

## COUNCIL MINUTES

November 6, 2017

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the Monday November 6, 2017 Newark City Council Meeting to order.

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

**INVOCATION** – Mrs. Floyd

**PLEDGE OF ALLEGIANCE-** President Ellington

**CAUCUS- Rule 11: 17-83 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION.** Expedite

**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.**

**APPOINTMENTS-** Mayor Hall, reappointing City of Newark Development Director Mark Mauter and City of Newark Service Director David Rhodes to the Newark CIC (Community Improvement Corporation), known as Newark Development Partners. Their terms will begin January 1, 2018 and expire December 31, 2020. - **No objections. Motion carried by acclamation.**

### REPORTS OF STANDING COMMITTEES

Finance- **Received & Filed**

Street- **Received & Filed**

Safety- **Received & Filed**

Service- **Received & Filed**

Economic Development- **Received & Filed**

Rules- **Received & Filed**

### REPORTS FROM CITY OFFICIALS

**Barb Jobes, City Income Tax Administrator-** income tax revenue report for the period ending September 30, 2017 and October 15, 2017. **Received & Filed**

### COMMENTS FROM CITIZENS

**Eric Crawford, 110 N Fulton Ave-** he stated he was in attendance regarding the gazebo, the lack of transparency, why it was moved, why phone calls have not been returned, why he hadn't accepted phone calls for two days and wanted to know what the Mayor was going to do to make it right with people.

**Dawn Pettit, Moull St-** opposed the removal of the gazebo from the Courthouse Square. She stated she spoke two Council meetings ago but the Mayor was not there and thinks that he should hear directly from all of them. She stated that the Mayor knew that there was opposition to the removal of the gazebo so he left little time between the announcement and the tear down. She stated that it has moved on for her to be more than a story about elected officials not listening to their constituents but instead to a lack of transparency in his office. For example I know of at least one person who has requested the records associated with the private donations made to the gazebo. They were told there were no records. How can this be? Was it a check or checks? Were they not deposited into an account and then a check or checks written to pay for services? Was nothing written down anywhere about the transactions? Were City employees used to take the gazebo down? Don't they have to account for their time? I want to thank Mark Fraizer who is looking to put together a process to ensure that a lack of accountability with private donations doesn't happen again. The lack of transparency in the Mayor's office I think at the least I believe that it raises ethical questions whether or not a procedure was in place. It the very worse it raises questions about whether or not the donation or donations were part of some quid pro quo that benefited someone in a way that could not be disclosed. I urge you to answer these questions.

**Laura Cambe 1120 Wintermute Ave-** she shared a memory of her and her grandson at the gazebo and a few pictures of him there.

**Leisha Freaz, 116 Smithview, Madison Township-** I am an organizer for the Newark Think Tank on Poverty and we consist of 95% of people who reside in Newark area. We are not only concerned with the removal of the gazebo without

public approval or a conversation with the true public that live in the Newark community. We realize that the public is not being represented not only in that decision but many decisions that are taking place in this community. We attended the Vision 2028 meeting last week and we were told that the public and grass roots work was being done. We looked at the data in the Newark Vision plan at the survey and there were only 224 people who were surveyed as part of this plan to get the information that you use to make your decisions. One of the stats was 89% of the people they talked to a part of the public survey are homeowners but we know the statistics in Newark is a much lower percentage, not that many people own their home. They also talked to 45% that have bachelor's degrees but we know that maybe 35% of the people in Newark maybe have a high school diploma so the numbers were very skewed in that respect of the people you talked to that gave you the input that is making this decision now so we know the public is not being represented. We want to know who among you is protecting the public's interest in this development effort and we think that the role of the Mayor and City Council is not to be driven by market forces but to protect the public and we want to know who among you are is protecting the public's interest, we want to work with you.

#### **ORDINANCES ON SECOND READING**

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

**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.

**Motion by Mr. Bubb to adopt Ordinance No. 17-45, second by Mrs. Floyd**

**Motion by Mr. Marmie to amend Section 4 under Article 19 to say appointing authority instead of the Service Director, second by Mr. Fraizer**

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

**Motion to adopt Ordinance No. 17-45 as amended passed by a vote of 10-0.**

**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.

**Motion by Mr. Bubb to adopt Ordinance No. 17-46, second by Mr. Fraizer**

**Motion passed by a vote of 9-1 (Mr. Blake)**

**By: Floyd, Marmie, Rath**

**17-47** 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.

**Motion to adopt Ordinance No. 17-47 by Mr. Bubb, second by Mrs. Floyd**

**Motion passed by a vote of 9-1 (Mr. Blake)**

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

**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.

**Motion by Mr. Bubb to adopt Ordinance No. 17-48, second by Mr. Fraizer**

**Motion passed by a vote of 9-1 (Mr. Blake)**

**By: Floyd, Cost, Marmie, 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.

**Motion by Mr. Bubb to adopt Ordinance No. 17-50, second by Mrs. Floyd**  
**Motion passed by a vote of 9-1 (Mr. Blake)**

