

COUNCIL MINUTES

July 5, 2017

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the Wednesday July 5, 2017 Newark City Council meeting to order.

ROLL CALL- Mr. Marmie, Mr. Rath, Mr. Blake, Mr. Bubbs, Mr. Cost, Mrs. Floyd, Mr. Fraizer, Ms. Hall, Mr. Mangus

INVOCATION – Mrs. Floyd

PLEDGE OF ALLEGIANCE- President Ellington

CAUCUS

MINUTES of June 19, 2017- Motion by Mr. Rath to approve the June 5, 2017 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.

REPORTS OF STANDING COMMITTEES

Finance- **Received & Filed**

Service- **Received & Filed**

Capital Improvements- **Received & Filed**

REPORTS FROM CITY OFFICIALS

Barb Jobs, City Tax Administrator- income tax revenue reports for the period ending June 15, 2017. - **Received & Filed**

COMMENTS FROM CITIZENS

David Downey, 231 John Reese Pkwy, Pataskala- I wanted to publicly thank Mayor Hall and Service Director Rhodes and Jeff Hotchkiss with the Parks Department and everybody else who supported the Strawberry Festival this year. It was a very good year we did much better than we did last year and I think that a lot of that has to go to the city for the help that we received making sure we had everything we needed.

Peggy Jones, 1115 Wilmington Ct- I am here tonight because I am annoyed with the article in the Newark Advocate about the Carson Barnes circus cancel and Mr. Fraizer who is very much against. I have a problem with pulling the rug out from somebody when you are about to have your event. That is why I am here tonight due to the article in the Advocate and the Columbus Dispatch about Mr. Fraizer wanting a ban on all circuses in the City of Newark because of animal abuse. Mr. Fraizer I don't know if you have ever seen animal abuse at a circus in Newark Ohio or not or are you just relying on the animal activist group, PETA? I am terribly disappointed in your decision to disrupt the Carson Barnes Circus that was supposed to visit our city August 4-6. If you wanted to pull the rug out from under the Heath Moundbuilders Kiwanis Club and the Carson Barnes Circus then you should have made your proposal this past fall. This is a big fundraiser for the Kiwanis Club that does a remarkable job in our community supporting the Salvation Army, The Yes Club which is a teen club for teens that have no place to go and they keep them from getting into trouble which to me is a very important part of our community, and the Veterans Alliance. I don't know if you have served our country or not but I am very patriot and I appreciate all that everyone does for me. Now these three agencies are going to be scrambling to function on their budget, the circus is out of a booking and they are going to be hurting also. I don't know if you have any plans to help the Kiwanis Club to help have another fundraiser that is going to bring in between \$6-8,000.00. I think that is pretty hard to do but hopefully you have something in your pocket that you haven't disclosed. I think what you are elected to do on City Council was not medal in organizations fundraisers that provides money to important services to our community. I don't know if you have been to a circus or not but I happen to love circuses and to be honest I always wanted to swing on a trapeze. I don't know if you have a backing of people that want you to ban circuses. I know people abuse animals and I know that it is wrong but there are always going to be abusers out there just like there are child abusers, adult abusers, and domestic violence that we just experienced in Kirkersville. I think that we could our energy towards better projects than banning entertainment for adults and young children. I am an animal lover and I wouldn't abuse an animal but you have to understand this is all learned behavior. I would like for you to reconsider this and I feel badly that this came up 6 weeks before it was to take place. I was looking forward to going but that's how it is. Thank you for your time.

Mr. Fraizer- thank you for coming and taking an interest, it is an important thing that people are engaged in these discussions. There has been a lot of hype around what the resources are; we are looking at the Humane Society of the United States, the Humane Society of the State of Ohio, and the Humane Society of Licking County have said animal cruelty exists in circuses as well as Last Chance for Animals, Animal Defense International, Performing Animal Welfare Society and a former Director of zoos and aquariums. It is a systemic issue we are seeing from circuses. I get the nostalgia with wanting to participate in circuses. I am ok with human acts coming to Newark, Ohio. It is the manner that they treat the elephants and the large animals being on the road constantly, unable to

provide adequate veterinarian care and adequate housing which is really where the issue comes up. Thank you for coming and I appreciate your concern and comments and being a part of our community.

RESOLUTIONS ON SECOND READING

By: Floyd, Cost, Marmie, Johnson

**17-40 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION
(670 Garfield McKinley Fund-\$197,396.43: Stormwater Lines, principal)**

Motion by Mr. Marmie to adopt Resolution No. 17-40, second by Mrs. Floyd

Motion passed by a vote of 9-0.

By: Rath, Floyd, Cost, Marmie, Johnson, Fraizer

17-41 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE WITH A DEVELOPER IN THE COST FOR CONSTRUCTION OF AN OVERSIZED SANITARY SEWER WHICH WILL PERMIT SERVICE TO AREAS BEYOND THE DEVELOPER'S NEED.

Motion by Mr. Rath to adopt Resolution No. 17-41, second by Mr. Fraizer

Motion passed by a vote of 9-0.

