

COUNCIL MINUTES

October 16, 2017

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the Monday October 16, 2017 Newark City Council Meeting to order

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

INVOCATION – Mr. Fraizer

PLEDGE OF ALLEGIANCE- President Ellington

CAUCUS- Motion by Mrs. Floyd to excuse Ms. Hall, second by Mr. Marmie. Motion carried by acclamation.

MINUTES of October 16, 2017- Motion by Mr. Rath to approve the October 16, 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**

Economic Development- **Received & Filed**

Ways & Means- **Received & Filed**

Personnel- **Received & Filed**

REPORTS FROM CITY OFFICIALS

City Auditor, Stephen Johnson- operating report for the period ending September 30, 2017. - **Received & Filed**

COMMUNICATIONS

Park National Bank- sent a letter to inform City Council that an annual inspection of the mausoleum at Cedar Hill Cemetery. The mausoleum is in excellent condition and needs no repairs at this time. - **Received & Filed**

Kathy Dickerson Trager- a print out of all the comments on the Facebook page created to oppose the gazebo moving from the Courthouse square. - **Received & Filed**

COMMENTS FROM CITIZENS

Nancy Welu, 7441 Stewart Rd- she gave a tribute to Lesa Best who came to Council and Committee Meeting on a regular basis when still in good health who passed away on October 2nd. She stated that she was unique and genuine. She was a brash, straight to the point person and didn't mince words. She started the NerK Aggravate and would blog about different topics and had quite a following. She brought to Council a civic engagement that Nancy feels is sorely lacking. She was very passionate about safe and affordable housing for the citizens of Newark. In her own way and her own style Lisa was a soldier of justice.

Teri Hartley, 3107 Mt. Vernon Rd- spoke out in opposition of the gazebo being removed from the square. She wanted to know why the people weren't allowed to vote on the gazebo being moved, who financed the removal and by what right. She stated she called the Mayor's office several times but didn't get an answer. She stated that she was under the understanding that all of the remodeling of the downtown square was to draw people there but removing things that draw people there then who is going to want to come to the square.

Eric Crawford, 110 N Fulton Ave- wanted to ask the Mayor why he hurried the gazebo project along even after there was a lot of opposition and without Council's approval and that's wrong. He stated he didn't take in account the citizens and that's wrong, and he didn't return phone calls. He stated he also called Tim Bubb the County Commissioner's office and he didn't return his phone call but Dwayne Flowers did and told him that the County was not involved that it is a city piece of property on county property. He asked why the Mayor wasn't there again to answer questions and what he is going to do to make it right to the people. I think the whole thing is underhanded in the way that certain people had knowledge of it and funded it yet the general public didn't have that option.

Joseph Hopkins, 1345 Pembroke Ct- He voiced his concerns about the Mayor and Commissioners decision to in the darkness of night remove the gazebo. Councilmembers have now stated their opposition to the gazebo being removed but did nothing when the picnic benches were removed. He believes that was the next step to beautify downtown to suit business owners not residents, to suit people in wealth and power not long term members of the community. The people that it suits don't want homeless people or undesirables on the square. He stated that he feels instead of dealing with our poverty and disparity issues Council are content to shove the poor and needy they don't want to see further down East Main Street. He encouraged Council to solve the socioeconomic issues that plague the city.

Daniel Crawford, 163 S 6th St- I am here in solidarity with everyone else this is not the way government is supposed to work. There is supposed to be a feedback loop between the people and the government especially when it comes to the gazebo a symbol of our community. I think it was important for us to be able to provide our input before a decision was made yet even though we were told that this was being thought of a year or two ago the final decision was announced just a few days before it took place. I have nothing personal against the Mayor but conveniently the last time full Council met and this time the Mayor has not been here. The people in this room deserve to be heard by the Mayor, the man in this body of government, the man solely responsible for this decision apparently. The County Commissioners don't want town up to it so it is all being placed on the Mayor. I plead with the Mayor to hear us out, know that there is genuine anger here that it is not just some structure to us it is a symbol of something bigger that is going on and that is the common people of our city being pushed away from the heart of our city. He stated that the 99% Initiative group he is a member of started 6 years ago at the gazebo. He thinks this is taking us in the opposite direction we should be going which is together.

President Ellington- the Mayor is at the annual Heritage House Convention that he does go to every year.