**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.

**Motion to adopt Ordinance No. 17-51, second by Mrs. Floyd**  
**Motion passed by a vote of 10-0.**

#### **ORDINANCES ON FIRST READING**

**By: Floyd, Marmie, Rath**

**17-52** AN ORDINANCE AMENDING ARTICLE 135: DISPLAY SIGNS AND OUTDOOR ADVERTISING OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO

**Referred to Planning Commission**

**By: Floyd, Marmie, Rath**

**17-53** AN ORDINANCE AMENDING ARTICLE 135: DISPLAY SIGNS AND OUTDOOR ADVERTISING OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO

**Referred to Planning Commission**

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

**17-54** AN ORDINANCE ACCEPTING THE DEDICATION TO PUBLIC USE OF THE STREETS IN PARK RIDGE SUBDIVISION, PHASE 2, SECTION 1B.

**Motion to waive the two day reading rule on Ordinance No. 17-54 by Mrs. Floyd, second by Mr. Marmie**

**Mrs. Floyd-** there were deadlines that the contractor wanted to make in order to get working out there that is the reason for the request to expedite

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

**Motion by Mrs. Floyd to adopt Ordinance No. 17-54, second by Mr. Marmie**

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

**By: Fraizer, Marmie, Rath**

**17-55** AN ORDINANCE ENACTING CHAPTER 850 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO TO IMPOSE LICENSING REQUIREMENTS FOR MEDICAL MARIJUANA FACILITIES OPERATING WITHIN THE CITY OF NEWARK, OHIO

**Referred to the Planning Commission**

**By: Floyd, Cost**

**17-56** AN ORDINANCE APPOINTING A CHARTER REVIEW STUDY GROUP PURSUANT TO CHARTER ARTICLE 11.05 FOR THE LIMITED PURPOSE OF CONSIDERING MODIFICATIONS TO THE CURRENT FORM OF CITY GOVERNMENT

**Referred to Planning Commission**

#### **RESOLUTIONS ON SECOND READING**

**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.

**Motion to adopt Resolution No. 17-76 by Mr. Marmie, second by Mrs. Floyd**

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

**By: Floyd, Cost, Rath**

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

**Motion to adopt Resolution No. 17-77 by Mr. Marmie, second by Mrs. Floyd**

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

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

**By: Marmie, Floyd, Rath**

**17-79** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- Expedite  
(153 Comp Abs Fund-\$5,300.00: Payout Aaron Sollars; **Disappropriation** 100 General Fund-\$89,800.00: Salary & Wages; 100 General Fund- \$89,800.00: Maintenance Building and Grounds; **Disappropriation** 100 General Fund-\$75,588.00: Salary & Wages; 100 General Fund-\$75,588.00: Bulletproof vests; Disappropriation 100 General Fund-\$889.29: Professional Services; 100 General Fund: \$889.29 make up for increase in salary; 231 Probation Grant Fund-\$6,734.50: shortage in payroll accounts; 100 General Fund-\$306.00: SCRAM Unit)

**Motion by Mr. Marmie to waive the two day reading rule on Resolution No. 17-79, second by Mrs. Floyd**

**Mr. Marmie-** we have a payout that we always expedite to get individuals their money as quickly as possible plus some other bills that need to be paid right away so I ask that everybody expedite this.

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

**Motion to adopt Resolution No. 17-79 by Mr. Marmie, second by Mrs. Floyd**

**Motion by Mr. Cost to separate the question of Section 2 to have a separate vote because he stated he could not support section 2 however wanted to be able to support the rest of it, second by Mr. Marmie**

**Motion to separate section 2 passed by a vote of 10-0.**

**Motion to adopt Resolution No. 17-79 without Section 2 passed by a vote of 10-0.**

**Mr. Cost-** my concern here is that we are using personnel funds to do a capital improvements project. I don't object to the chiller being repaired or replaced I just object to where the funds are coming from. I think that it is a bad precedence to set. I understand the situation that we are in with the end of the year I am not comfortable with taking personnel dollars and using them for a more bricks and mortar type of purpose.

**Mrs. Floyd-** I want to say what I have said two times before, I will vote for this. I would not vote for it if it were January but since any funds left in personnel funds would revert back to the General Fund I will vote for this.

**Mr. Mangus-** I have to echo Mr. Cost's comments and concerns. I too don't want to set a precedence of using personnel funds for capital improvement projects.