RESOLUTIONS ON FIRST READING

By: Floyd, Cost, Marmie, Rath

**17-44 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-CI
(335, Capital Improvement Fund, \$16,169.00- moving city seal)**

Held for a second reading

By: Floyd, Marmie, Rath

17-45 A RESOLUTION WAIVING THE LICENSING FEES PRESCRIBED BY SECTION 812.03 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK FOR THE OPERATION OF CIRCUS BY THE HEATH-MOUNDBUILDERS KIWANIS CLUB

President Ellington- this is on the first reading but before we say anything the Law Director has advised we can wait and let this go on to a second reading in two weeks if there is not a motion and a second it dies, if all of the sponsors want to withdraw it can be withdrawn or we can go ahead and pass it.

Law Director- that is correct

Held for a second reading

By: Marmie, Floyd, Cost, Rath

**17-46 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- Expedite
(100, General Fund, \$767.46- taxes & assessments; the 235, Judicial SR Fund, \$37,540.00- Bailiff Position)**

Motion by Mr. Marmie to waive the two day reading rule on Resolution No. 17-46, second by Mrs. Floyd

Motion passed by a vote of 9-0.

Motion by Mr. Marmie to adopt Resolution No. 17-46, second by Mrs. Floyd

Motion passed by a vote of 9-0.

By: Marmie, Floyd, Cost, Fraizer, Rath

17-47 A A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NEWARK TO ENTER INTO A COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED SUBRECIPIENT AGREEMENT WITH THE HEREINAFTER NAMED ORGANIZATIONS TO CARRY OUT ACTIVITIES INCLUDED WITHIN NEWARK'S FY 2017 COMMUNITY DEVELOPMENT BLOCK GRANT ONE YEAR ACTION PLAN

Held for a second reading

By: Rath, Floyd, Cost, Marmie, Fraizer

17-48 A RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY NOW OWNED BY THE CITY OF NEWARK, OHIO TO NEWARK DEVELOPMENT PARTNERS AS ITS AGENT FOR INDUSTRIAL, COMMERCIAL, DISTRIBUTION, AND RESEARCH

Held for a second reading

COMMENTS FROM CITIZENS

Cindy Hess, 364 W National Dr- she was there to express her concern for the safety of her family because her daughter is a drug addict whom they have kicked out and has threatened her life and is running with a group of people that have been harassing her and her husband on multiple occasions. She stated that she has called the police each time but no charges have been filed against the individuals. She stated they filed for a CPO against their daughter's boyfriend because he threatened to burn their granddaughter however he has not been served yet he lives at 229 S 5th Street and is there every day. She stated the prosecutor has rejected all charges that the Police Department has filed. She stated the Police have suggested that they move. She stated one Police Officer told her the only way this would come to an end would be in a homicide. She stated in one incident there were two guns pointed at her husband's temple and two women tried to grab her 3 year old granddaughter. She stated the Police Department is sick of them and that they respond to her call and come and laugh at her. She stated that she has emailed the Mayor twice with no response, called and left a detailed message for the Safety Director and called the Police Department and left a message for Mr. Connell but no one has called her. She stated she was there because she didn't know what else to do and begged for someone to look into this and talk to her.

MISCELLANEOUS

Mr. Marmie- called for a Finance Committee Meeting.

Mr. Rath- called for a Service Committee Meeting.

Mr. Blake- Cindy it takes a lot of courage to come here and explain your whole story I hope that before you leave here tonight the Safety Director or someone will talk to you.

Mr. Bubb- on July 14th there is going to be a Military Appreciation Hometown Heroes event with the Budweiser Clydesdales leaving from Park National Bank to the Licking County Foundation. All veterans and military personnel currently serving is encouraged to attend.

Mr. Cost- in the third week of June I had the opportunity to attend a STEM program that Newark High had. The program was for students between the 4th and 9th grade and their project was called building a better city. I heard some of the most interesting ideas I have heard in some time. There were over 200 elementary kids and close to 100 junior high there coming up with ideas they think would improve the City of Newark. I heard ideas on how to use the Longaberger basket, ideas on events at the Mounds, safe walking paths to the schools and an idea of having a zip line at one of our city parks. These kids were focused, interested and ready to do things to help the city to make it a better place to live. It is a worthwhile project and an incredible event. I hope to have a few of the kids come one night and share their ideas.

Mrs. Floyd- I would just like to apologize to Ed and the Kiwanis Club. I know you have done a great deal for the community. I appreciate all those things Peggy mentioned that you have donated to. I have also told Ed that if they are going to do a fundraiser of some sort I would be willing to help. That money is very helpful through the community and I sincerely apologize.

