

COUNCIL MINUTES

June 6, 2016

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the Monday June 6, 2016 Newark City Council Meeting to order

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

INVOCATION – Mr. Johnson

PLEDGE OF ALLEGIANCE

CAUCUS

MINUTES of May 16, 2016 Motion by Mr. Johnson to approve the May 16, 2016 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. Rath. **Motion carried by acclamation.**

APPOINTMENTS

REPORTS OF STANDING COMMITTEES

Finance- **Received & Filed**

Street- **Received & Filed**

Safety- **Received & Filed**

REPORTS FROM CITY OFFICIALS

Barb Jobes, City Tax Administrator - operating report for the period ending May 15, 2016. - **Received & Filed**

PETITIONS

Kenneth& Diana Corder – to vacate the alley that runs north and south between Fairlawn Ave and Woodlawn Ave- **Received & Filed**

COMMUNICATIONS

LAPP- invitation to the 7th Annual LAPP golf outing on July 23, 2016 at Irish Hills Golf Course- **Received & Filed**

Theresa Moats- invitation to the North Williams Street Area Block watch celebration of the National Night Out on August 2, 2016from 6:30-9:00 P.M. - **Received & Filed**

Roger Loomis, Utility Superintendent- a list of properties that are being sent to the County Auditor's office for liens to be applied for past due water, sewer, and storm water bills in the amount of \$24,850.51- **Received & Filed**

COMMENTS FROM CITIZENS

Resident of 1913 Grafton Rd- asked whether the city would be liable if he popped a tire on his bicycle from a pothole.

President Ellington- deferred to Law Director Sassen regarding the liability of the city for retribution to individuals for tires that are damaged by potholes

Director Sassen- there is a process by which if that happens. There is a claim that can be made in the Service Director's office and then each claim is analyzed individually. There is a possibility. Generally speaking the answer is no. There are circumstances in which the city can be liable.

Kim Bean, PO Box 191 West Jefferson, OH- she stated that she was there to advise Council and the Mayor of the Selective prosecution practices of Mr. Sassen's office and the selection of enforcement and dereliction of duty of the Police Chief.

Tim Collins, 535 Welsh Hills Rd- I am here representing the Downtown Newark Associations. We recently ran into a problem regarding the Car Show event that is planned for the Final Friday June 24th. We had the show last year and the city was nice enough to shut down a road for us in order to have it. That space is not going to be available this year and

we have been informally trying to work for the last two or three months but we tried formalizing things within the last week and we just found out today that they told us we could not put it on any one of the roads and instead offered us a parking lot. The problem is that when we went over and measured everything out we could only put about 40 cars there and we are expecting 75-100 cars. What we were hopefully doing tonight was bring it up to City Council and the Mayor to try and see if we can work something out. He gave members of Council a map of a proposal of what they would like to do. We appreciate the offer we were offered today it is a generous offer but we are going to need more space. We were offered the area in blue on the map which is the parking lot next to the jail which is where we can only get about 40 cars. We have proposed to close down the road between Walnut and Canal. We would only be closing down that one section, Walnut would be open, Canal would be open. You would be able to do a U turn if you had to or go up north because we understand that the Third Street project should be open that day. We would like to get that green section at least. It was suggested to us while we were out in the lobby that potentially Third Street from Market Street up north that was the day that tentatively because of weather it was going to open that day if we could put it there. The Downtown Newark Association is trying to work in conjunction with the city as best as possible. Our job as an association is to bring as many people as possible into downtown as we can. We would like to work through this so we can bring these people down here. Last year we had over people for our Cruise In. This one is not a Cruise In it is actually a car show. We are going to be awarding trophies and have sponsors all set up. Park National Bank and Licking Memorial Hospital are our Final Friday sponsors and currently we don't have a location to put that on. All we are asking is if we can work on this with the city so we can actually have this event.

President Ellington- I have a question and this is not a question and answer time so it is a little bit out of order but we are talking about June 24th for the Final Friday and we have the Market District open and we have Three Dog Night at the Midland that night?

Tim Collins- correct. We would have loved to put this thing on North Park but couldn't because of the parking for Three Dog Night. If you look at this it is the furthest away from the Three Dog Night parking as you can get but we also see this as a benefit for the Canal Market because by being able to put it right there we are going to be able to bring another 500-1000 people that will see the Canal Market too.