**Motion to adopt Section 2 passed by a vote of 7-3 (Cost, Mangus, Blake)**

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

**17-80** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO, TO EXECUTE A COOPERATIVE UTILITY SERVICE AGREEMENT WITH THE VILLAGE OF GRANVILLE, OHIO

**Held for a second reading**

**By: Marmie, Floyd, Cost, Rath**

**17-81** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION  
(621, Water Dept Fund: \$39,722.22-Interest on note)

**Held for a second reading**

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

**17-82** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE A CONTRACT WITH THE WEXFORD LODGING ADVISORS WITH REGARDS TO THE PARTIAL ABATEMENT OF HOTEL LODGING EXCISE TAX REVENUE GENERATED PURSUANT TO CHAPTER 892 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO

## Held for a second reading

### COMMENTS FROM CITIZENS

**Dean Lane, Lexington Ave-** I never thought that I would see anything so underhanded done in the City of Newark. No public input that is our park, it's not the Mayor's park; it's not your park it is the citizens park and you should have come to the citizens before you ever touched that gazebo. You are not God all mighty; you are an elected official to do what the people say. I know a couple of you up there have trouble with that but that is the way it is supposed to be. Bring our gazebo back. Another thing you had a safety man tell us they wear backpacks and sit at the tables and the gazebo does that mean nobody is allowed to wear a backpack on the square anymore? Does that mean you are going to check purses? That was a lame excuse to take something that people like just to please you and your rich friends. Bring the stuff back.

**Desiree Blake, 125 S 2<sup>nd</sup> St-** I just want to say that the streets look nice but when are you going to pave any of the alleys? We have a lot of alleys that need paved and taken care of. That is what I would like to know because I go through an alley to get to Fleek and that alley is terrible. They are putting bricks in the holes but they need fixed. If we have extra pavement after you do the streets put some down the alleys. Third Street looks nice but I would like to see some of the alleys fixed up.

**Sheena Able, 648 West Main Street-** I am here about the gazebo, I don't like the way that it was done. We had no choice in the matter and then it was drug out of here in the middle of the night. I am very upset. We have been called the homeless, undesirables and mice that is what the citizens are being called. I don't know how many times I called the Mayor's office I never got a call back. I don't think that it is right that we don't hear back. She stated that her granddaughter who had a liver transplant used to go see Santa at the gazebo and now she won't be able to. You need to bring the gazebo and picnic tables back. There was a mother with three children sitting on benches with their food in their lap trying to eat food off of their lap and one little boy had his chicken nuggets on the ground. Have you ever eaten chicken nuggets off of the sidewalk Mayor? I doubt it. We need picnic table, the gazebo and we need to be able to walk down there. That is our square, we need it back. Using the homeless is not an excuse. The homeless needs help, nobody helps them. You need to bring it back and think about what you are doing.

**Paul Moran, 63 N 4<sup>th</sup> St-** reviewed the list of services that the City of Newark has given to Licking County which included fire dispatchers, parking garage, health department, transit services, Wilson Street property, police dispatchers and now the gazebo. What kind of message does that send to the citizens when the city government gives up jobs, services and property? We should get money for the properties like Wilson Street and the parking garage that we are giving to the County because tax payer's money was used for these properties. He asked when the bridges and vacant factory structures will be taken care of.

**Kellan Paddy, 100 West College Street-** I was here about the gazebo but now I am here to make sure that this group knows that in this county the Census Bureau in 2015 estimated that 22.8% of the people in this county had a bachelor's degree or higher. The Census Bureau also in 2015 estimated that in this city, City of Newark 17% of people had a bachelor's degree or higher.

**Eric Crawford, Fulton Ave-** my question goes directly to the Mayor, we were told at the beginning of the meeting that it was not open for debate, it was for questions only. I am assuming that you have the power to circumvent those rules if not are you willing to have a town meeting so that people can ask you direct questions one on one.

**President Ellington-** he actually doesn't have the power to do that.

**Jen Kanagy, 2584 Upland View Ct –** I personally have done record requests and they have gone unanswered. I spoke to one of the Police Officers that work the night shift he said that they had to patrol cars to escort the gazebo down East Main Street and I would like to know who paid for that and if that was tax payer funded. I have also worked with the over 1,000 people who have joined the gazebo group on Facebook and that group has sent a records request from Connie Gadell- Newton an attorney in Columbus. I would like to ask that those records be released in a timely manner so people could get the answers they would like. I attended the Newark 2028 Vision meeting and I thought that it was very concerning that the term grass roots were thrown out a lot. I didn't see any citizens on any of those committees, they were mostly business owners. I did see Mrs. Floyd on a committee and I saw Jeremy on a Housing Committee. I didn't see anybody who maybe lived in low income housing on those committee and that was concerning to me. What was most concerning was their number 1 item that they felt was most important out of all of the surveys was image and brand. We have no public transportation, we have no fixed route busing, we have people living in pockets of poverty that don't even have a grocery store and then to stand there and hear grass roots and that this vision plan is worried about image and branding was very concerning. I hope that is going to be reconsidered and that is not going to be the focus if where the city is going to go in 2028.

