

COUNCIL MINUTES

September 19, 2016

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the Monday September 19, 2016 Newark City Council meeting to order.

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

INVOCATION – Mrs. Floyd

PLEDGE OF ALLEGIANCE- President Ellington & William Butcher

CAUCUS- Rule 11

16-40 AN ORDINANCE AMENDING CHAPTER 1860 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO REGARDING COMMERCIAL SOLID WASTE OPERATIONS IN THE DOWNTOWN DISTRICT AND DECLARING AN EMERGENCY

MINUTES of September 6, 2016

REPORTS OF STANDING COMMITTEES

Finance-**Received & Filed**

Service-**Received & Filed**

Street-**Received & Filed**

Safety-**Received & Filed**

REPORTS FROM CITY OFFICIALS

Stephen Johnson, City Auditor- operating report for the period ending August 31, 2016. **-Received & Filed**

Barb Jobes, City Income Tax Administrator- income tax revenues for the period ending August 31, 2016. **-Received & Filed**

COMMUNICATIONS

Mayor Hall- presentation of a proclamation for Hunger Action Month

Ohio Division of Liquor Control- application for change of corporate stock ownership for Walgreens at 1425 N 21st St-
Received & Filed

PUBLIC HEARING

David Layman, 326 Myrtle Ave, Newark Twp- he started out asking how the daycare property got a North 21st Street address because there was another house on the corner previous to where his daycare is and it was Myrtle Ave. He stated that the house beside of the daycare which is a rental property for Mr. Antritt has not been kept up over the years and he stated that there was a metal glider and trash left in the driveway which he feels is a lack of respect to their neighborhood. The reasons he stated for opposing the zoning change were because he was told by the city that they couldn't get a traffic light and the zoning change depending on the business that would go in there would increase traffic. He stated that there is a possible drainage problem on Myrtle Ave. He stated that there is a problem with speeding on N 21st Street so added more commercial business would be hazardous especially without a traffic light. He also had concerns about curb cuts. He had complaints about all the temporary signs lining the road and the billboards that change color and have messages. He feels that is too much of a distraction.

Bob Klockner, 289 Myrtle Ave- he discussed the phrase "family friendly" that Mr. Antritt used in the Advocate to whom he would sell the property to. He believes that family friendly means selling the property to another family or to someone who can fix up and then sell to a family. He doesn't want a business going in a residential area. He is concerned with the increased traffic as well as the foot traffic because that can also be bad. He was concerned about the safety of their residents. He is afraid if they allow a business coming in that it wouldn't stop there that another business will come in and you don't know if you'll get a good business.

John Parkinson, 315 Myrtle Ave- he asked that the city look at traffic patterns and access more than what they do, he is concerned about the traffic if a business goes in there. He encouraged Council to think about what they were doing.

Tom Wortman, 279 W. Myrtle Ave- he opposed the zoning change because of traffic concerns.

Virginia Beach, 162 Myrtle Ave- she opposed the zoning change because of traffic concerns, the street being narrow as well as the curb cuts. She also feels that the businesses that would be allowed in the LC zoning would not be desirable in a residential neighborhood. She doesn't feel that there is anything that could buffer the residential homes enough from the noise, the lights, people and traffic. She mentioned concerns of decreased property values with a business going in there. She discussed the petition of over a hundred people she got to sign the petition that would be affected by the zoning change and opposed it.

Tom Meyers, 148 Myrtle Ave- he had two concerns if a business of any kind went in there; increased safety hazards and noise. He asked that Council take into consideration what everyone had to say tonight and asked for a no vote.

Steve Antritt, owner of 1621 N 21st St and 158 Myrtle Ave- he spoke to defend himself to Mr. Layman. He stated that he bought the 1621 N 21st St in 2007 and was at that time that address so if there was a house to the east of it he doesn't know about it then in 2008 the couple at 158 Myrtle Ave passed away and he bought the property. Over the years he discussed the properties that he owns with people and thought that it might be a good place for a small restaurant. He stated that the other restaurants beside of him Old Bag of Nails, Lee's and Sopapilla Express all have General Commercial zoning. He stated that he owns a lawn and landscaping business and they go to his properties every week and mow and he has a dumpster at the daycare that he allows his tenants to use. He stated that the renters moved out yesterday and filled up the dumpster and left a couch there this one time. He stated that he is looking at it for economic growth and more taxes on 21st Street. He stated that he would put deed restrictions on the property to whomever he sold it to in order to keep undesirable businesses from going in there. He stated that he wanted something good for the community. He stated that he thought that property value would go up not decrease.

