

COUNCIL MINUTES

August 7, 2017

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the August 7, 2017 Newark City Council Meeting to order

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

INVOCATION – Mrs. Floyd

PLEDGE OF ALLEGIANCE- President Ellington

CAUCUS

MINUTES of July 17, 2017 Motion by Mr. Rath to approve the July 17, 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.**

APPOINTMENTS

City Council to appoint Mr. Mangus to the Capital Improvement Committee, Personnel Committee, Street Committee and Rules Committee.

City Council to appoint Mr. Lang to the Capital Improvements Committee, Safety Committee, Personnel Committee, Economic Development Committee, Street Committee, and Rules Committee.

President Ellington- we are appointing these members of Council to these Committees in place of the former Councilman of Wards 4 and 5.

Mr. Marmie- I believe we are going to make Mr. Fraizer Co-Chaplin with Mrs. Floyd

President Ellington- yes we are, we will go ahead and add that as well.

All Appointments were passed by acclamation.

REPORTS OF STANDING COMMITTEES

Finance- **Received & Filed**

Service- **Received & Filed**

Capital Improvement- **Received & Filed**

REPORTS FROM CITY OFFICIALS

Stephen E Johnson, City Auditor- operating report for the period ending July 31, 2017. - **Received & Filed**

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

COMMUNICATIONS

Joseph & Shirley Reed- letter opposing the ban on circuses in the City of Newark- **Received & Filed**

COMMENTS FROM CITIZENS

Brian Millman, 446 Mt. Vernon Rd- reported glass on East Main Street bike lane.

ORDINANCES ON SECOND READING

By: Marmie, Cost, Floyd, Rath

17-30 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE DEPARTMENT OF ADULT PROBATION, BY CREATING THE CLASSIFICATION OF PROBATION OFFICER SPECIALIST AND PROBATION OFFICER OF ADULT PROBATION, AND SETTING THE COMPENSATION THEREFORE, AND ABOLISHING THREE PROBATION OFFICER II POSITIONS AND SEVEN PROBATION OFFICER I POSITIONS.

Motion by Mr. Bubb to adopt Ordinance 17-30, second by Mr. Marmie

Motion passed by a vote of 10-0.

ORDINANCES ON FIRST READING

By: Rath, Marmie, Cost, Floyd

17-32 AN ORDINANCE AMENDING CHAPTER 1234.02 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO RELATIVE TO THE RESIDENCY REQUIREMENT OF MEMBERS OF THE BOARD OF ZONING ADJUSTMENT/APPEALS

Motion to adopt Ordinance 17-32 by Mr. Rath

Director Sassen- I failed to mention to you Mr. Rath that because the emergency clause is not in there now and I know you want to make an amendment to add that you will need to make a motion to waive the two day reading rule first.

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

Mr. Rath- I want to waive the two day reading rule because I want to then make a motion to amend to add the emergency clause.

Motion passed by a vote of 10-0.

Motion by Mr. Rath to adopt Ordinance 17-32, second by Mr. Fraizer

Motion to amend Ordinance 17-32 by Mr. Rath, second by Mr. Lang

Mr. Rath- I would like to amend it to 17-32 A, there are three changes; one is changing the term from 5 years to 4 years to be consistent with the Charter, second change is addressing section 1234.02 stating members each of whom is either the owner of real property or the owner or operator of a business within the city of Newark and I would like to also like to add the emergency clause in order for this to be passed prior to the next scheduled meeting of the Board of Zoning Adjustments.

Director Sassen- there is a clarification regarding what is before you as Ordinance 17-32 A, in section 1234.02 where it mentions members each of whom is either the owner of real property or the owner or operator of a business within the city of Newark I had crossed out the words citizens of Newark that should read or a citizen of Newark. Committee amended it so that it can't be anyone it has to be a citizen of Newark a business owner or operator in Newark. I should have taken out the strike through of citizens of Newark.

Mr. Rath- we can open that up for discussion because during committee I don't believe we made the stipulation they had to be a citizen of Newark.