Jen Kanagy, 2584 Uplandview Ct – clearly everybody here who has read the Advocate the last few weeks knows that I have been a resident of Newark for 10 months and I am running for City Council. I have made several record requests and I was told that there was no information regarding the donors, who paid for the demolition, who paid to have the gazebo hauled down to Main Street at 3 A.M. We are all taxpayers and what goes on at that city square is owned by everybody here. We are not an autocracy there should not be one person making a decision. It should be listen to the people and then the majority, for instance the breed specific legislation packed this place now folks want their gazebo back. I wonder why the Mayor really hasn't been here for two full meetings. I would question my Councilman who is quoted in the Advocate as saying he didn't think that now was an appropriate topic for the Council to second guess the Mayor; I want to know when is it appropriate? When people pack Council and want their gazebo back. I would encourage you guys to fight and hold the Mayor accountable and bring back the gazebo.

Dean Lane, 405 Lexington Ave – last meeting there was a safety guy that got up and said one of the reasons that they took the picnic benches and gazebo away was because people were sitting there with book bags and could have a bomb. So I posed the question to him after the meeting if that meant no book bags were going to be allowed on the square? Does that mean they are going to inspect every book bag that goes on the square? What good did it do to take our tables if they aren't going to stop book bags from being on the square? That was a lame excuse to sxxx on the citizens. Do I put this in?

John Peters, 152 Bachmann Ave- I love downtown, I moved to Newark about 10 years ago before I had children and I think that the only reason that I came downtown was to go to the Center Bar to play pool. I come downtown now with my children who are 5 and 4, we come down here all the time it is beautiful. What we have down with the roundabouts, the water treatment facilities and farmers market, we go to the root beer stand and the hotdog place, what we have done is beautiful; ten years ago it was not. It was not a place I would have taken my 4 and 5 year old. We have done a beautiful job making downtown a place for our families. I believe that but I also believe that this was a big screw up. I think that the gazebo meant something more than what the Mayor or whoever made this decision thought about. This was a screw up, what we have done in Newark for the most part I applaud. You guys screwed this one up; you can blame the Mayor or whoever you want but you screwed this one up. That gazebo needs to go back somewhere; I think that probably needs to happen because it is a beautiful gazebo in a beautiful downtown.

ORDINANCES ON SECOND READING

By: Floyd, Cost, Marmie, Rath

17-41 AN ORDINANCE VACATING A PORTION OF BURT AVENUE, RUNNING WEST FROM UNION STREET; SAID STREET RIGHT-OF-WAY IS LOCATED BETWEEN 278 AND 282 UNION STREET.

Motion to adopt Ordinance No. 17-41 by Mrs. Floyd, second by Mr. Fraizer

Mrs. Floyd- both of the neighbors have signed the petition and are in agreement with the vacation.

Motion passed by a vote of 9-0.

By: Bubb, Floyd, Cost, Rath, Fraizer

17-42 AN ORDINANCE CREATING TWO POSITIONS OF COURT SECURITY BAILIFF WITHIN THE MUNICIPAL COURT AND SETTING COMPENSATION THEREFORE

Motion by Mr. Bubb to adopt Ordinance No. 17-42, second Mr. Cost

Motion passed by a vote of 9-0.

ORDINANCES ON FIRST READING

By: Fraizer, Marmie, Rath, Lang

17-43 AN ORDINANCE AMENDING ARTICLE 46: MB MEDIUM INTENSITY BUSINESS DISTRICT, ARTICLE 64: LIMITED INDUSTRIAL DISTRICT, AND ARTICLE 60: DC DOWNTOWN DISTRICT OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO

Referred to Planning Commission

By: Rath, Floyd, Cost, Marmie

17-45 AN ORDINANCE SETTING COMPENSATION AND STATING POLICY WITH RESPECT TO MANAGEMENT AND SUPERVISORY PERSONNEL OF THE CITY OF NEWARK, OHIO; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE.

Held for a second reading

By: Floyd, Cost, Marmie, Rath

17-46 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DIVISION OF WATER AND WASTEWATER, BY CREATING THE CLASSIFICATION OF SYSTEMS ANALYST WITHIN THE DIVISION AND SETTING THE COMPENSATION THEREFORE, AND ESTABLISHING ALL OTHER POSITIONS WITHIN THE DIVISION.

Held for a second reading

By: Floyd, Marmie, Rath

14-47 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE OF THE AUDITOR'S OFFICE, BY ABOLISHING 2 ACCOUNT CLERK 2 POSITIONS AND 1 PAYROLL CLERK POSITION AND CREATING ONE (1) AUDITOR'S CLERK AND ONE (1) PAYROLL SPECIALIST POSITIONS AND SETTING COMPENSATION THEREFORE.