Dave Morris, 363 Queens Dr N-he is on the Newark Township Zoning Commission and has been for 25 years. He stated he is interested in zoning and how effects the people around it. He stated that in talking with the neighbors there that no one had anything bad to say about his daycare there and they would like to keep him there. He stated that the types of businesses that are permitted right now in the General Office zoning are in his opinion good businesses and family friendly businesses which are good businesses for the neighborhood that is already established there. He further stated that the types of businesses in the LC Limited Commercial District are not appropriate and that Mr. Antritts daycare serves as a buffer for the residents with regard to the general business all around that creates all of the traffic. He stated that there is a concern for increased crime if a business goes in there. He advised Mr. Antritt that once he sells the property he has no control over the property and what goes in there and that if he did put deed restrictions on the property then there would a lot and it's not worth it. He stated that he was on Council in the early 70's that rezoned 21st Street from about Moull Street to where Goosepond hits 21st Street. He stated that the biggest mistake that they made was not having a service road and that there should be from Moull to Goosepond to take some traffic off of 21st Street. He asked Council leave the zoning the same for Mr. Antritt's properties.

By: Mr. Rath, Mr. Marmie

16-19 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1621 NORTH 21ST STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF GO – GENERAL OFFICE ZONING DISTRICT, TO GC – GENERAL COMMERCIAL ZONING DISTRICT.

Motion by Mr. Rath to adopt Ordinance 16-19, second by Mr. Bubb

Motion by Mr. Rath to amend Ordinance 16-19 from GC to LC, second by Mr. Bubb

President Ellington- the amendment to LC is according to what the Planning Commission recommended

Mr. Fraizer- I have spent the last month looking at the zoning code and trying to determine the best place where we find ourselves. Looking at the zoning code, looking at what the rest of 21st Street is zoned and looking at what is currently zoned. There is built into the zoning code definitions of general business, medium intensity business and general office and the purpose of that is to ensure that there is a buffer for when it bumps up to residential neighborhoods. So when it comes to limited commercial being brought to the table to butt up against a residential neighborhood this is where we get a lot of these issues. I understand the goal is to increase business and improve the opportunity for business but when it comes to limited commercial it opens up a whole quagmire of what can go there with no plan in place the opportunity for impact on that residential neighborhood. With the traffic patterns being what they already are and the business being in place in the general office district I don't feel it is in our best interest to go into a spot zoning for limited commercial on this property; also to open up the opportunity for limited commercial throughout the city. I will be opposing this.

Mr. Marmie- since Mr. Fraizer opened it up for discussion for the entire thing. The Ohio Revised Code is specific in the fact that councils and cities and municipalities must always recognize property owner's rights. Destiny 2020 indicated that 21st Street is a business corridor. The folks on Pierson Avenue yes ago fought the battle, I was their voice, and I was the lone voice. Everybody on Council was unanimous that those businesses which are commercial could be there which is right next to a residential. There were no issues other than mine, my voice for the residents of that area for my constituents. In this situation it is a business corridor. Mr. Morris now I know who took the farmland next to my home and turned it into a business corridor. Yes it happened to me when I lived in Sherwood Downs. I do remember that 21st Street was deemed to be a commercial zone and that is what is going to happen, it is going to be all the way up and down 21st Street. We are already seeing houses being transformed. There will not in the future be any property on 21st Street; it will be rare that there will be a residential property on 21st Street. The buffer zone, we have numerous properties within the city that have different establishment right across the street that are in residential areas, including up and down 21st Street. We can't say by law that only a specific use is authorized as far as zoning. It is against the law. This is about property owner rights. Virginia Beach has property owner rights being butted up right next to it. 21st Street has been deemed a business corridor for years, it is not something new. All of the properties are being changed to commercial or business properties on 21st Street. We fought this battle for years and years. If we vote against this we stand the possibility of a lawsuit against us because we aren't doing what is best for property owner's rights in accordance to the Ohio Revised Code. There is a property right next door that is zoned larger then what is currently being asked for. Anytime that there is a contiguous property if he goes down a zoning code than that is a buffer. The situations as far as traffic that are being addressed, if we put a traffic light on that corner at that intersection you will love the traffic patterns that you have right now. There would be so much traffic cutting back behind your property because they want to get out on 21st Street where there is a traffic light where it's not difficult to go out. A traffic light is not actually going to deter traffic from that residential area, it would probably increase it. We took the cut out of Goosepond in order to make it go to a traffic light so there was less traffic in that residential area. I wish we could keep different areas of the city the same as what they are today. Nothing stays the same. We are making a facelift of the entire downtown. We are changing Mt. Vernon Road as far as what it is going to look like in the future. There might be businesses popping up there. We are encouraging a business and praising it for going into a residential area on Mt. Vernon Road because he has made up grades and it is right in a residential area. We want to welcome businesses and I wish Mr. Antritt could actually say that he would like to put a deed restriction but you can't do that, it really isn't legal. We do make decisions based on what the future lays. That area is going to be business in the future. We can't stop it because 21st Street has been deemed a business corridor and according to the Ohio Revised Code we can't deny property owners rights if there is a contiguous flow of businesses. I hope that we don't make the mistake of just looking at the negativity like the rest of society is doing right now and focusing on the negative, instead of looking for the positive in what this property owner is trying to do for the City of Newark. It reminds me of the Property Maintenance Code when we first drafted it. Citizens took one little piece about rodents and that people could be written up if they stacked their wood next to their home and they threw away the entire ordinance because of it. Can we not look for the positive of what a property owner is trying to do; make a business in a business area corridor making it contiguous with what is already there? I do feel for people who live in an area that has something move in that they didn't really want. I had that in my residential area. In my residential area there are homes that are an actual business where special needs folks live and reside and because of our laws they can have it like a boarding house, rooming house and it is in my neighborhood. It is that property owner's right to do that and we all said yes it is within their right because it is within the scope of our laws and our laws are not just in the City of Newark but it is in the Ohio Revised Code. Those property owners' rights are specific and clear that we have to support property owner's rights.