**Daniel Crawford, 163 S 2<sup>nd</sup> Street-** I understand that it is difficult to come before citizens knowing that they aren't going to be terribly happy with the decision that has been made. I want to express my thanks that you are here today Mr. Mayor. I'm even willing to even give you the benefit of the doubt the last two times were absolutely legitimate and I am thankful you are hearing people out but we must not forget apparently questions have gone unanswered and those can't be absolved simply by attending today. So hopefully they get their answers today. As a father of two children I try to lead by example. They often say things and ask questions that hold me accountable and it would be highly responsible if I didn't answer their questions. That's not how I raised my kids, ignoring them or doing things other than putting up Christmas presents in the dark. That's not the way our government is supposed to work. We're supposed to have a feedback. We are supposed to hear the people out. As a candidate for office on the school board it is difficult dealing with people who disagree with you. I get comments on my Facebook page that are very much in opposition but I even try to take the time out to respond to them because I want to serve them as well and that is what government is about, service. I thank you Mr. Mayor for your service to the public that is just it we have to remember who you serve. It's not just business interests it is the people in this room. It's our communities beyond the square. It is becoming a beautiful square I acknowledge that. I was one of the ones who stood in opposition to the round a bouts but to a large degree I have come around to them but this decision on the gazebo is concerning to me because as I mentioned the last time it is the symbol of the breakdown of our government at least locally. Mr. Mayor I think you are person of good character in many respects. I think you are a decent human being. I just ask that you hear these people out and answer their questions. One last thing, since election day is tomorrow I think it would be a great service to the people as a courtesy to them that every member of Council at least speak whether or not they supported or opposed this move and if you can and additional answer as where you stood on the removal of the gazebo at all. Just a simple I supported it or I opposed it will suffice.

#### **MISCELLANEOUS**

**Roger Loomis-** the solar system is now working it hasn't been too sunny since we started but we are having a ribbon cutting on Thursday at 1:30 if anyone would like to stop down it is at the Wastewater Plant. I am not sure of the exact location but probably where the solar panels are at. It is producing electricity even on days like today.

**Director Baum-** we hired on two new firefighters today, a male and a female. We will shortly be hiring another Police Officer from the lateral program and we'd like the rest of you to come down and join Bill, Carol and the Mayor with us to swear them in.

**Mayor Hall-** I will address the people's concerns. I will certainly try to cover how the decision was made and why it was made then answer some of the questions that were presented tonight. This isn't something one morning I woke up and made the decision, it doesn't work that way. As our President just stated I can't change the rules in here, it's not a Mayors meeting it is a Council meeting. As you see I don't have a vote in here. The discuss with the gazebo and the decision was made as were many for downtown as you can see there are a lot of changes downtown. From many viewpoints the decision was made over a long period of time. Things that were discussed and there are people for and against this. I had more calls to move it than to not. Everyone can believe me or not believe me, you have a passion and I understand that and I get that but there are 48,000 plus residents in Newark. Many decisions downtown were based around making it a better downtown that could make it a more sound commercial environment that can turn around and produce potentially more tax dollars to put into the neighborhoods. We have to have a good strong community that is important. Many people in this room know how much time I spend with non-profits in this community and they are only as strong as the community is. We have some phenomenal non-profits. Someone has stretched this talk a little with the word undesirables. It was taken out of context I never attached the word homeless with the word undesirable, someone else has done that. Someone had a question on that they didn't call me and ask me about that more than a year ago. Undesirable is a person the day after the marker was put up celebrating the beautiful Courthouse someone broke it off and destroyed it. We had undesirable people running around downtown with no shirts on and screaming profanities to the point where I had many calls that people didn't even want to walk around the square anymore or be involved at all. The picnic tables were being enjoyed like they used to. I am born and raised in this town; I know this town very well. I worked downtown at age 14 but again it isn't like it was 40 years ago; good or bad. I wish we could roll the clock back in many ways. The word undesirable was for those that wanted to destroy the downtown. It had nothing to do with the homeless. If truly the gazebo is a solution for the homeless than God help the homeless because we've got other things we need to do for that and to get those things done. The gazebo is not ADA compliant it is always a concern today. We do have safety to consider. That is a courthouse in the middle that is the uniqueness of it; it is a park with a courthouse in the middle of it. Probably about 3 months ago a judge was shot in Steubenville walking around the sidewalk around their courthouse. We always have to look at providing a safe environment for the judges there whether they ask for it or request it. Anywhere you would have a group of people congregating around a courthouse you'd have