Held for a second reading

By: Floyd, Cost, Marmie, Rath

17-48 AN ORDINANCE AMENDING THE PAY RANGE FOR DEPARTMENT OF CUSTODIAL, BY ADJUSTING THE RATE OF BUILDING MAINTENANCE CREW LEADER AND CUSTODIAL WORKER POSITIONS AND SETTING COMPENSATION THEREFORE.

Held for a second reading

By: Floyd, Marmie, Cost, Rath

17-50 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE OF THE POLICE DEPT-NON UNIFORM BY CREATING ONE (1) IMPOUND CLERK POSITION AND (1) INFORMATION SYSTEM COORDINATOR POSITION AND SETTING COMPENSATION THEREFORE.

Held for a second reading

By: Floyd, Cost, Marmie, Rath

17-51 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND POSITION AUTHORIZATION TABLES OF THE CITY OF NEWARK BY CREATING THE POSITION OF FINANCIAL ANALYST FOR DEPARTMENT OF PUBLIC SERVICE AND SETTING COMPENSATION THEREFORE.

Held for a second reading

RESOLUTIONS ON SECOND READING

By: Floyd, Cost, Rath

17-65 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-CI (335, Capital Improvement Fund, \$2,996.45-City Building Projects)

Motion by Mr. Lang to adopt Resolution No. 17-65, second by Mr. Fraizer

Motion passed by a vote of 9-0.

By: Marmie, Floyd, Cost, Rath, Fraizer

17-67 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (265, HoDAG Fund, \$307, 550.00- Housing Projects)

Motion by Mr. Marmie to adopt Resolution No. 17-67, second by Mrs. Floyd

Motion passed by a vote of 9-0.

RESOLUTIONS ON FIRST READING

By: Marmie, Floyd, Cost, Rath

17-74 APPROPRIATING AND DISAPPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- Expedite (153, Comp Abs Fund, \$3,300.00: Payout Michael Snode; 100, General Fund, \$3,376.00: Donation from Licking County Foundation Grant for Newark Seal Project; disappropriation 100, General Fund, \$18,600.00: Cell phones; 100, General Fund, \$18,600.00: Quartermaster; 233, Cops Grant Fund, \$1,018.28: STEP Grant; disappropriation 100, General Fund, \$2,750.00: Hollander Pool Gas Utility; 100, General Fund, \$2,750.00: Bldg Ground Maintenance)

Motion by Mr. Marmie to waive the two day reading rule for Resolution No. 17-74, second by Mrs. Floyd

Mr. Marmie- we have a termination payout that we need to make and we expedite those so we can get the individual their money as quickly as possible. We also have some other transfers that need to take place for bills that are outstanding so we need to expedite this.

Motion passed by a vote of 9-0.

Motion by Mr. Marmie to adopt Resolution No. 17-74, second by Mrs. Floyd

Motion passed by 9-0.

By: Marmie, Floyd, Cost, Rath, Fraizer. Lang

17-75 A RESOLUTION TO AUTHORIZE THE MAYOR OF THE CITY OF NEWARK, OHIO, TO JOIN A COALITION OF MUNICIPALITIES RETAINING SPECIAL COUNSEL FOR PURPOSES OF INITIATING LITIGATION TO CHALLENGE THE CONSTITUTIONALITY OF AMENDMENTS TO CHAPTER 718 OF THE OHIO REVISED CODE RELATING TO MUNICIPAL INCOME TAX, AND DECLARING AN EMERGENCY.

Motion by Mr. Marmie to adopt Resolution No. 17-75, second by Mrs. Floyd

Motion passed by a vote of 9-0.

BY: Marmie, Floyd, Cost, Rath, Fraizer

17-76 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 2017 EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG-LE) FUNDING.

Held for a second reading

By: Floyd, Cost, Rath

17-77 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (100, Judicial SR Fund, \$25,000.00: Vehicles)

Held for a second reading

By: Rath, Marmie

17-78 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT WITHOUT COMPETITIVE BIDDING FOR THE PURCHASE AND INSTALLATION OF AN AIR COOLED CHILLER AT NEWARK POLICE DEPARTMENT HEADQUARTERS AND DECLARING AN EMERGENCY.

Motion by Mr. Rath to adopt Resolution No. 17-78, second by Mr. Fraizer

Mr. Rath- this is to replace a chiller that is in bad shape that is why there is the emergency to get it done quickly.

