you may know in here I represented Mr. Ellington during the investigation by the Commission and I am quite familiar with the facts and the laws that were applicable in this situation. My intention tonight is to clear up in potential misconceptions. First and foremost it should be noted that Mr. Ellington was fully cooperative throughout the course of the investigation. I know that the investigation took more than two years but I can assure this body that was not as a result of any delay on Mr. Ellington's part. He turned over any documents pertinent upon request and he did submit to interview with the investigators and Council for the Commission. Throughout the process it was apparent Mr. Ellington was committed to a swift resolution of the problem. Now the reason that it had

taken so long was because there was a legitimate question as to whether Mr. Ellington had done anything wrong and as noted in the settlement agreement that was reached the transactions in question were conducted at arm's length by another real estate agent and the Commission found that Mr. Ellington had no direct involvement with those sales. Further they found that this City Council didn't act directly in relation to any of these transactions. Further and probably most important the Commission found that Mr. Ellington didn't use the authority of his public office to secure these transactions. I would also not that Mr. Ellington disclosed that he sought advice regarding whether these sales should take place and he sought that directly from the city. It was his understanding that there were no ethical issues and I can assure you that it came as quite a surprise when an investigation was opened up. Ultimately the Ethics Commission determined that there was an inadvertent minor violation. They further determined that there were several mitigating circumstances which warranted the settlement agreement and although we felt that there was a full defense to this finding we felt that after two years it was in the best interest of the city and Mr. Ellington's family to enter into an agreement. This was a negotiated agreement and as part of that agreement Mr. Ellington has agreed to pay the city a substantial portion of the commissions he received. This is what seemed to him in light of what we learned in the investigation the right thing to do. I can assure this body that no one is more upset that this occurred than Mr. Ellington himself. As he indicated throughout the course of the process that he would not have allowed these sales to take place if he thought anything was wrong. The amount of money was too trivial really to justify a persons' place in the community and that is quite apparent to me from the outset. Now I understand there might be some intuitive appeal to making this out to be something more than it is. I fully understand how politics can affect the objective consideration of the facts and circumstances and I am certain that it is no surprise that Mr. Ellington and I are members of different political parties. It was never an issue for me and I know it was never an issue for Don. I can tell you that I have the upmost respect for the professionalism and cooperation he demonstrated throughout the investigation and throughout the ordeal he and his family went through. I hope that is appreciated. Human error is a part of everyday life. I think it is impossible for anyone and I include myself in that, to claim perfection in their personal and professional lives. At its worst this situation was as the Ethics Commission determined, an honest mistake and I hope that we can take this as a learning lesson for the future rather than engaging in personal attacks. If there are any questions about the investigation or the settlement agreement that was reached I am here to answer those questions.

## **MISCELLANEOUS**

**Director Baum-** I wanted to congratulate the Fire Department for their work over the holidays. They had four working fires over the holiday break. I also wanted to recognize the Police Department for the unfortunate robbery and shooting they had on Day Avenue and the fact that they had the suspect in custody within 12 hours. It was a good job by our public safety forces and I think that we need to recognize that.

**Director Mauter-** I just want to let all of you know the property known as the Newark Processing site where there has been a fair amount of clean up over the years with the Army Corp of Engineers and the Department of Development also had a grant to do additional remediation on the 60 some acres out there. AEP energy and Mr. Loomis and his department have put together a contract to put a solar ray field on that property on 40 some acres on this site. This is pretty exciting. We have taken an unproductive property, remediated it and put it back into productivity. This will provide power to the Newark City Water Sewage Water Treatment Plant. Mr. Loomis thank you for all of your hard work on that project.

**Mrs. Floyd-** there are some good shows coming up at the Midland so check the media and go to the Midland.

**Mr. Fraizer-** congratulations to the Police and Fire Departments for a job well done as always. Congratulations Director Mauter on the progress that we are making. On January 14<sup>th</sup> from 4:30-6:30 the HHCA is having their annual fundraiser at the Central Christian Church on Rugg Ave. It is \$8.00 a ticket, there will be a silent auction as well. All proceeds go to a scholarship, medium project and the North Street park. Your attendance is welcomed and tell your friends and family to come as well. With the New Year comes new opportunity and I want to say that it is a pleasure to serve with all of you and with Mr. Ellington. I appreciate what you have done in this role by helping guide me, direct me and make sure I don't get too out of order when I am here. I have respect for everyone here including yourself and I am glad this phase of your political career is over so you can focus on the future.

**Ms. Hall-** I want to share some information and I have to read it because there is some specific information here. Recently I was offered the opportunity to apply for an interesting grant. We have been awarded this grant but now we have to do the work. This is a pay it forward student philanthropy grant through Ohio Campus Comact generously funded by the Licking County Foundation. These dollars are to be set aside for the Newark City Animal Control for the help in the needs of abandoned abused animals and possible clinics for spay and neuter, also to have the ability to accept donations in the way of dollars, food or vet bills. This will also be a community service learning project for COTC first year graphic design students. They will be required to design a logo and brochure to discuss the importance of

giving and volunteering and why spaying or neutering your dog or cat is so important. Students that sign up will spend time with our Animal Control Officer and Police Officers at the station. They won't be permitted to do a ride along but this is to learn about a day in the life of. The students will be required to write a report about what they have learned. I want to thank Ohio Campus Compact, Licking County Foundation and COTC for this opportunity.