President Ellington- what time is your event?

Tim Collins- they will be pulling in at 4:00 until 8:00

ORDINANCES ON SECOND READING

By: Mr. Fraizer, Mr. Cost, Mrs. Floyd, Mr. Marmie, Mr. Rath

16-13 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE DEPARTMENT OF SAFETY, DIVISION OF POLICE, BY CREATING THE CLASSIFICATION OF INFORMATION TECHNOLOGY SPECIALIST, AND SETTING THE COMPENSATION THEREFORE, AND ABOLISHING ONE POLICE OFFICER POSITION

Motion by Mr. Bubb to adopt Ordinance 16-13, second by Mr. Johnson

Mr. Rolletta- I would like to make an amendment to this legislation to remove the language dealing with abolishing one Police Officer position.

President Ellington- what is your amendment? To remove abolishing one Police Officer position from the title?

Mr. Rolletta- to remove one Police Officer in the title and in Section 3 as well as the table.

Motion by Mr. Rolletta to amend Ordinance 16-13, second by Mr. Blake

Mr. Rolletta- I know how important this IT position is and that is why I supported this fully in committee but I did state I had concerns regarding removing the Police Officer position so that is why I am making this amendment.

Mr. Fraizer- we heard from the Chief in that committee that there are 14 other Police Officer positions that we are not able to fill and that this is a more trying to get the right person for the job than a decrease in our Police force. I don't see why we would have to abolish a Police Officer but I also understand the constraints that we have. I really rely on the Chief for what he does and so I am going to his word at that and follow what he recommends.

Mr. Cost- the number of Officers that we have right now is approximately 70?

Chief Connell- as of today we are sitting at 67 but we have plans to potentially hire 4.

Mr. Cost- Chief is our goal number 84?

Chief Connell- it would be mine. I would take 100 if you would give me that many.

Mr. Cost- from your point of view is there an advantage to decreasing that goal number? I understand that we are not losing a Police job but do you see an advantage to reducing the ultimate goal?

Chief Connell- in the near future I don't see an advantage either way. It doesn't change the numbers.

Mr. Blake- my understanding from the discussion from the committee and messaging with the Chief earlier today is that

the desire is to have an Information Technology position so really the discussion of having the position abolished or not abolished is more of a book keeping thing if anything if we are going to keep it there. When revenues get to the point where we are going to hire more Police Officers than that would be great. We will send him off to hire more Police Officers but if it stays there on the books than it just stays there as an empty position because it's not funded. I think that ultimately we want to express to our citizens that we want to have open positions and want to get to a high number of Police Officers which is why I will be supporting the amendment.

Mr. Marmie- in the past we have usually abolished all positions that were unfunded and we did that clean up about every two years. We have abolished positions that hopefully someday could come back in other areas and departments. We are still leaving the number of unfunded Police Officer positions open and hopefully we can. I don't believe that abolishing one position that we know is going to be an Information Technology Specialist is saying that anybody doesn't want more Police Officers. It is a matter of a funding issue. We have not cleaned up in recent pasts because we do hope that things will change and we can fill other positions not only in the Police Department and the Fire Department but also in other departments. Every department has been impacted. In other departments we have completely abolished positions. We don't have unfunded positions, we have done some changes in order to do that and we have not done that across the board with the Police Department. I believe that we are just making sure that we recognize this position needs to be an Information Technology Specialist and we are not filling it with a Police Officer any longer and therefore one of those positions is being abolished. Like it was said before we still have plenty of unfunded positions that we could fill. Not only that who creates new positions? This Council. So if we do get into a position where we can afford more Police Officers or more Firefighters I guarantee that we can create the positions.

Mr. Rath- it would be great if we could fill 14 Police Officer positions somewhat. It would probably be better if we could buy some vehicles that would take the Police Officers that we have now to and from calls safely and reliably. If we had extra money right now I would vote for that before I would vote for adding personnel because right now our fleet is horrible and I think that is where the real demand is right now.

Mr. Rolletta- like I said it is completely necessary to create this IT position but it is completely unnecessary to remove this Police Officer position. These positions were created for a reason and if in the future if our financial situation improves I believe that the city needs to work to fill these positions. It hurts absolutely nothing if we leave this position open. Positions have been removed in the past and I don't think that we need to send the message that we are trying to eliminate more Police Officer positions. I think that we need to send the message that we will work to fill these positions in the future. Yes it is this Council's responsibility to create or remove positions and it is the administration's authority to choose whether to fill those or not so I believe that we should leave this position open for the future.