Mr. Cost- I have no agreement that the chiller either needs to be repaired or replaced. I think that we would also be in agreement that we need to continue hiring Police Officers. My issue with this that we are using personnel funds to solve a capital improvement problem. I'm not comfortable with it and I think that it is a bad president. I think that this should be done with capital improvement funds and probably try to repair it then use capital improvement funds next year to replace it. I don't want to set a precedence of using personnel funds to repair equipment instead of hiring Police Officers.

Mr. Marmie- this is just legislation to go into contract the funding legislation will have to follow and anybody can debate where that funding is coming from. This piece of legislation has nothing to do with where the funding is coming from. I urge everybody to support this to make sure we get the chiller through and get it moving in the right direction. We need to get the money secured but it will come in a separate piece of legislation.

Mr. Mangus- I must agree with Mr. Cost on this issue. Even though this is not dedicating funds from a particular account at this time the administration has said that in essence it will be coming out of personnel funds, that is the intention and I believe that payroll should go to payroll. We need additional Officers on the street, there is a definite need for the Police Department to have a chiller but I would rather have the funds come from capital improvements instead of personnel funds.

Mrs. Floyd- I have the same concerns that Bill and Mike do but on the other hand, I know we are not talking about funding right now but we will be, I don't like personnel money used for capital improvement but on the other hand we are getting towards the end of the year and any money that is left there goes back to the General Fund money not to be used specifically for personnel. Like most people we need more Police Officers and we need more Firefighters, that is a given. I know that it is a long process to get qualified people we want into Newark and a lot of times they can go someplace else and make more money. I will be supporting this because of the timing and the way that it is set up.

Mr. Bubb- I want to commend the Safety Director for getting creative, it is easy to sit up here and say take it out of capital improvements but quite frankly we are only spending \$400,000.00 on paving each year and we don't have the funds in capital improvements. With the raises in the upcoming years we are going to have to be creative because we have to pull off a balancing act so I commend the Safety Director for getting creative on this, when the funding comes forth I will support that.

Mr. Rath- like Mr. Marmie said we aren't talking about funding here we are talking about whether or not we should negotiate a contract. I would agree that taking away personnel funds to pay for a chiller instead of hiring a Police Officer I would not support but this is not instead of these are funds like Mrs. Floyd said that are going to go back into the General Fund. We wouldn't be able to hire a Police Officer and pay for that in the short amount of time we have left in the year so it is not instead of.

Motion passed by a vote of 6 (Marmie, Floyd, Lang, Fraizer, Rath, Bubb)-3 (Blake, Mangus, Cost)

COMMENTS FROM CITIZENS

Aaron Dagers, 536 Keller Ln- I have been a resident of Newark now for a little over a decade. My major concern with the gazebo issue is transparency and what I just heard right now where we decided not to bid on a project that is a transparency issue and Council should be embarrassed about passing that last issue there. The gazebo doesn't mean to me what it means to other people that have lived here for decades. I don't have that sentimental feeling for the gazebo but what I do have is a passion for government and how we operate that government. Every single member of this Council should be irate at the cloak and dagger situation that has occurred with this gazebo by removing this piece of city property, from the public's enjoyment literally in the dark of night, to do that, to not have the Mayor answer calls and the Mayor not being present for two meetings now where he knew he was going to face some backlash on this is an embarrassment and is not how things should be operated. I hope that every member of Council is as irate about this as the citizens in this room tonight. I have spoken to different members of Council and I know some have been rather upset about the way in which this was done and I applaud you for that, others not so much. The statements that I have heard from Councilman Rath here are just not reassuring to me. I really think that as a Council you really need to exercise your legislative power here and make sure that things like this and these abilities are not taken from you by the Mayor in the middle of the night or by the Commissioner, whoever in the end wants to accept responsibility for this debacle.

Mr. Marmie- I need to make a point of order, Resolution 17-78 did not pass as an emergency because it requires 7 votes.

President Ellington- thank you for pointing that out, it did pass but not as an emergency because it only had 6 votes.

Eric Crawford, 110 N Fulton Ave- the Mayor isn't here tonight so how do we get the answers to our questions? We've asked a lot of questions and we deserve an answer. The security issue they talked about with back packs, look how many people are in this room right now, if that isn't a security issue what is? I do have emotional ties to the gazebo; my ex-wife got remarried there.

President Ellington- I would suggest to keep calling the Mayor and I know he will be at the next meeting.