Director Sassen- that is why the word or is there. It means you can either be a citizen of Newark or a business owner or operator in Newark.

Mr. Rath- like I said I would like to open that up for conversation, I personally have no problem with that.

Mrs. Floyd- if it doesn't say that the way it reads you either has to be an owner or operator of a business in Newark.

Mr. Rath- or own property

Mrs. Floyd- but it doesn't say a citizen that possibly rents and I think we are saying you can be on the board just by being a citizen of Newark.

Mr. Marmie- that is what I was going to say, if someone is renting a house, condo or apartment it would exclude those individuals even though they are citizens of Newark and voters in Newark.

Mr. Fraizer- can we put resident instead of citizen?

Mr. Fraizer- what is the definition of citizen?

Director Sassen- we're splitting hairs

Mr. Fraizer- wouldn't it be clearer if we put or resident instead of citizen because you'd have to get into what the definition of what a citizen is?

Director Sassen- I think that you're really splitting hairs because then you'd have to get into the definition of what a resident is. It is a distinction without a difference.

Mr. Fraizer- I would prefer the resident piece instead of citizen

Mr. Marmie- I could actually argue the fact that I am a resident of the City of Newark but I am not a citizen of Newark because if my residency is in Zanesville but I reside at OSU campus because I am attending school there then I am in fact differentiating that I am a resident but I'm not a citizen of Newark.

Mr. Rath- if there is no more discussion I will call to question.

Motion to call to question by Mr. Rath, second by Mrs. Floyd

Motion passed by a vote of 9-1.

Director Sassen- can I ask what the question is?

President Ellington- I believe it is to vote on it.

Mr. Marmie- he didn't make it clear whether he was voting on it.

President Ellington- I thought he did, tell us what the amendments are.

Mr. Rath- the amendment is to declare it an emergency, change the term from 5 years to 4 and to change the phrase to include members each of whom is either the owner of real property or the owner or operator of a business within the city of Newark or a citizen of Newark appointed by the Mayor.

Motion to amend by Mr. Rath, second by Mrs. Floyd

Mr. Cost- what about the change of the name of Adjustment instead of Appeals

Mr. Rath- that's not an amendment it is in the original legislation.

Mr. Cost- we have appeals crossed out and adjustment in it's' place so from my point of view we are changing the name.

Director Sassen- that's not part of the amendment that was contained in 17-32 originally. The amendment is what is before you in 17-32-A. Mr. Rath's motion is to substitute 17-32 for 17-32 A with the additional amendment to correct my error to include the words or a citizen of Newark in section 1324.02.

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

Motion to adopt Ordinance 17-32 A as amended passed by a vote of 10-0.

RESOLUTIONS ON FIRST READING

By: Marmie, Cost, Floyd, Rath

17-50 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- Expedite (153, Compensated Absences Fund- \$21,600.00 (payout Shelly McKinney); 100, General Fund, \$2,000.00 (Ohio Campus Pay It Forward Grant); 231, Adult Probation Dept Fund, \$175.00 (Charron Replacement Strap); 231, Probation Improvement Grant Fund, \$40,000.00 (Incentive Funds received by the State of Ohio); 100, General Fund, \$750.00 (Elks Donation)

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

Mr. Marmie- there are some termination payouts and we always try to expedite those and other bills need to be paid immediately.

Motion to waive the two day reading rule passed by a vote of 10-0.

Motion to adopt Resolution 17-50, second by Mrs. Floyd

Ms. Hall- I need to recuse myself from voting on that because of the grant for animal control. I had to step up my involvement with the grant that we received.

Motion by Mr. Marmie to separate section 2 out so she can vote on the other pieces in the legislation.

Mr. Marmie- there are procedures for abstaining, it is mentioned in caucus and we always separate that out so you can vote on the other stuff.

Motion by Mr. Marmie to amend and separate out sections 2 into a separate piece of legislation, second by Mrs. Floyd

Motion to amend passed by a vote of 10.

Director Sassen- there is actually five sections. It should be 1, 3, 4 and 5 voted on.