Mr. Bubb- I would just encourage this body to pass this ordinance as it is stated. You know I think that this happens every year and it always leads to the argument later do you have 13 unfunded, 15 unfunded and it just becomes 2 hours of conversation that is null and void because we don't have the money to fill it. I think that we need to do it the right way. If money comes forth, falls out of the tree soon I think that we would be glad to create new Police Officer positions everybody would want that.

Motion to amend Ordinance 16-13 failed by a vote of 6-5 No (President Ellington, Mr. Rath, Mr. Marmie, Mr. Johnson, Mr. Fraizer, Mr. Bubb) **Yeas** (Mr. Blake, Mr. Rolletta, Ms. Hall, Mrs. Floyd, Mr. Cost)

Motion to adopt Ordinance 16-13 passed by a vote of 10-0

ORDINANCES ON FIRST READING

By: Mr. Marmie, Mr. Cost, Mrs. Floyd

16-14 AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF \$1,100,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE REFUNDING OUTSTANDING BOND ANTICIPATION NOTES PREVIOUSLY ISSUED FOR THE PURPOSE OF PAYING THE COST OF CAPITAL IMPROVEMENTS, INCLUDING FIRE STATION #1 IMPROVEMENTS (INCLUDING DEMOLITION, PROFESSIONAL DESIGN AND PROPERTY ACQUISITION), CITY HALL PARKING IMPROVEMENTS, SERVICE COMPLEX CONSTRUCTION IMPROVEMENTS, AND SOUTH SECOND STREET BRIDGE REPAIR, TOGETHER WITH ADDITIONAL FIRE STATION #1 IMPROVEMENTS (PHASE ONE), ADDITIONAL FUNDS FOR FIRE STATION IMPROVEMENTS AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Motion by Mr. Marmie to adopt Ordinance 16-14, second by Mrs. Floyd

Motion passed by a vote of 10-0

By: Mr. Marmie, Mr. Cost, Mrs. Floyd

16-15 AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,620,000 CAPITAL IMPROVEMENT BONDS FOR THE PURPOSE REFUNDING A PORTION OF OUTSTANDING BOND ANTICIPATION NOTES PREVIOUSLY ISSUED FOR THE PURPOSE OF PAYING THE COST OF CAPITAL IMPROVEMENTS INCLUDING FIRE STATION #1 IMPROVEMENTS (INCLUDING DEMOLITION, PROFESSIONAL DESIGN AND PROPERTY ACQUISITION),(\$1,100,000), CITY HALL PARKING IMPROVEMENTS,(\$300,000), SERVICE COMPLEX CONSTRUCTION IMPROVEMENTS, (\$200,000), AND SOUTH SECOND STREET BRIDGE REPAIR, (\$600,000), TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AN ADDITIONAL BORROWING OF \$1,000,000 TO PAY PART OF THE COST OF FIRE STATION #1 PHASE ONE CONSTRUCTION IMPROVEMENTS, AND ADDITIONAL FUNDS FOR FIRE STATION IMPROVEMENTS (\$3,400,000) AND DECLARING AN EMERGENCY.

**Motion by Mr. Marmie to adopt Ordinance 16-14, second by Mrs. Floyd
Motion passed by a vote of 10-0**

By: Mr. Fraizer, 16-16 AMENDING CHAPTER 618 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK.
Mrs. Floyd, Mr. Marmie, Mr. Cost

Held for a Second Reading

RESOLUTIONS ON SECOND READING

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

16-48 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

**Motion to adopt Resolution 16-48 by Mr. Marmie, second by Mr. Johnson
Motion passed by a vote of 10-0.**

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

16-49 A RESOLUTION DESIGNATING ALLOCATION OF HOTEL LODGING EXCISE TAX REVENUE GENERATED PURSUANT TO CHAPTER 892 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.