Mr. Fraizer- I am sorry things happened the way they did. The biggest thing is that in 2014 I was outside of the circus I walked in and witnessed the situation of the animals and I can't express more whole heartedly my belief in what the situation is and that these animals are neglected and abused and they are transported continuously and forced to perform. We are going to have the Humane Society in next week for the committee. We are also going to present legislation in the Safety Committee, which I need to call for, to get down to what the facts are. Cindy your story is devastating and impassioned and my heart goes out to you. Thank you for presenting it in the manner you did, you did a fantastic job. We could feel the pain in your voice for your family. When it comes to the facts of the matter the biggest thing that I wanted to do was address the situation appropriately and that is what the committee is there for. I had no idea the circus was coming until I saw the legislation. I went the night before and studied up and made sure I knew the ins and outs. This whole PETA thing has been blown out of proportion, this is unanimous. We have a bunch of people in the zoo community, we have people in animal rehabilitation clinics, we have everybody that says it is a systemic issue that doesn't improve education and doesn't improve conservation of large animals. When it comes to the training and the presentation it is impossible to know how the animals are going to react and to make sure the audience is safe. The legislation has been compiled it will be presented. I apologize to Kiwanis for putting the investment in but there are other opportunities. One of those is locally sourced animals where you don't have to travel them across the country. We have veterinarians with camels, llamas, Alpacas, you have the opportunity to redesign your fundraiser that is both educational and opportunistic for our community instead of having a circus that takes the money and goes back to Oklahoma. We can give the money to farmer and veterinarians to invest back into our community. I would love to work with you on that. I have a veterinarian cousin so if there is anything that I can do to help I absolutely support Kiwanis and the good work you are trying to do. I am glad that you took the proactive step to examine what is really being said. I look forward to working with you on this issue.

Mr. Mangus- in my other life beyond City Council I teach history at the Ohio State University and in every one of my classes whether they are upper division or lower division classes I always talk about sources and how they can be biased. I try to educate my students not to trust everything they read or that they hear whether it be news media, the internet or a book and I ask them to verify information with the proper sources. Frankly I think one of us on City Council failed to do this at the last Finance Committee meeting. Even worse the Heath Kiwanis was ambushed and belittled for supposedly not doing research on the issue of animal abuse. The Kiwanis did their research. There is no doubt that PETA has an agenda. There is nothing wrong with having a goal of eliminating animal cruelty. I personally have 10 animal children living at my home right now, 7 cats, 2 dogs and a bunny rabbit. Supposedly my daughter's boyfriend is bringing me two hermit crabs on Friday, I pray not. The sources that were quoted at the Finance Committee meeting then subsequently sent to City Council members contained many falsehoods that were accepted by one of us as facts. Even

superficial readings of the PETA document shows there have not been 85 citations from the United States Department of Agriculture in the past thirty five years. On the first page alone the first citation was listed in three different locations. Like Mr. Ware stated several citations listed by PETA were against other circuses than Carson and Barnes. One Council member accused the Kiwanis of not doing research, questioning where he should look to find the truth if not to PETA. I have heard several other locations that he has looked at since the Finance Committee meeting. Frankly I think the question is a very easy one to answer. The least biased agency involved in this situation is the regulatory agency, United States Department of Agriculture. According to the UDA every citation given to Carson and Barnes in the past 35 years and the number was significantly less than 85 was rectified in an acceptable time manner according to the USDA. A few weeks ago there was some discussion on a temporary moratorium on allowing medical marijuana dispensaries in Newark. The same person now who wants to ban circuses claimed then that the moratorium was a ban and that it would send a negative message to other businesses wanting to relocate to Newark. Personally I think what happened in the Finance Committee is worse for business development than a temporary moratorium. If we are now going to ban businesses that have received citations but are in good standings with the appropriate regulatory agency will have to ban public education because our schools have received a fire code violation. We will have to shut down most restaurants and grocery stores in our city because they have received a citation or violation from the Health Department. The statements made at the Finance Committee were inappropriate and many of them were factually wrong even worse they belittled a wonderful organization, the Heath Kiwanis that contributes thousands of dollars each year to organizations in our city. These chastising and inaccurate comments have potentially cost Kiwanis up to \$8,000.00 and also harmed the organizations reputation not to mention harming the organizations that Kiwanis helps in our city. As a Council we owe the Kiwanis an apology. I will encourage all of us to make a monetary contribution out of our own pocket to help rectify the financial loss suffered by this organization. I know I can't personally cover the \$8,000.00 but I will be sending a small donation to show Kiwanis that I honor their hard work and dedication to Newark. If legislation is brought in front of Council to ban circuses I will be definitely voting no.

Mr. Fraizer- according to Libel it is a written and oral defamation statement of representation that can cause unfavorable impression. When you are on the Newark Advocate trolling me with your Facebook comments it's not indicative of your chair and is not indicative of the position in which you sit. A Moratorium and a ban are synonymous and so me using the term moratorium is completely kosher and although it might not be 85 but 52 citations it is emblematic of systematic issues with that circus and the maintenance of their creatures. I appreciate your comments Mr. Mangus but once again we will agree to disagree. The Shrine Circus, The Garden Brother Circus, The Cole Brothers Circus and the Kelly Miller Circus have all contracted with Carson Barnes for their elephants where issues have arisen.

President Ellington- Monday July 10th will be our next Committee meeting at 5:30 P.M. and the next City Council meeting will be July 17th at 7:00 P.M.

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