safety concerns. There was no emphasis on any one of these it is a combination of many of them. There are no public restrooms there anymore. Years ago you used to be able to enjoy the gazebo and use the public restroom inside the courthouse that is a safety concern. There used to be four accesses inside the courthouse now there is one. The public restrooms are locked. When we had the Mayors concerts down there it's interesting I didn't see a whole lot of people here tonight at Mayor's concerts when it was at the gazebo, we had six each summer and we had to rent portable toilets during that time period which is pretty ridiculous. At the same time the courthouse upgraded their HVAC system and it made an enormous amount of noise in the summertime by the gazebo so it wasn't a desirable place for those. Without a doubt there is the money to repair it. It needed a new roof; we had estimates between 20,000.00 and 30,000.00 to repair it. Mrs. Blake wants alleys paved; we only have so much money. We went out to the people to ask them for a little bit more tax dollars to try to stabilize this city so as a result of that we have to cut back on things; it is just how it works. Transparency, when this decision was made my office called the Advocate to set up a meeting with Kent Mallet who was joined by the publisher. We sat down and explained the whole process to the Advocate that wasn't them doing their searches it was us reaching out to them. That was the public release of it and it wasn't like we moved it the next day it was a couple of weeks after that. I don't know how else to get the word out. It was discussed at the Vision Plan. You can't get a thousand people in a room anymore and I don't think The Think Tank on Poverty does that either as much as we try we all have that challenge to get people somewhere to see their opinion on many things. It was done in the middle of the night to preserve it. It could have been torn up thrown in the back of a pickup truck or a dump truck and dumped but to preserve it, it had to be hauled on a flatbed and at that point we can't have cars parked downtown. The Friday before that there were orange cones marked off to reserve those parking spaces because it was such a wide thing. We are excited that the county has decided to take this and reuse it. It will have a new foundation and will be ADA accessible and it will be reused in a park. We are excited about that instead of it ending up in a trash pile. No records, we have spent no dollars. We have a responsibility to release any public records when dollars are appropriated, encumbered and spent. The public records request is being satisfied as they are being satisfied there is a reasonable amount of time and you can talk to the Attorney General about that. It has been about 4 days for that. The officers that were used were already on duty there was no extra pay to do this and no other city employees were used at all. At this point it is a collaboration of city and county as was that whole area between those sidewalks. The county has the building we have the park. They need to put it back to the similar way it was before it was tore up as they redid the courthouse. We have had good dialog all along the way. As they are putting it back this is where the discussion was. We had weather setting in we want everybody to enjoy the holidays down there as we light the courthouse so things have to be done and move on. Our goal is to make a stronger community and turn around and serve those that need our services even better. You have to make a city that people will not move out of. We are in the top 17 now in the state and there are only two cities growing and we are one of them. No one is benefitting from moving the gazebo. I do not even understand how anybody could even benefit from it. No one has my shirttail that is telling me here is money go do this; it doesn't work that way. By far anybody who knows me knows that is not how we make decisions. I do a lot of research. You know a lot more people are visiting downtown, more people are down there spending money that in turn produces more dollars that we can help the community with and help the neighborhoods that need that so drastically. I'm sorry I couldn't join you the last two meetings, I'm here tonight. I had tons of calls both directions; understand it is a town of 48,000 people. That is how the decision was made and that is how it was done. There was complete transparency. Some people are going to be very sensitive to what I am going to say here it is campaign time and tomorrow is the election and that gets a lot of people wound up and it always does. We are here to make the decision based on the majorities as I get calls, look through that and filter through it in many ways. All of your calls were heard I listened to all of your voicemails including the 5:40 A.M. voicemail including being called slime. I want you to know that I was fully aware of that. I could get you on the phone and you could try to talk me out of doing something I guess if you want but I understood that it is why you called. None of your calls were ignored they were put into this kind of formula for this decision. At the same time I have people reaching out saying I am safely walking around the square again. Again undesirables is not homeless I can't say this enough times. Somebody has taken that and taken it to the nth degree and I am a little offended by that because you show me the article where I joined the two, good luck. I am always going to have a group of people who don't like what we decide. That is part of the job and that is how it works. I appreciate your passion for what you believe in that is what this is about, this is a public venue to come in here and have a discussion. I appreciate all of that completely but I wanted you to know your voices were heard but so are the people who are on the other side of this. It goes both ways. I still don't see where there is a benefit from this. We are trying to save something, salvage something so that it can be re-used.

**Mrs. Floyd-** to answer Daniels question, I wasn't in favor of moving the gazebo. I like many of you saw it as a symbolism for downtown Newark. I appreciate you all coming but I do want you to know as citizens the best thing that you can do is vote. I'm a Civics teacher and so few people vote in local elections. You vote for President, you vote for Governor but

