

## COUNCIL MINUTES

November 20, 2017

Council Chambers

7:00 P.M.

**7:00 P.M.** – President Ellington called the Monday November 20, 2017 Newark City of 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** – Mr. Fraizer

**PLEDGE OF ALLEGIANCE-** President Ellington

### CAUCUS-

**President Ellington-** we passed the Downtown Tax District Resolution about 2 or 4 weeks ago, our Service Director, Mr. Rhodes informed me that Council has an appointment on that even though we have nothing to do with the collection of the tax. These folks voted this tax on themselves to help the downtown district. Mr. Rhodes suggested Steve Layman. He has been a long time downtown business owner he also has a lot of history with the downtown area. I suggest that we appoint Mr. Layman as our Council appointee to this board.

**Mrs. Floyd-** I know that Steve Layman was involved with the previous SID that existed downtown. He owns property downtown and when this proposal was presented to the Downtown Newark Association he was the one who explained it to everybody and could to them how it was going to work and all of the things that it could be used for so I think that he is an excellent choice.

No objects, appointment passed by acclamation.

**President Ellington-** it is a 3 year appointment.

**MINUTES of November 6, 2017-** Motion by Mr. Rath to approve the November 6, 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 Jeff Harris and Mark Mauter to the Licking County Tax Incentive Review Council (TIRC). Their two year terms will begin January 1, 2018 and expire December 31, 2019. - **No objections**

Mayor Hall reappointing Jeff Harris to the City of Newark Tax Incentive Review Council (TIRC). His two year terms will begin January 1, 2018 and expire December 31, 2019. - **No objections**

### REPORTS OF STANDING COMMITTEES

Safety- **Received & Filed**

Service- **Received & Filed**

Personnel- **Received & Filed**

### REPORTS FROM CITY OFFICIALS

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

### COMMUNICATIONS

**Paul Moran-** his comments from the November 6, 2017 Council meeting regarding the City of Newark relinquishing services to the County- **Received & Filed**

**GSS Inc.** - notice of construction of a telecommunication pole south of the McMillen Drive and Hospital Drive in Newark.-**Received & Filed**

**Mayor Hall-** proclamation for City Hall's 50<sup>th</sup> Anniversary

### COMMENTS FROM CITIZENS

**Tim Snodgrass, 2412 E Audrey Dr-** had a complaint about a Park Ranger not allowing him, his wife and their dog to be hiking up around Horns Hill Park. He stated they knew that it was closed and they were trespassing but asked why the park was closed. He stated that he had looked through the minutes on our website but he couldn't find a good reason why the park had been closed. He called the Parks Department but had not heard back from anyone today however he emailed the Police Department and they responded quickly with reasons why the park was closed and one of the reasons he doesn't object to is that there was deer hunting going on. He stated that was one of the reason they hiked at the park is because where they live there are gun blasts around them from hunters while out in their yard doing yard work. He stated that he would like to get involved in the Parks and Recreation committee which citizens can volunteer on. He stated that he realized there were some issues that went on at the park but we should not except that and if there are safety issues we should resolve them.

**President Ellington**- referred him to speak to Director Rhodes after the meeting.

**Joseph Hopkins**, 1345 Pembroke Ct- spoke against the crossing at Pearl Street being torn down and stated that as a member of the Saint Francis Church it is not a universal opinion of the parish that the walk way be shut down. He was also not in favor of City Council looking for an 11% increase for themselves because members of Council have stated many times the city is broke and members of Council have opposed fair wages and wage increases for our city employees and safety personnel yet there is a push for an 11% raise for City Council immediately following an election. He asked why it wasn't mentioned before the election so voters could decide whether to support it. In his opinion support for local job creation, poverty elevation and fair pay for city employees needs to be addressed and satisfied before any increases to Councils salary.