Mrs. Floyd- I will vote in favor of the amendment because I will then vote against it but we need to amend it so it doesn't go through as general commercial. I just wanted to make that clear that I will be voting for it so that it goes to limited commercial but I will be voting against it when we come to that point.

Motion passed to amend Ordinance 16-19 by a vote of 9-1 (Mr. Fraizer)

Mr. Cost- I am a big believer in property rights also. I think Mr. Antritt has property rights but I also feel as though a neighborhood of people have property rights as well. I agree that 21st Street is and always will be a business corridor however Myrtle Avenue is not a business corridor, Myrtle Avenue is a residential neighborhood. I think that there is a big distinction. I also have an appreciation for the buffer zone that has been discussed that the daycare center provides and from what I can see that is a good neighbor. I think that is a distinction no matter what your address is you're on Myrtle Avenue. Your address says 21st Street, who knows but that is a Myrtle Avenue address and it looks like it is a good

situation. I don't think that anyone would object to general office but I think there is a real concern about limited commercial as to what can come along and be part of a residential neighborhood.

Mrs. Floyd- I too have been looking at the zoning code and looking at all of the businesses that could conceivable go there. They are ones that would create traffic, lots of lights and I think the curb cut on Myrtle would be an issue especially with the church right there so I will be voting no.

Mr. Bubb- this is going to be a tough vote for everyone here tonight. I think many people know parties involved here this evening. I know that there will be a lot of township folks that will be upset with my vote but I will be in support of this. I think that we have to look at Newark as a whole. Mr. Marmie stated it well; this is what Destiny 2020 said about 21st Street being a corridor for commercial development. Mr. Antritt is asking for less than what his neighbors have. I think that it is a pretty fair proposal and I will agree with what the Planning Commission stated and I will be in favor of it.

Mr. Marmie- I too am in full support of our Planning Commission, they have researched this and the administration is on board of what is being proposed. The preliminary is that the curb cut is on Myrtle Ave however if site plans are presented where it is going to be a curb cut is on 21st Street I know that will be considered also. It's not something that is set in stone, right now there is no curb cut there currently so they are not going to arbitrarily add it but if a site plan presents itself to where it would be favorable then the curb cut on Myrtle may not even be an issue.

Mr. Rolletta- I would just like to say that I agree with Mr. Cost I think that he stated it well and I would like to ask a question of the Law Director if that is possible.

President Ellington- what is your question Mr. Rolletta?

Mr. Rolletta- Mr. Marmie mentioned a lawsuit possibly; I just wanted to learn a little bit more about that, the details on that I really wasn't sure.

President Ellington- Mr. Sassen would you like to comment?

Director Sassen- in today's day and age everything that we do subjects us to a possible lawsuit.

Mr. Fraizer- just to reiterate, we absolutely want to see businesses on 21st Street, we want to see growth and we want to see you invest in your property. The issue is the limited commercial. I voted no on the amendment because I did not think limited commercial was right. I think that it is general business, medium intensity business or general office I can get behind but limited commercial I feel goes too far. I would love to see you reapply and hopefully the Planning Commission can look at those three options and we can come up with a better solution that suits everybody.

Motion to adopt Ordinance 16-19 failed by a vote of 4(Marmie, Bubb, Mr. Johnson, Rath)-6

By: Mr. Rath, Mr. Marmie

16-20 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 158 MYRTLE AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF RM – SINGLE FAMILY RESIDENCE MEDIUM DENSITY ZONING DISTRICT, TO GC – GENERAL COMMERCIAL ZONING DISTRICT.