you don't go vote on what are called off year elections when you are voting on the people that affect you the most. This Council didn't have anything to do with the gazebo but Council is up for election tomorrow. All people who are Ward Councilmembers are up for election tomorrow and as a citizen, any citizen the best thing that you can do is vote. I think the feeling is that 20-25% of registered voters will vote tomorrow which is sad. I know people say I have a right to have a say in what goes on in the City of Newark but we live in a representative democracy. You don't live in a direct democracy if we did we would have to get 48,000 people some place to vote on everything and that will never happen. This would work in maybe a small school or small organization but you elect people to in effect vote for you. If you don't like what they do then you don't vote for them the next time. That is the way that representative government works and you basically need to be aware of that and tell your friends that. I did want to mention that if you've not been here before I wanted to explain that I know we had all of these votes where it was yea, yea, yea and you might be saying they all just do the same thing. We've had committees where we basically discussed all of these things. Most of the issues except one that is coming up soon we discussed three weeks ago and we had people who could come in and speak to these issues and we could ask questions. I just want you to know that we do a lot of planning and thinking ahead of time before we come and cast our vote on these issues. I want to congratulate us on two new firefighters, Bill and I go when there are new firefighters or police officers sworn in. We have had 4 new police officers sworn in the last couple of months and 2 new firefighters today which is exciting for the City of Newark because as you all know we just don't have enough. I heard all of the things Mr. Moran said about all of the things the city has lost. One of the reasons the city has lost all of these things is because in the last few years we have lost tons of state local government funds and we have lost the inheritance tax, we have lost millions of dollars that have been taken from local government. Just like your budget can't handle more than it's got, our budget can't handle more than it's got. We don't like doing this but sometimes we have to give some of those things up. I do want to mention the Newark Vision Committee because I was on that committee and yes a lot of people who were on it originally are business people, I'm not. I live in the 7<sup>th</sup> Ward just a few blocks up the street. I live in an area where there is a lot of poverty. Most of the houses in my neighborhood are rentals, mines not and I want you to know that sometimes I think that I speak for some of the people who have less than I do. I understand you want a lot of people to go to those meetings; I know how hard it is to get people to any meeting. Normally if you weren't here for the gazebo there would be 10-12 people here. That is a normal Council night. I must say when the Newark Vision Group, the OHM Group and they came up with these ideas of things that would happen and they had the first public meeting it was the decision of the group and it was a lot of the Think Tank on Poverty people who came. I know who a lot of them are and I saw where those stickers went and they went on transportation and housing so you have had a voice. That meeting we had the other day is just the beginning stages. This is called planning, it is looking at issues that we need to continue to work on and go toward implantation. I know transportation is a big issue; a lot of people in my neighborhood don't have cars and with the bridge closed it has been real hard for them to get places. It is important that they have transportation to get to a job; I understand that is an issue. It is not an easy issue to solve. It is an expensive issue to solve. If you want to get involved get involved in some of the committees for Newark Vision. Call the CIC, Newark Development Partners and tell them you want to help work with this to help implement it to make Newark a better community.

**Mr. Fraizer-** when it comes to the gazebo Daniel I will answer your question. I was not in favor of not being told about it. I want to be informed about decisions that impact the citizens of the community. I met with the Mayor and the Service Director to come up with a plan to try to improve this in the future and the talks are ongoing. We hope to add more transparency and more direction in the future with decisions that are shaping our community. With that being said 17-55 is an important piece of legislation for me. It is framework for which medical marijuana businesses are going to be doing business in the City of Newark. I have been working really hard on this. We had a committee meeting and there were some questions and concerns from members of Council and I want to use this time to address some of those. When it comes to the fees the City of Newark Ohio is going to require a \$500.00 fee to do business. There was a concern about that price. An application fee for the State of Ohio is \$5,000.00, the licensing fee is \$70,000.00, the late renewal fee is \$10,000.00, to have a key employee file it is \$500.00 same as a renewal, a key dispensary employee renewal is \$250.00, a dispensary support employee is \$100.00 and a change of ownership, renovation, location is \$5,000.00. Talking with the Law Director there are very few concerns about it being translated as a tax because we are trying to recoup the cost of the application. When it comes to the inspection of medical marijuana dispensaries what we have allowed in our ordinance is to allow the Safety Director the opportunity to inspect facilities to make sure there are no outdoor sales, people are abusing the system so people with the 21 illnesses that this law was intended for to get the treatment the State has enabled them to get. Part of 7966.4.02 A dispensaries are subject to random and unannounced dispensary inspections for medical marijuana testing by the State Board of Pharmacy. The State Board of Pharmacy and it's authorities may enter any place including a vehicle in which medical marijuana is held, stored, dispensed, sold, produced, delivered, transported, manufactured or disposed of. They have the right to inspect in a reasonable manner



the place of all pertinent equipment, containers, labeling, all records, all files, all financial data, all sales data, all shipping data, all pricing data, personnel data, research papers, process controls of facility, inventory and stock of medical marijuana. What we are asking for is the ability to have the same authority as the State to inspect to make sure the right products are being sold for people with medical illnesses in conjunction with the State of Ohio. The other concern we had was what was part of the application, high level application fee, the name, the organization, confirmation that they registered with the State of Ohio, a copy of the article of incorporation, physical address, mailing address, telephone number, electronic mailing address, proposed hours of operation, proof establishing ownership, location map, evidence that the applicant is in compliance with ordinances, copies of required local registration, documentation sufficient to establish that the application is in compliance with applicable tax laws, a financial plan, liquid assets, source of those assets, description of organizational structure, a list of owners, a narrative, previous experience, any demonstrative knowledge, documentation of adequacy of size, waiting room, layout, plan of proposed dispensary, plan for business and evidence that the application has a plan to staff, educate and manage proposed dispensary on a daily basis. I hope that answers some of the concerns we have of what is in the application, is the fee appropriate and do we have the right framework and the right legislation before us. The other thing that I provided was the maps out front of the proposed zoning. There are three; you will see a 500 foot radius for church, school, library that is what the State has. We have a 1000 that is going in front of the Planning Commission on November 14th and the other one is 500 feet residency restriction where you will see such limitation for people to do business that is prohibited for dispensaries to come here.