**Davis Green, 1791 Olympic Court**- discussed Nancy Welu's comments at one of the last Council meetings about Lesa Best and stated he also thought Lesa was a strong advocate for housing and transportation in Newark and how she always questioned the decisions of Council, the Mayor and other authority. He feels as though there is a lot of interest paid to real estate as opposed to the interests and concerns of the community. He believes there is a financial reward for the money interests of the county to make sure that legislation and other concerns are dealt with in different ways than both the working families and low income communities of this town and county. He praised Daniel Crawford for asking Council members to take a position publicly on the gazebo removal at the last full Council meeting however several people did not answer. He found the Mayor's actions on this issue reprehensible and undemocratic. He asked where the transparency and community approval were in the question of the gazebo. He felt there were a lot of holes in the Mayor's defense for those actions and that they should be accounted for. He proposed that a gazebo comes back where the other one was and that it is named Best Gazebo in memorial of Lesa Best.

**Daniel Crawford, 163 S 2<sup>nd</sup> St**- I was there to support Ordinance 17-56 which is to create a Charter Review Study Group to explore into non-partisan elections.

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

**By: Fraizer, Marmie, Rath, Lang**

**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**

**Motion by Mr. Fraizer to adopt Ordinance No. 17-55, second by Mr. Lang**

**Mr. Fraizer**- this is the general ordinances around medical marijuana licensing that will enable to city to facilitate supervision to make sure treatment goes to the 21 illnesses that the State of Ohio has prescribed for and ensure an orderly fashion for businesses to come into our community and cooperate with the city.

**Motion passed by a vote of 8-2 (Mr. Blake, Mr. Mangus)**

**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**

**Motion by Mr. Mangus to adopt Ordinance No. 17-56, second by Mrs. Floyd**

**Mr. Mangus**- as Mr. Crawford just stated this is basically a Charter Review Study group that is just trying to get information on the process of changing to a non-partisan government. It is not setting anything to stone it is providing background information for the next Charter Review Commission.

**Mrs. Floyd**- I would like to say again what I said in committee which is over the years we have had a lot of study groups and I see problem with studying an issue and since the last two Charter Commissions has discussed this and said they didn't have enough time to look into it this because it would be a very comprehensive study.

**Mr. Marmie**- I am not opposed to a study group in any way, shape or form however I am of relationships of support. There is nothing in this resolution that can't be done without the ordinance. I don't want to start resolutions of support when everything in here can be done without an ordinance.

**Mr. Fraizer**- when it comes to non-partisan elections I feel like it removes transparency to the voters; at least when you go to the polling station and you see what party affiliation you do have some idea where they stand on critical issues especially critical issues with local government. That as well as this being sort of a support versus a recommendation where we say this is what has to change in the Charter if we were to adopt this it is really hard for me to support and I am going to vote no.

**Motion to adopt was a 5 (Mrs. Floyd, Mr. Mangus, Ms. Hall, Mr. Cost, Mr. Blake)-5 tie (Mr. Fraizer, Mr. Rath, Mr. Bubb, Mr. Marmie, Mr. Lang)**

**President Ellington**- I agree with Mr. Marmie I don't think that there is any reason why we shouldn't pursue this but I do agree that we don't need an ordinance to do it. I was looking at the Charter again today trying to figure that out. The

Charter Review Study Group is basically picked by Council or the Council President like we did the Trash Talkers and I don't believe we did an ordinance to do that. Our next Charter Review will be four years from January so I am going to vote no on this but I am also going to let you know that starting at the first of the year I am going to work on getting a group together and we will do a study group to see how this works with the Charter. There are other things besides non-partisan to consider. There are several other things in the Charter minority leader, majority leader; the way committees are done there are a lot of different things this would affect.

**Motion to adopt was defeated by a vote by Council President of 6-5**

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

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

**17-44** AN ORDINANCE SETTING COMPENSATION AND STATING POLICY WITH RESPECT TO CERTAIN APPOINTED POSITIONS OF THE CITY OF NEWARK, OHIO REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY

**Motion by Mr. Bubba to adopt Ordinance No. 17-44, second by Mr. Fraizer**

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

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

**17-57** AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE, AND POSITION AUTHORIZATION TABLES OF THE CITY OF NEWARK BY CREATING THE POSITION OF ASSISTANT DIRECTOR OF HUMAN RESOURCES WITHIN THE DIVISION OF HUMAN RESOURCES WITH A STRENGTH OF ONE (1).