Rachelle Bolen Smith, 237 Violet Ct- I think that it is ironic that gazebos have been symbolic of free speech, music, weddings and that sort of thing and it was done in such a cloak and dagger manner and I think that does need to be addressed.

Paul Moran, 63 N 4th Street- the city has had a history of giving things over to the county; fire dispatchers, parking garage, health department, transit services, Wilson Street property, police dispatchers and now the gazebo. It is going to be wondering in our minds what is next thing the city is going to give to the county. Other issues that I have are the closed Newark electrical plating plant on South Second the windows along Railroad Street are out, inside there is a mattress and a stack of newspapers. Sections of the roof have fallen in. It is a safety and fire hazard. If it were to catch on fire I'm sure we would have to evacuate most of the south end because the chemicals and residues that was used and produced there at one time. The deteriorating railroad bridges between downtown and the south end are an issue, we should be working with the railroads to get this solved. The downtown East Main Street railroad crossing needs to be replaced or upgraded. The vacant vet's house that is owned by the city is sitting empty when it was supposed to be an attraction. Transit and housing are other issues that keep dragging on year after year.

Kim Burgess, - she was concerned about people in motorized wheelchairs not being able to go down the path on the side where there is no sidewalk to get to the stores.

Sheena Ables, 648 West Main St- everybody knows how I feel about the gazebo being moved especially the way that is was since I was here last time. I think there is so much going on in this town that we are not made aware of until after the fact like there is no flag at the top of the Courthouse and there's not going to be we have a weathervane because the Commissioners wanted it that way. The clock on the Courthouse is not lit up at night anymore, why not? Why do we never have a say as to what goes on in our city? It is terrible that gazebo not being there. The other day my husband and I came downtown for lunch there was a young mother sitting on a bench with four little kids trying to eat their lunch on their lap, one of the kids sat on the sidewalk to eat his happy meal. Do you think the Mayor has ever eaten on the sidewalk? We need to have tables put back and people should be allowed to be on our square like we have always been. The Mayor needs to make himself accessible to the taxpayers. You call his office he is never there and he never returns your calls. You call Tim Bubb's office he is never there and he never returns your calls. Who are we to talk to? I want to say a little prayer for our Mayor because he has evidently been sick for two weeks.

Julie Barrett, 42 N 31st St- this whole things is getting more and more questions going in my mind and these are some of the things I have wondered about and think should be answered. Who is really behind it, what is really going on, what do they want to put in there? You don't just move something if you don't want to put something else in. What about the merchants'? Many of the downtown merchants have made lovely significant improvements to their properties and added to the ambiance of downtown how do they feel about the gazebo being gone? It was part of the ambiance now we have taken it away. Who is providing the private funding? If someone is funding it and the city isn't why are they funding it? What is behind that? I don't feel like we are being told the whole story. Maybe there are some good reasons why the gazebo shouldn't be given away; maybe it should be restored where it was.

Ashley Osborne, 491 Woodland Dr Heath – but because the gazebo being a county thing and being a prior Newark resident for 29 years my concern was with the Mayor and the quote saying undesirables. When I was in Newark I was in Section 8 housing, fixed income housing and I don't feel like there is a lot of compassion for the people and I feel like the removal of the gazebo focuses on trying to push them further away when the actual issue of homelessness is not being addressed. What is going to keep them from taking a trash bag and sleeping on the lawn? If they are homeless than they will sleep wherever. Why don't we work as a county together to try to resolve the issue of homelessness? If not you're going to keep removing structures and that doesn't actually solve the problem rather than calling them undesirables and pushing them further and further away because that doesn't help them or the situation either.

MISCELLANEOUS

Mr. Cost- I would like to thank everybody for coming out tonight. I appreciate your willingness to be here and speaking your mind. You are being heard. I totally agree the gazebo should be where it was. It should be on the square, it was part of the square, it was part of downtown, and to me it still is. There have been so many positive changes made in

downtown Newark and I think that we will all agree that it looks so much better than it did but I don't want to see this much work and cooperation end on a sour note. I don't want to see the last step of this be a black eye on what we are doing here. This should have been handled differently. I hope you will feel free to contact your Council people, feel free to contact any of us and continue to reach out to the administration.