Motion to adopt Resolution 16-49 by Mr. Marmie, second by Mrs. Floyd

Mr. Blake- I appreciate the legislation that has come before us today. I think that White's Field is going to be a beautiful field for our community. It will bring some tourism and generate some activity here in our community that we so well need. I just hope that our Superintendent of Newark City Schools recognizes that out of their own funds there are the Elementary Schools in our community that could benefit from some improvements. One big example is Ben Franklin Elementary School. We have been discussing having a shelter house at that facility. Hopefully the Superintendent will do some more with Elementary schools and embrace the concept of community schools and wanting to generate the school as not only a place of learning but also a place of relationship building within the neighborhoods. I hope the Superintendent will take those words of advisement. I will be supporting this tonight.

Motion passed by a vote of 10-0.

RESOLUTIONS ON FIRST READING

By: Mr. Marmie, Mrs. Floyd, Mr. Cost

16-50 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- Expedite

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

Mr. Marmie- this is dealing with a termination and we always try to expedite those dollars because it goes back to the employee.

Motion passed by a vote of 10-0.

Motion by Mr. Marmie to adopt Resolution 16-50, second by Mrs. Floyd

Motion passed by a vote of 10-0.

By: Mr. Marmie, Mrs. Floyd, Mr. Cost

16-51 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Held for a Second Reading

COMMENTS FROM CITIZENS

William Butcher, 263 Union St- he asked what the city was going to be doing about the potholes on Cherry Valley Rd and when the new section of Cherry Valley Rd is going to be done.

Daniel Crawford, 163 S 2nd St- you are probably familiar with the move to amend movement that I am involved in, an organization that I actually helped create. For the last year or so we have been going at it trying to collect signatures to address the citizen's united ruling by the Supreme Court. In 2014 we fell 110 signatures short of what was needed. The one silver lining about the terrible turnout of the 2014 General Election was that it lowered our threshold significantly so instead of needing 1303 signatures now we only need 1063. We strongly believe that we have that number but now we are trying to go for a buffer. I want to extend an invite to anybody who has not signed the petition yet. No matter what your party affiliation it is something that affects us all. This is our democracy that we are talking about and if you are as concerned as I am about the people's voice being flooded out by this massive amount of money being pumped into our campaigns I strongly urge you to support this or at least the effort to put it on the ballot for people to consider it. Hopefully you would vote for it if it gets on there.

MISCELLANEOUS

Director Spurgeon- I have had the unique pleasure of working closely with our Director of Law and our Chief of Police and I know them to be dedicated hard working public servants.

Director Mauter- I just want to give you a quick update on the Department of Development. As you know we are 100% grant funded. The majority of those funds come through the Housing and Urban Development Department from U.S. Federal Government and to be eligible to continue to receive those funds we have to go through an annual assessment and evaluation for our department. It is a report called a CAPER which stands for Consolidated Annual Performance and Evaluation Progress. We went through that this year and I wanted to give you a brief feedback from HUD on how we are doing. Basically the report state that city continue to report in a timely manner, meeting program thresholds for CDBG obligations and expenditures including program progress, planning and administration and public service. In addition benefits to the low and moderate income persons exceed HUD requirements. They conclude our report with as a result of this analysis we have determined that your overall 2015 progress is satisfactory and your 2015 CAPER is acceptable. We are in good standing and will continue to receive our funds. Most importantly I would like to thank the staff that makes that all possible.

Mayor Hall- we have had a lot of activities in the city in the last week and a half and I want to thank all of the citizens for supporting that. The Canal Market dedication and Farmers Market last Friday was phenomenal. We also had a nice Memorial Day event at Cedar Hill Cemetery which is looking great and the turnout was great. We had commencement exercises across the city. We want to congratulate Newark Catholic boy's baseball for a thrilling finish and a State Championship Division IV win. The Works is going to have a 20th Anniversary event with a Jerry Mock exhibit on the 2nd floor. I help put a plane up there about a week ago. I think that it is a neat event that everybody would enjoy on the 18th.

Mr. Johnson- he introduced his wife and good friends from Bloomington Illinois. We should be pleased with what has happened with the NC boys, Lakewood girls and the Granville runners. Despite a little rain I understand the Strawberries on the Square went well.