**Held for a second reading**

**By: Marmie, Rath, Floyd, Lang**

**17-58** AN ORDINANCE SETTING COMPENSATION WITH RESPECT TO CERTAIN ELECTED OFFICIALS OF THE CITY OF NEWARK, OHIO AND REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH

**Held for a second reading**

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

**BY: Rath, Marmie, Cost, Floyd, Fraizer, Lang**

**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

**Motion by Mr. Rath to adopt Resolution No. 17-80, second by Mr. Fraizer**

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

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

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

**Motion to adopt Resolution No. 17-81 by Mr. Marmie, second by Mrs. Floyd**

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

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

**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

**Motion by Mr. Marmie to adopt Resolution No. 17- 82, second by Mr. Cost**

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

## **RESOLUTIONS ON FIRST READING**

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

**17-84** A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE A CONTRACT FOR REIMBURSEMENT OF LEGAL REPRESENTATION OF INDIGENT PERSONS FOR CALENDAR YEAR 2018 WITH THE LICKING COUNTY BOARD OF COMMISSIONERS FOR THE CITY OF NEWARK, LICKING COUNTY, OHIO AND DECLARING AN EMERGENCY

**Motion by Mr. Rath to adopt Resolution No. 17-84, second by Mrs. Floyd**

**Mr. Rath-** this is an emergency due to the timing of needing to pass this and the lack of time given to us by the State needed to do so.

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

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

**17-85** A RESOLUTION APPROPRIATING THE REAL ESTATE KNOWN AS PARCELS # 6 T AND 6 WD, NEWARK LICKING COUNTY, OHIO; AUTHORIZING THE DIRECTOR OF LAW TO PROCEED WITH A COMPLAINT FOR APPROPRIATION IN THE LICKING COUNTY COURT OF COMMON PLEAS AND DECLARING AN EMERGENCY

**Motion by Mr. Rath to adopt Resolution No. 17-85, second by Mrs. Floyd**

**Mr. Rath-** this is declaring an emergency on a piece of property and I will speak to this piece of legislation along with the following four these properties deal with the expansion of the Ohio Street Bridge. The value of all of these properties is in the range of \$300-600 and the current owners of the properties are wither deceased or have not been able to be located therefore the value of that property is going to be put into a deed for heirs to claim but this is a process that has gone on for a long period of time and this is the final step.

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

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

**17-86** A RESOLUTION APPROPRIATING THE REAL ESTATE KNOWN AS PARCELS # 054-212748-00.000, NEWARK LICKING COUNTY, OHIO; AUTHORIZING THE DIRECTOR OF LAW TO PROCEED WITH A COMPLAINT FOR APPROPRIATION IN THE LICKING COUNTY COURT OF COMMON PLEAS AND DECLARING AN EMERGENCY

**Motion by Mr. Rath to adopt Resolution No. 17-86, second by Mrs. Floyd**

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

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

**17-87** A RESOLUTION APPROPRIATING THE REAL ESTATE KNOWN AS PARCELS # 2 A AND 2B WD, NEWARK LICKING COUNTY, OHIO; AUTHORIZING THE DIRECTOR OF LAW TO PROCEED WITH A COMPLAINT FOR APPROPRIATION IN THE LICKING COUNTY COURT OF COMMON PLEAS AND DECLARING AN EMERGENCY

**Motion by Mr. Rath to adopt Resolution No. 17-87, second by Mrs. Floyd**

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

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

**17-88** A RESOLUTION APPROPRIATING THE REAL ESTATE KNOWN AS PARCELS # 7 T AND 7 WD, NEWARK LICKING COUNTY, OHIO; AUTHORIZING THE DIRECTOR OF LAW TO PROCEED WITH A COMPLAINT FOR APPROPRIATION IN THE LICKING COUNTY COURT OF COMMON PLEAS AND DECLARING AN EMERGENCY