**Ms. Hall-** I want to thank all of you for being here tonight I think that it is wonderful that you come and voice your opinion. You have to remember that Council doesn't vote on whether the gazebo moves or not. We have our opinions. In Dee's perfect world I want one on the square and one in the park. We can't afford this and I am sure the Mayor has his reasons but thank you for your opinions; I wish we had the money. There are reasons why it had to move I guess; I understand more now.

**Mr. Lang-** I have talked a number of times about the separation of powers and that we do elect a Mayor to go out and make those tough decisions and then stand up here and take all of your phone calls and deal with the citizens when they are upset about decisions that are made and I will respect the Mayor for making that tough decision and take him for his word for the choice that he made and his rationale behind it. I think Mr. Cost had a great suggestion two weeks ago when he stated to get ahold of your Councilperson. I still have only heard from one person. I reiterate that there are some passionate folks in this room and I think that it is good everybody is here talking tonight and raising your concerns. I'd ask you to come back on another night when we have 12 people here because I think participation in your democracy is more than just when you get upset about something and you are here for a couple of weeks. When I went out knocking on doors the last few weekends I talk to hundreds of people each weekend and I can tell you that the number one issue that comes up is paving our roads and the safety of our roads. Mrs. Blake you had a good suggestion. We still have a bunch of roads in the Fifth Ward that I would love to see paved as well. I think we need to continue to maintain that capital improvements budget and continue to pave our roads to stay on the same schedule we are on. I would like to thank the Service Department. One of the constituents suggested some safety signage to improve one of our dangerous intersections in my ward at Howell and Londondale and I was happy to see today we got some signage up to improve that intersection so I would like to thank the Service Department.

**Mr. Mangus-** as several other Council members have already said I wanted to thank you all for coming this evening. To address Mr. Crawford's question I have opposed the movement of the gazebo in the past and I continue to oppose it. I would like to see it come back. I'm not sure that it is necessarily a safety issue. I am also concerned; I understand the Mayor has listened to the phone call messages and emails but public record requests need to be honored and honored very quickly. I hope that this will happen as quickly as possible. To echo the gentleman's comments that just departed a few moments ago, I think that we do need to know who contributed the funds to removing the gazebo in the end. I look forward to hearing that information in the future. Regarding medical marijuana I didn't have any intention of addressing this this evening but I still have some concerns about the fee. I am concerned that it can be construed as a tax and that needs to be approved by voters. I will be speaking to the Law Director and getting his sense on that issue in the near future. I am concerned with both pieces of legislation that has gone forward regarding medical marijuana in the last several weeks because there are no residential protections. It can't be within with the current legislation a 1000 feet of a school or a church. I'm not sure why it can be in someone's backyard practically and that concerns me a great deal and I will continue to lobby to have a residential protection added to the legislation.

**Mr. Marmie-** called a Finance Committee meeting. To address Daniels statement, I too believe in the separation of powers and each entity has their rights to certain decisions. We weren't involved in those decisions. I can give an opinion of what I think but I don't know if my opinion is a well-educated and well thought out because I was not privy to all of the information that the administration was available to them. Here is what I would tell you, if it was my decision or I had a vote on it I would gather all of the pertinent information. I would make sure which we do at Council, I would

listen to both sides, we listen to the arguments, we debate the issue then we formulate a decision. I believe that there are safety concerns, financial concerns especially the ADA compliances and meeting those. Those things would all come into a decision that I would make. Unfortunately I was not given that opportunity and I'm not saying that it was wrong that I wasn't given that opportunity it is just the way the democracy is set up. I love the gazebo while it was here, it was part of my growing up in this community but so was Woolworth, so was Sharf's and so was all of other things that has changed in our community and it doesn't mean that it's always a negative. I appreciate everyone's passion and coming here this evening. Honestly I have had the same passion about other things in this community myself. I believe that the gazebo was a great part of our history I don't know that it would be a part of our future if it is going to be a part of our future, it is going to be folks like everybody in here making it a part of our future and I believe if it is justifiable and if something like that is to come about it will prove itself. I need to bring up Resolution 17-83 evoking Rule 11.

By: Marmie, Floyd, Cost, Rath, Fraizer

RESOLUTION No. **17-83** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION. Expedite

**Motion by Mr. Marmie to waive the two day reading rule on Resolution No. 17-83, second by Mrs. Floyd**

**Mr. Marmie-** we have bills that are due immediately so this needs to be expedited.

**Motion by Mr. Marmie to adopt Resolution No. 17-83, second by Mrs. Floyd**

**Mr. Marmie-** this item didn't meet our agenda criteria to be on the Finance Committee agenda so in order to adhere to our rules we were unable to vote on this at committee although we did discuss it in committee and just to explain to all of you what is happening here; we actually have to reimburse funds when there is a fire and a house needs to be taken down and we have exceeded those funds of what we anticipated in our budget this year. This is used to make sure that all of that is taken care of and that there is not a half burn down or a fully burnt down property in our community for a long period of time. This is something that we will recoup from the insurance companies. We need to make sure it is available and it has to be expedited so that is why we are evoking this rule.