Mrs. Floyd- I could say ditto to about everything he said. I do thank you all for coming, we do listen. I agree I didn't want the gazebo to move. I heard about it a couple of days before it was made public and I said that is a big mistake you should not be doing that. I too was surprised at how fast it happened. When at the meeting two weeks ago the gentleman who spoke stated they are already starting to tear things down and when I went to volunteer at the United Way the next day they were removing railings. That is not the way you handle things, I was very upset about the way that it was handled. I agree with Mr. Cost we have come so far and done so much together. There are always going to be challenges in the city. You have some good questions but I don't know the answers to them. I don't know who paid to have it moved. I hope your questions are answered because I think they need to be. I also want to mention, there are several of you here tonight that have been here many times but there are some of you who have not been here at all and we appreciate you coming. A lot of times we vote on something and all you hear is I, I, I and you think we didn't discuss anything and that is because most of our questions are during committees. We also do a lot of phone calling and meeting people and asking our questions at that point and that is why when we vote often times we already know how we are going to vote, sometimes we change our minds while we're sitting up here but sometimes we don't. On the square October 26th is Safe Trick or Treat from 5:00 to 6:30 P.M. it is a lot of fun. Our church gave away 900 bags of candy last year.

Mr. Fraizer- called for a Public Safety Committee. This is a controversial issue that we face, a lot of people are hurt and a lot of people feel this wasn't transparent and what we need to do is fix it for the future. The question is how do we create a process in place in which private donations and removal of property come to Council prior to action? I am going to work with the Law Director and I am going to work with this body in order to try to enact that legislation to put a check where it come to private donations and public property where it comes before this Council, people are able to address it and we develop a framework in order to not allow this to happen again. After the last Council meeting I talked with members of the audience about building a new one. We are at a rock and a hard place, the gazebo has moved now we either have to move it again or build a new one. Do we want to build a new one; do we want to restore it? There are a lot of options. If it is about raising money, we have enough people here we can raise money. If it is about taking civic action we are already taking civic action. I encourage all of you to think outside of the box about what we can do as a community in order to rectify the situation. Aaron, when it comes to competitive bidding typically it is a specialized function where there isn't a lot of people to competitive bid. This already came through committee and there is a single person that provides a chiller. It is also usually approved by the Law Director as to whether we can remove competitive bidding or not. There is a transparent process with that and I think what we are looking for is a transparent process with this as well.

Mr. Lang- there has been a lot of passionate discussion tonight; I really do appreciate everyone who has come forward. I look forward to hearing from folks in the Fifth Ward who want to reach out to me, to date I have heard from one. While I appreciate your passion, I think there are a lot of folks that it may not be as much of an issue. Mr. Peters your speech particularly spoke to me. I have a couple of young kids as well and I absolutely agree downtown has become a place where I can take my kids and walk them around. My son doesn't have an attachment to the gazebo because for the last couple of years it hasn't been used. That is not to say that I support or don't support what is going on. For me this is about separation of powers. There is an executive branch and we elect a Mayor so he can go out and make decisions. We can't have a vote on every single decision that gets made or we would never get anything done. We have the legislative branch here to make laws when we can. Unfortunately this was done in a quick manner and we didn't have an opportunity to vote and that is a tough pill to swallow, I wish we had more of an opportunity to debate but we didn't. Camp O'Bannon is another great place here in Newark. It is a summer camp and a year round program for girls and boys of Licking County who have been referred to be the schools and social service agencies. It is a really important institution here in Newark. On Friday and Saturday night there is a charity event, it is a murder mystery play that is going on, tickets are \$45.00 and it is at 7:00 P.M. You can make reservations through Camp O' Bannon and Windstream.net. It is a really good charity to support if you are looking for something to do on Friday or Saturday nights.

Mr. Mangus- like everyone else this evening I would like to thank you all for coming out, some of you for a second time. You need to have your voices heard; there is absolutely no doubt about that. I have heard from a large number of Fourth Ward residents. I would say I am up to about 15 and I have yet to hear a single person say they are happy about the gazebo being removed. Personally I am not happy about the gazebo being removed and the way it was done. I would welcome Mr. Fraizer's legislation and I would welcome a gazebo being returned. Ideally I would like to see the one that was deconstructed reconstructed on the square. Whether or not that happens a big part of that is going to come from