**Motion by Mr. Rath to adopt Resolution No. 17-88, second by Mrs. Floyd**

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

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

**17-89** A RESOLUTION APPROPRIATING THE REAL ESTATE KNOWN AS PARCELS # 054-271110-00.001, NEWARK LICKING COUNTY, OHIO; AUTHORIZING THE DIRECTOR OF LAW TO PROCEED WITH A COMPLAINT FOR APPROPRIATION IN THE LICKING COUNTY COURT OF COMMON PLEAS AND DECLARING AN EMERGENCY

**Motion by Mr. Rath to adopt Resolution No. 17-89, second by Mrs. Floyd**

**Mr. Rath-** this one has to do with the Manning Street Bridge but everything else is the same.

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

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

**17-90** A RESOLUTION PROPOSING THE CREATION OF A SPECIAL IMPROVEMENT DISTRICT (DOWNTOWN NEWARK SPECIAL IMPROVEMENT DISTRICT, INC.) ALONG WITH THE REQUIRED PETITIONS, THE INITIAL ARTICLES OF INCORPORATION, AND THE PROPOSED PLAN FOR SERVICES FOR THE SPECIAL IMPROVEMENT DISTRICT

## **Held for a second reading**

### **COMMENTS FROM CITIZENS**

**Jen Kanagy, 2584 Uplandview Ct** – I would hope that everybody up here would vote no for their own personal 11% raise when we have some of the lowest paid safety forces in the area with the highest workload. I have a really hard time thinking that we are going to give almost an additional \$1,000.00 raise to each person. It would end up being \$165.00 per week plus retirement benefits. When I decided to run for City Council I talked to some people and decided to look into what would I have to do to be an engaged and effective Councilperson. Mondays you figure two hours unless something crazy happens and the gazebo gets moved and 50 people show up and then maybe an additional 6 hours throughout the week to answer questions and attend community meetings. I think that when we have a hard time giving a 2% cost of living raise to our safety forces I have a hard time thinking if Council works two hours a week and you don't go to community meetings and you don't answer any emails you would be making \$82.50 an hour. I did some research on per capita income in Newark and above 15 years old it is \$17, 819.00 per Wiki and there was an indeed.com article. On average folks might make \$10.12 an hour so when we have such high levels of poverty and some many has so few I have a really hard time as a taxpayer being ok with anyone voting for a raise. We had a rash of car break-ins, rummaging and theft in my neighborhood Thursday and I emailed my Councilmember hopefully I hear back from you. I also copied the chief. We would like to see a patrol occasionally; I know we only have four guys on duty at a given time but we had some folks wondering around our neighborhood about 2:15 A.M. even if we could have some police presence about 2:30-3:00 in the morning that would be appreciated.

### **MISCELLANEOUS**

**Mayor Hall-** I had the honor of attending the annual Licking County Veteran of the year award over the weekend. It was quite a privilege to sit with that many Veterans. There were 9 nominees and a gentleman from Granville was chosen while they were all recognized equally. I want to thank the Licking County Veteran Service Commission for all of the hard work that they do in the community.

**Mrs. Floyd-** I'm sorry that Ordinance 17-56 didn't pass but I do appreciate you being willing to set up a committee because I do think that it is something that should be studied so the next Charter Commission has some idea as to whether or not they want to go that direction or not with non-partisan elections. In terms of the Pearl Street Bridge, we heard people talk; we have not made any decision. That is my Ward and I know a lot of people from that area cross that bridge and until the bridge opened on Mt. Vernon Road on Friday you had to go a long way to be able to cross and get over to the Granville Road side. No decision has been made all we were doing the other night was listening. The Nutcracker at the Midland is this weekend. If you have not been to it for a local show, they do get people in from several counties, it is very professional looking show. For those of you who missed the Olivia Newton John concert you missed a wonderful show. When Bruce Hornsby was here several weeks ago there was a lady that came to Newark, Ohio from Dubai to see him. I am sure you all know I was thrilled when the bridge opened and I was thrilled tonight when I looked outside and the lights are on. The whole area from the bridge to the Hoover St. Clair area is bright and I think that will be beneficial because it will help cut down on any activity we don't want.