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

**Mr. Rath-** Mrs. Floyd I wanted to tell you that I always enjoy your Civics lessons whether it is new information or reminders. We will miss you at the first of the year. I want to thank everyone for being here it is truly local government at its finest with you being able to come here and have a voice. I want to encourage you to continue to exercise your rights by voting tomorrow. I'm excited for tomorrow because I am excited to see all of the signs gone. We also have another issue in our city and I hope that our Service Director Mr. Rhodes is listening but with all of the campaign signs there are a lot of other signs that are blending in and we have some bandit signs that are popping up around town that are in itself illegal and they are placed in illegal places. I know some of the business owners have been told about that already. Those signs need to be gone and collected. I hope that we can address that and make our city beautiful again. Campaign and bandit sign free I am looking forward to Wednesday.

**Mr. Blake-** I would like to thank the Service Director and Engineer for the resurfacing of some streets in the south end. Being an elected official I guess you are even accountable to your own mother. I want to thank my mother for coming and speaking about the alleys. Accountability is a part of this job. It is an exciting time. Tomorrow is Election Day; it is a time when citizens get to hire who is sitting here. Every four years any one of us is up for election and that is a time when you have gone through the campaign season which in essence is your interview and tomorrow is who do we want to hire to be in that job. I encourage everyone to go out and vote not just for the Wards of Council but I also want you to consider the Children's Services Levy. There are almost 500 children in our community in Licking County who are dealing with neglect and abused on a daily basis so I would urge you to support that. John Fisher is the Director of our local agency who oversees Children's Services and I hope that you would support that. Accountability, transparency, all of that is part of being an elected official and I think that you being here tonight and being engaged is important. To answer Daniel Crawford's question, I have always remembered the gazebo being downtown. I live in the south end and we used to walk up here for our events and activities so the gazebo has always been a part of my life and I would have liked for it to have been there. I even go as far as what Mr. Mangus said about bringing some type of structure back but I don't want us to just focus on the structure because this is more than the structure of the gazebo. It is focusing on the division that seems to be occurring in our community based on economics and socio demographics so I hope that we can at some point come together and focus on moving Newark together for the benefit of all residents regardless of what end of town you live on, regardless what influence you have because of what position you hold in our community. I hope that we can move forward together. I would agree if there was some way, the Mayor is going to present it to this Council here coming up in a few weeks if there is some way to get a structure to have community events on right on the square I would be in favor of that. Any time that you have division in this room it is part of our job it's not just to have all of the pleasantries, going to swearing in's or ribbon cuttings we are here to make tough decisions. Sometimes we are going to agree with one another and sometimes we're not going to agree with one another but ultimately the majority vote of

this Council is what proceeds that is how we move ideas and legislation forward. I thank you for being here tonight I hope that you stay engaged, stay active and stay organizing.

**Mr. Bubb-** Daniel regarding the gazebo as I stated in the newspaper when they ran the article a few weeks ago due to safety issues, lack of public restrooms and the mere fact that it's coming back yes I do support it, I appreciate your comments, well said Mr. Mayor. It is a tough job that you have; you have to make a lot of tough decisions everyday all the way across the board. Mrs. Blake you brought up an interesting point about alleys, they are a key part of our transportation in the city a lot of people use them. I have spoken to the Service Director about this and one thing I would like to see in the upcoming years with the collaboration of Buster Prince I think that we might be able to do some of that stuff in house. We may have to incorporate some chip and seal but if there is a way we can chip away at it I think it could be done. I don't think that you are going to see a massive overhaul on the alleys it's just not there because we have to take care of our streets first. I think with some of the good folks we have working for us we can be creative we can incorporate some chip and seal and asphalt and do improvements. I appreciate you asking that.

**Mr. Cost-** I want to thank you all for coming and participating. I think that it is great to see that people are interested and have a passion to be at a meeting like this. We all attend different types of public meetings as I said sometimes it is the privilege of seeing a policeman or firefighter hired. There are many different types of public meetings and you will have people who show up with different interests who are willing to be involved that is what in my opinion makes this a very special community. I want to thank the Mayor for being here tonight and giving his presentation. I appreciate that very much. I hope you all stay engaged and go out and vote tomorrow. I was opposed to moving the gazebo and I still am. I consider the gazebo to be a part of the courthouse and a part of the downtown square.

**President Ellington-** I would also like to thank all of you for coming this evening, this is your Newark City Council. Sometimes things can get heated in here but we do the best we can to keep things calm. I thank you for being attentive and courteous this evening. I know I and everyone up here appreciates that. You're welcome anytime, come back. Our next committee meeting will be November 13<sup>th</sup> at 5:30 P.M. and our next City Council meeting will be November 20, 7:00 P.M. 2017. Do your duty and vote tomorrow if you haven't already.

**ADJOURNMENT- Motion by Mr. Rath, second by Mr. Cost**