you all and how much you fight and yell and scream. I am especially concerned if this is true, several of you have said that there have been public record requests made and they have been ignored. That concerns me a great deal. You deserve to have your questions answered. Clearly Council didn't have a vote on this issue as Mr. Lang pointed out basically because there were no city funds used to the best of my knowledge and that it was private donations. Who donated those funds should be in the public record and they should be accessible through a public requests request. Please come back and keep coming back until your voices are heard. You all are already accomplishing so much. Earlier today I was on Facebook page about saving the gazebo and I think it is up to almost 800 likes or members which is absolutely incredible considering how quickly this organization has gotten started. One final issue that I would like to address this evening is resolution 17-78 regarding the chiller. The main reason why I voted against that this evening was simply because as Mr. Cost said and I agree entirely that we should not be using personnel funds to pay for capital improvements. I am especially concerned about a few of the comments made by other Councilmembers made this evening. Well we are just going to be entering into a contract, I don't know about you all but when I enter into a contract at home I make sure I know where the funds are coming from if I have to pay any money. That concerns me that we don't know where these funds will be coming from and we voted to enter into a contract this evening.

Mr. Marmie- called for a Finance Committee Meeting. First of all I want to thank everybody for showing up and voicing your concerns. I agree there are a lot of questions that need to be answered and I too are interested in finding out those answers. Mrs. Floyd said she found out two days in advance but the way I found out was in the Advocate. It was a shock to me I was not aware that it was happening. This is a controversial subject; unfortunately it was not an issue with us. It was not brought to this body. The Mayor has the authority and the power to do certain things. He chose to evoke that authority and power in what he chose to do. The Safety Director told us that it was safety concerns and he has indicate his opinion on the subject but that doesn't mean we didn't have questions that were not answered. I think there is definite passion and love for the gazebo and everybody here has a different reason including everybody on Council may have a different reason but there was a shared love for the gazebo. I believe that those questions deserve to be answered. I know there were some off the cuff comments about the Mayor and I am not trying to make an excuse but tonight was legitimate, every year he goes to this conference. I'm not saying that he isn't responding to calls but tonight's meeting was something that was scheduled weeks in advance. I don't want someone to think that he is not here because he is avoiding this evening. Nancy I really appreciate your comments. Red Haired Girl would look me in the eye and tell me I was the scum of the earth one week and the next week she would love me if I was on her side. She had passion, she had color, she kept everybody on their toes and I mean you had to watch everything you said because she would definitely put it in her blog the next day if she didn't like what you said but it did hold us in check. She would make the hair on the back of your neck stand up but you appreciate what she says at the same time. She was missed when she stopped coming although at times it was a sigh of relief when she wasn't here. She was a good person. I think those of us who really knew her especially back in her prime when she blogged several times a day she made it fun and she made it hard for us which was good.

Mr. Rath- like everyone else I want to thank you all for coming tonight and voicing your opinion I really appreciate that. Like a lot of other people have said we didn't have an opportunity to vote on this. We didn't even have an opportunity to voice our opinion on this. I like Mr. Marmie found out about this by reading it in the Advocate. I had no idea what was happening until it happened. Whether it was right or wrong I definitely don't appreciate the way that it was done, it definitely should have been more transparent. I look forward to getting the answers to my questions which are basically the same questions you guys have. Thank you for coming, hope to see you all November 6th. Nancy thank you for talking about Lesa. I remember my first term I would read her blog the next day and get a sense of pride if she talked nice about me, two or three times. It wasn't often but I always appreciate her being her and her opinion whether I agreed with it or not. She was the epitome of civic engagement which is what is happening here tonight. I love seeing the Chambers full of people. It doesn't happen often enough. All too often the people who are sitting in the seats you are sitting in I can count them on one hand and they are the same faces I see all the time. We need more civic engagement and Lesa did a great job of that. John Peters I know you said that you have young kids now so I don't know if you are still playing pool but if you are Liquid, it is on Cherry Valley Road. It is a beautiful bar, very nice, very bright, and very clean and they have two awesome pool tables. I encourage you to come out to the Third Ward to Liquids it is a great place to play pool. He called a Service Committee meeting.

Mr. Blake- I think when Nancy came forward and talked about Lesa Best and being a soldier of justice I would even throw in the word accountability. She made so many of us in city government accountable to not only what we said but what actions we took. She made it very known that you don't speak to me in this hallway I want it said publicly and on the record. Many times some of us have private conversations with people but she wanted it said in either a committee meeting or in this forum here so you are not just telling me what I want to hear. I remember when I first got on Council I became Chair of Finance Committee there used to be a practice of people just sitting in the chairs and making your