**Mr. Fraizer-** I want to thank all the members who supported Ordinance 17-55. It is a really good piece of legislation because most municipalities have not addressed this issue and it sets a framework for other municipalities to review it and create the best piece of legislation they can for their city. I thank those who cooperated, supported it and had input to it. I appreciate it. Mr. Snodgrass thank you for coming today we'll make sure that we will talk to the Service Director. I grew up on Audrey Drive myself and I want to make sure I facilities are open and available to the public. Congratulations to the Mayor on the opening of the bridge and the continued developments that we have throughout Newark. Happy Thanksgiving to everyone and I hope that you all have a blessed day.

**Ms. Hall-** wished everyone a Happy Thanksgiving and safe travels if you are out.

**Mr. Lang-** I was excited to see the bridge open this week as well. Congratulations to the Mayor and anybody else that had a hand in that project. I know we are all excited about the lighting of the county building on Friday. I hope that everyone has safe travels for Thanksgiving.

**Mr. Mangus-** called a Rules Committee meeting.

**Mr. Marmie-** called a Finance Committee meeting. Tim I also wanted to grab you after the meeting there are somethings I wanted to talk to you about. I want to wish everybody a very Happy Thanksgiving and hopefully you get to shred it with loved ones and family.

**Mr. Rath-** I wanted to say that I was pretty excited about Resolution No. 17-82 regarding the Wexford lodging. That is a sign of great growth and improvement in the Third Ward; I'm excited to see what could happen there. I wanted to say Happy Veteran's Day, we haven't been here. Happy Veteran's Day to all my fellow Veterans on Council and those that aren't. Happy Thanksgiving everyone.

Ms. Kenagy, my email address is [jrath@newarkohio.net](mailto:jrath@newarkohio.net) or [jeff@jeffrath.com](mailto:jeff@jeffrath.com) the spelling is right down here I haven't received any emails from you. Try sending it again. Called for a Service Committee meeting.

**Mr. Blake-** I too want to congratulate the Mayor and his staff on the bridge opening, it is a great project right there in the heart of our city and it does look beautiful. I want to point out that the Mayor and I were at a new brewery opening on Flory Street The Dank House Brewery, Councilman Bub was there as well. We want to show some support for their new business because the future of our city is with small businesses plus it is a really cool place to be in. For the last seven weeks I have been participating with our Division of Police with the Citizens Police Academy and I want to thank Director Baum, Chief Connell and the other Sergeants and Officers involved with that program. This Wednesday at 6:00 they are having a graduation. There have been about 20 or so people participating learning the ins and outs of our Police Division from canine unit, self-defense to traffic. It has been really informative. If you are bale to stop down for the graduation it is 6:00 at the headquarters.

**Mr. Bubb-** I want to invite everybody down to the Courthouse lighting at 6:00 this Friday. Everyone is going to be amazed at the new lighting it looks great. I encourage everyone to stay down town and frequent some of the establishments. I know Barrel and Boar and the Bistro are having entertainment. I had the opportunity along with the Mayor, Jeremy and Bill to go to the Nework facility. It is a very nice gift from John and Sara Wallace and Terry Lowenger given to Newark. It offers long term office space, short term, daily and hourly. It is state of the art. Mr. Hopkins I think that the administration was clear the other night and Carol touched on it tonight that they didn't have any plans to close that bridge.

**Mr. Cost-** Mr. Snodgrass I would like to have a chance to speak to you after the meeting as well. I am looking forward to participating in the committee to discuss non-partisan for the City of Newark.

**President Ellington-** I asked Mr. Mangus to call for a Rules committee, I would like to talk about maybe changing how Committees are done next year and get everybody's idea. Our next committee meeting is November 27<sup>th</sup> here at 5:30. City Hall will be closed November 23<sup>rd</sup> and 24<sup>th</sup> for Thanksgiving. Our next City Council meeting will be December 4<sup>th</sup> at 7:00. I wish everyone a Happy Thanksgiving I hope you enjoy it with your family.

**ADJOURNMENT-**Motion by Mr. Cost, second by Mr. Lang. Motion carried by acclamation.