Mr. Marmie- called a Finance Committee meeting. There was a lot of talk about potholes this evening and I would urge all citizens to go on See Click Fix and make sure that it is identified. Our Street Department does a great job of fixing potholes when they know they are there. They can't drive every street and they don't know a lot of times that a pothole is there until somebody tells them. Even though I am not in the Judicial Branch and I am not in the Administrative Branch I appreciate those that are like our Police Chief and like our Law Director and I trust them to do their jobs responsibly and with the upmost professionalism and I have seen nothing less than that. Finally, yes I was very pleased this weekend although I thought I was going to have a heart attack at times and I thought that I was going to throw up at times. As a player I never got that nervous but when your son is on the mound and all eyes are on your son it is a little nerve racking. The team did a fantastic job it was a team effort. They are a good group of young men. I have invited them to come to the next Council meeting and the Mayor has graciously extended the offer just like we have done in the past. They are planning on coming two weeks from tonight to recognize their accomplishment. I would encourage anyone who can make it to make it down here.

Mr. Rath- I want to congratulate NC and Coach Marmie and his son. As far as potholes go you have to have pain before you have gain in most cases. I want to remind everybody that we are going to be going through a little pain next Monday

for a few days, possibly a week or so but we are getting a lot of road paving done in that area. He called for a Service Committee.

Mr. Blake- I wanted to thank Director Spurgeon and Director Rhodes, I had some constituent's issues so I wanted to publicly thank them both for their assistance. I think sometimes our number one priority is dealing with constituents. I thank you for your follow up. Please welcome the President of Reynoldsburg School Board. I would like to say something about working with Director Sassen during my time on City Council, he come off as a rough guy but he does a pretty professional duty. I want to thank him for that. I am not sure where that woman was coming from. Our Chief, even before he was our Chief I have always worked well with Barry and I think he has done a fine job for this community. I want to call an Economic Development Committee meeting for next Monday.

President Ellington- very nice comments about the Chief and Director Sassen I agree.

Mr. Bubb- called a Personnel Committee meeting. I would like to wish the Mayor a Happy Birthday and congratulate you on your son's graduation and his acceptance into the Merchant Marines that's quite the honor so congratulations to you and your wife Helen. Nice job Mr. Marmie, once again you guys do a great job with the program. Congratulations to Tanner, nice young man he will do well.

Mrs. Floyd- the Canal Market opening was wonderful; it was great to see so many people down there. I was working the DNA booth for a while then I went back last Friday to spend my \$20.00 at the Farmers Market. It is such a neat thing for downtown Newark to have and I hope to support it all the time but maybe not with such sugary things. The Strawberry Festival seemed to go well; I was down there on Saturday for a couple of hours and the crowd got bigger as the time went on. With downtown being torn up I was glad to see that they could work that out. I know that I have mentioned this several times but the Midland has several shows Three Dogs Night at the end of the month, Mary Chapin Carpenter, Pat Benatar and there is a secret group that is coming in August. It is going to be a big summer; we don't normally have that many concerts at the Midland during the summertime. I want to comment on the Department of Development. Mark gave a speech at our church, First Presbyterian Church last summer; he gave a comprehensive speech that explained everything that the Department of Development does with five people. If you read it you would be amazed at how much is accomplished in that department and I am very impressed with everything they do. I too would like to congratulate Phillip Hall he was also one of the Dispatch's scholar athletes. I have seen his name in the Dispatch a couple of times. Congrats to NC.

Mr. Fraizer- congratulations all around, Mayor on a birthday, 60 is a big one. Congratulations to NC. It is very exciting to see what we are doing in downtown Newark and to see all of the different and various groups involved. The sky is the limit in what downtown can be and the opportunities are right in front of us. I want to encourage Council to work together to find the best, most adequate solutions. I want to thank the Chief and the Safety Director for their diligence and that department for offering realistic solutions in order to best accommodate the needs of our community. I want to thank the Economic Development Director for all that he does with the CIC and various organizations that he is involved with. I hope that we can find a reasonable solution for the Downtown Newark Association to make sure that we have a car event as well as a Three Dog Night show as well as Final Friday and as well as everything else because people downtown and the more people spending money downtown the better it is for our business and our community. We will continue to see that increase over the summer and we will see how next year goes.

President Ellington- I want to thank everybody for coming, this is your Newark City Council. Monday June 13th Committees will meet at 5:30 P.M. and City Council will meet Monday June 20th at 7:00 P.M.

ADJOURNMENT- Motion by Mr. Rath, second by Mr. Johnson. Motion carried by acclamation.