Motion passed to adopt section 1, 3, 4 and 5 of Resolution 17-50 by a vote of 10-0.

Motion to adopt section 2 of Resolution 17-50 by Mr. Marmie, second by Mrs. Floyd

Ms. Hall- I just don't feel as though I should be voting on this due to my involvement with the grant.

Motion passed by a vote of 9-0-1 (Ms. Hall abstaining)

By: Cost, Floyd, Marmie, Rath

17-51 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-CI- Expedite (335, Capital Improvement Fund, in the amount of \$1,500.00 (Donation from State Farm for Newark Seal Project)

Motion by Mr. Lang to waive the two day reading rule for Resolution 17-51, second by Mr. Fraizer

Mr. Lang- this is a donation that we got from State Farm and we need waive the two day reading to keep the project on track to move the seal

Motion passed by a vote of 10-0.

Motion to adopt Resolution 17-51 by Mr. Lang, second by Mr. Cost

Motion passed by a vote of 10-0.

By: Cost, Floyd, Marmie, Rath

17-52 A RESOLUTION AUTHORIZING PARTICIPATION BY THE CITY OF NEWARK IN THE U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE

Held for a second reading

By: Cost, Floyd, Marmie, Rath

17-54 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-CI

(335, Capital Improvement Fund, in the amount of \$1,200.00 (Large Chainsaw)

Held for a second reading

COMMENTS FROM CITIZENS

MISCELLANEOUS

Mr. Rath- I just wanted to say thank to Brian for coming into City Council, I don't know if you remember me or not but we used to work together a long time ago. You used to ride a bike everywhere then and it looks like you still do, thanks for coming in it is good to see you. Called a Service Committee meeting.

Mr. Blake- this Saturday The Works is having a fun event called Hot Havana Nights and I am on the host committee for that so if you're in town that should be a fun event to support our local museum. This is the second year that they are doing that and the event is sold out. Wednesday night is the march against child abuse at the Canal Market District there will be a prayer vigil.

Mrs. Floyd- Midland has its fall lineup so check the website and the Final Friday celebration for the Downtown Newark Association is a kid's fest, each business downtown is going to take a book that is provided by Kicks Mix Bookstore downtown and they are going to use that to create an activity that kids can be involved in. the Midland is showing the movie Hook. There will be a lot of activities downtown for kids such as a bounce house, snow cones and popcorn.

Mr. Fraizer- HHCA, Hudson Historical Community Association had a picnic a couple of weeks ago and it was really great to see the community come together and talk about what the future of Newark really holds. I want to say thank you to the citizens of Newark for their patience with the construction, re-routing and despite how big this effort really is the patience that they continue to show and allowing us to make these major changes even though there are obstacles in their day to day life. I want to highlight the Licking County Players Club my wife and I went and saw the musical and we were blown away by the young people's talent in the community. It is phenomenal to see young people involved and active in wanting to display the arts and their talent. Any organization like that whether it is The Works or the Licking County Players Club, the Library or Newark High School Drama or orchestra or band I want to encourage everybody on Council to attend those as much as they can and continue to do their volunteer activities throughout. I see Newark moving in the right direction and I hope to continue that progress.

Ms. Hall- I wanted to thank the gentleman for coming tonight and bringing the attention back to Arch Street. We had some issues in the past and I thought that it had changed. We will be talking to you after Council.

Mr. Mangus- I would like to thank Service Director Rhodes for helping to remedy a drainage issue at the corner of Granville and Sharon Valley Road.

Mr. Marmie- called a Finance Committee meeting. I too wanted to comment on the things going on in Newark in particular the construction that is making Newark more pleasant to the eyes. The one I want to mention today is the Hoss Starr over the new gate and entrance to WhiteField, it is incredible. I think that it is very attractive for folks that come in from out of town to watch athletic events at that facility. It looks very nice and I think that it represents Newark very well.

President Ellington- I would like to thank Jennifer for sitting in for our Clerk who is on vacation. Our next Committee meeting is August 14 at 5:30 P.M. and our next City Council meeting is August 21st at 7:00 P.m.

ADJOURNMENT