comments from there but I would have people come to the podium to speak. She wasn't fawned of that. She didn't like me for that and I'm sure she said some colorful things about me but that is part of being an elected official. Sometimes people say nice things and there are nice events to go to but then there are times when people are going to disagree with you and sometimes they will disagree with you passionately. I agree with you completely she was a soldier of justice and I am glad you brought that up tonight. What all of you are doing here tonight is accountability. What really disturbs me if anyone in my ward or anyone in the city who calls me, nowadays we are getting Facebook messages and emails, and there are multiple ways for people are contacting their elected officials now but you respond to people. You don't just ignore them for days or weeks. Generally it is acceptable and people understand if you get back to them within a business day. I am going to admit this unfortunately this isn't the first time folks. This issue has been brought forward because so many of you have been calling the Mayor office and emailing but I have heard from several other people in our community where they will email or call the Mayor and he doesn't respond. I don't know what the issue is there but I hope going through this experience he does correct his actions because that is part of being an elected official. I don't care if it is a Mayor, Council Member, School Board Member or a judge I don't care what position you have you need to respond to your constituents. The constituents work part is one of the biggest pieces that I think anyone of us holds, being that liaison to when a citizen calls you or contacts you in order to get them the right help. That is the reason I got involved with an elected office was to help people and that is part of our job. We accepted this job through the election process and we have to fulfill it and responding to people is part of it. As much frustration as you have stated tonight about not getting phone calls returned and emails returned, I feel you. The Mayor reports to the people of Newark and he doesn't report to this Council as many of you said there is separation between executive branch and legislative branch but that is a part of our duty, I believe, it is to respond to people. I would encourage you to keep calling, keep emailing and keep all that documented. I would just keep that pressure on as much as you can. The other piece I want to speak to about the gazebo is not the gazebo as a structure but as a symbol. Many people may say we are passionate about the gazebo being there for rallies, weddings and other events but other people like Mr. Lang alluded to are like it is a structure. There has probably been discussion going on in our community for a 1 ½-2. The Mayor said in the Advocate in an article in 2016 the undesirables. The undesirables, dividing our community between us and them, dividing our community between rich and poor that's not necessary. When we accept these jobs and get elected on this dais we are supposed to represent all people. We are supposed to represent each and every citizen of Newark. That is the displacement of people the gentrification that many people have concerns with the vision plan that is going on, with the construction projects that have been going on, many discussions have been occurring about the displacement of people. I think the gazebo, not necessarily the structure but what it symbolizes has brought things forward. You are here tonight because of this. Where is our power, where is our voice in all of this decision making? I agree we have to continue to battle poverty in our community and the homelessness in our community but we have to do it without the stigma, negativity and quite frankly without the hatred that people in positions of influence make comments that are just unnecessary. I encourage you to keep staying involved and be engaged.

Mr. Bubb- I appreciate your nice words about Lesa Best. I miss seeing her, what I appreciated about Lesa beyond her honesty she had a great understanding of what the city government was all about, providing safety and infrastructure, she had a great understanding of that. She will be missed, hang in there. Sheena, I serve as a volunteer on the Courthouse Lighting Committee and you mentioned about the clock lighting, I believe from our meeting this week all four of the 8 foot clocks will be lighted with new 4 foot LED fixtures and I believe that is getting done this week. From my understanding the plan is next year all four porch flags are coming back around the square. Former Councilman Bill Clifford who was very involved with the courthouse lighting, after his passing he donated quite a bit of money to the courthouse lighting and with that there was a donation for permanent LED Christmas lighting fixtures and they are interchangeable and can be used for other lighting events. You won't see people going up and down putting up the fixtures it is going to be a lot safer. I wanted to thank everybody for coming out to the Jailhouse Rock event. They estimated 1500 folk's downtown. You could use the public restrooms there and vendors were sold out by 8:00-8:30. I talked to some vendors who were thinking about Newark is a great place to invest in a business downtown. Good things happening.

President Ellington- Nancy I would like to thank you for your tribute to Lesa that was very nice. We weren't always best friends I think maybe she said something nice about me maybe once but she certainly did care and we will miss her. I would like to thank all of you for coming this evening. We appreciate hearing your opinion. I try to be sure to be fair to everyone if they want to speak I try to let them have their opportunity to be heard, that is what this Chamber is all about. I encourage you to back if you're not satisfied and we will let you be heard again and we'll see if we can get some answers. There are no meetings Monday October 23rd because there are 5 Mondays in this month so our next meeting is Monday October 30th for committees at 5:30 P.M. and the next Council meeting is Monday November 6th at 7:00 P.M.

ADJOURNMENT- Motion by Mr. Cost to adjourn, second by Mr. Fraizer