**Mr. Johnson-** wished everyone a Happy New Year and stated that he looks forward to working another year with the city.

**Mr. Marmie-** called a Finance Committee meeting. Being the true sports fan that I am I am going to comment on the game Saturday night. It was pretty embarrassing and I was down about it but then I stepped back and put things into perspective. First thing none of our coaches punched anyone. We held the Clemson Tigers to only 31 points. I was embarrassed by the showing of the Buckeyes but then Maria Carey really put it into perspective.

**Mr. Rath-** called a Service committee meeting. I am going to address an issue something that is really bothering me right now. Don Ellington congratulations on finishing your investigation through the Ethics Commission. I have known you for a long time and I have never known you to be anything other than a person of high character and integrity. I appreciate that. For those who have served with Council you will note the one thing that bothers me the most that irritates me the most is the misrepresentation of facts. When Mr. Shook came up here tonight to give his explanation of the facts I appreciate that because I feel confident that it's not a misrepresentation and is an actual accounting of what happened. I appreciate you taking time out of your day to do that. The fact that you stated Mr. Ellington sought advice from the City prior to the sale of the buildings. I was on Council at that time and I remember when that happened, on Council at that time. The fact that you said the Ethics Commission called this an inadvertent minor fraction, ethics speaks volumes. They also called it an honest mistake. An inadvertent minor infraction leads itself to believe it is an honest mistake. I feel bad for what you had to go through because it's not easy having your name dug through the mud whether you deserve it or not. What is even more difficult to stomach is the fact that one of your peers has the audacity to call you corrupt in print in our local newspaper and that person puts himself on such high moral ground, the same person that took more than his annual salary as contributions from unions believes that he has the high moral ground to be able to call you corrupt without having all of the facts. That is a misrepresentation of facts and Mr. Rolletta I am appalled, absolutely appalled and ashamed to have you on Council with me tonight. I have disagreed with you in the past, that's what people do. I have no problems with disagreeing on issues; I have no problems with voting differently on issues. I don't care if you're a Democrat or a Republican but what you did was absolutely appalling and immature. That will come back to haunt you.

**Mr. Rolletta-** Mr. Rath thanks for your comments. As far as the facts go I do have a copy of the settlement agreement right here and I'm not going to get into a battle about this but you trying to compare something that was completely legal to something that was illegal is not really a valid comparison. I don't see anything about an inadvertent minor offense in here but I do see in lieu of deferral to a prosecutor Ellington agrees to accept a public reprimand and pay restitution of over \$6,000.00 to the city. Frankly I am glad that this is over with as well. Not glad that you decided to grandstand about it. I didn't think anyone would bring it up tonight; I didn't plan on talking about it.

**Mr. Blake-** we are having a great time in the south end. We just had an effort called inspiring Christmas cards where our goal was originally to raise \$500.00 for grocery cards which we are going to take and give to people in the neighborhood as sort of a new act of random kindness. Our goal was \$500.00 and we actually raised \$1000.00 that just shows during the holiday season people had a heart of joy and a willingness to spread some good cheer. We are looking to pass those out this Saturday. Myself and members of the South Newark Civic Association will meet up and pass these cards out in low income neighborhoods. That is some exciting things happening here in the south end.

**Mr. Bubb-** I wanted to congratulate Director Mauter and Barbara Gilkes for the grant that we got for the two clean diesel trucks. I hope and I'm sure you are applying for grants for summer help this year within the Parks and Cemetery. That has always been very valuable. I'm sure it is on your plate I just wanted to bring that up because I'm sure that time is coming about soon. Don you're a great man and a great dad, your kids have turned out very well, they all have successful careers and I'm proud to call you a fellow Councilman.

**President Ellington-** this is the time for our five year Charter Review. The Charter Review Commission meets every five years and this is the year that would have to happen. We need 5 people and they have to live in the City of Newark, we need three Republicans and two Democrats. We need to choose these people by the end of March according to the Charter. I am planning on voting on these members at our March 20<sup>th</sup> Council meeting. If you know of anyone who would be interested have them contact Autumn at [aklein@newarkohio.net](mailto:aklein@newarkohio.net). Please have them send their name, contact information and a brief statement as to why they would like to serve on the Commission. We also have to know whether you are a Democrat or a Republican because the Charter calls for 3 from one party and two from the other based on the majority and minority parties. I was going to make a couple of comments but I think that I am going to let it go with what Mr. Shook said. Thank you very much for coming and making your comments I appreciate that. I am just ready to move

on from this and with your help I am going to try to remain committed and serving my community the best I can. I would like to thank everyone up here for that.

**ADJOURNMENT- Motion by Mr. Cost to adjourn, second by Mr. Rath. Motion carried by acclamation.**