Motion by Mr. Rath to adopt Ordinance 16-20, second by Mr. Bubb

Motion by Mr. Rath to amend Ordinance 16-20 from GC to LC, second by Mr. Bubb

Motion to amend passed by a vote of 9-1(Fraizer)

Motion to adopt Ordinance 16-20 failed by a vote of 3(Marmie, Bubb, Rath)-7

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

16-21 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 807 N. 21ST STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF RM – SINGLE FAMILY RESIDENCE MEDIUM DENSITY ZONING DISTRICT, TO GO – GENERAL OFFICE ZONING DISTRICT

Motion by Mr. Rath to adopt Ordinance 16-21, second by Mr. Bubb

Motion passed by a vote of 10-0.

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

16-22 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 813 N. 21ST STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF RM – SINGLE FAMILY RESIDENCE MEDIUM DENSITY ZONING DISTRICT, TO GO – GENERAL OFFICE ZONING DISTRICT.

Motion by Mr. Rath to adopt Ordinance 16-22, second by Mr. Fraizer

Mr. Cost- I wanted to get my discussion in before 16-21 was read, if I could ask Mr. Rhodes to address a point, I would appreciate it very much. One discussion that we had about these four properties was that there is a feeling that there needs to be a buffer for the residents on Crawford Drive and I would hope that with these four it is part of the agreement.

Director Rhodes- yes it has a substantial buffer zone, Crawford can never be opened up to Moull and we are going to eliminate a couple of the curb cuts that are on 21st Street to the furthest south property to one.

Motion passed by a vote of 10-0.

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

16-23 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 819 N. 21ST STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF RM – SINGLE FAMILY RESIDENCE MEDIUM DENSITY ZONING DISTRICT, TO GO – GENERAL OFFICE ZONING DISTRICT.

Motion by Mr. Rath to adopt Ordinance 16-23, second by Mr. Bubb

Motion passed by a vote of 10-0.

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

16-24 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 825 N. 21ST STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF LO – LIMITED OFFICE ZONING DISTRICT, TO GO – GENERAL OFFICE ZONING DISTRICT.

Motion by Mr. Rath to adopt Ordinance 16-24, second by Mr. Fraizer

Motion passed by a vote of 10-0.

COMMENTS FROM CITIZENS

William Butcher, 263 Union St- asked when Union Street was going to get paved.

ORDINANCES ON SECOND READING

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

16-34 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE, AND POSITION AUTHORIZATION TABLES OF THE DEPARTMENT OF PUBLIC SERVICE, DIVISION OF TRAFFIC CONTROL AND DIVISION OF STREET MAINTENANCE BY CREATING ONE ADDITIONAL CLASSIFICATION OF STREETS/TRAFFIC CONTROL OPERATIONS MANAGER.

Motion by Mr. Bubb to adopt Ordinance No. 16-34, second by Mr. Fraizer

Motion passed by a vote of 10-0.

ORDINANCES ON FIRST READING

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

16-37 AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF \$5,040,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF REFUNDING OUTSTANDING BOND ANTICIPATION NOTES PREVIOUSLY ISSUED FOR THE PURPOSE OF PAYING THE COST OF REPLACEMENT WATER MAIN AND SERVICE LINES AND ALL NECESSARY APPURTENANCES INCLUDING BUT NOT LIMITED TO HYDRANTS, VALVES AND FITTINGS AND TO PROVIDE ADDITIONAL FUNDS TO PAY FOR OTHER WATER SYSTEM IMPROVEMENTS.

Motion to waive the 2 day reading rule by Mr. Marmie, second by Mr. Bubb

Mr. Marmie- there is a timing issue to get these bonds issued and the emergency clause wasn't added to this but the Auditor asked that we expedite this.

Motion passed by a vote of 10-0

Motion to adopt Ordinance No. 16-37 by Mr. Marmie, second by Mrs. Floyd

Motion passed by a vote of 10-0.

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

16-38 AN ORDINANCE AUTHORIZING AND DIRECTING THE NEWARK CITY SAFETY DIRECTOR TO CERTIFY TO THE LICKING COUNTY AUDITOR, THE SUM OF \$509,034.37 INCURRED BY THE NEWARK CITY PROPERTY MAINTENANCE DIVISION WITH RESPECT TO PROPERTY MAINTENANCE VIOLATIONS TO BE PLACED AS A LIEN UPON CERTAIN PARCELS OF REAL PROPERTY SITUATED IN THE CITY OF NEWARK, OHIO.

Held for a second reading

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

16-39 AN ORDINANCE VACATING AN ALLEY AS SHOWN ON THE PLAT OF O.F. CONNELL'S SUBDIVISION OF OUTLOTS L, M, N and O OF THE WILLIAM C. MAHOLM ADDITION TO THE TOWN OF LOCKPORT, AS RECORDED IN PLAT BOOK 2, PAGE 104 OF THE LICKING COUNTY PLAT RECORDS; SAID ALLEY IS LOCATED BETWEEN 172 AND 180 GRANT STREET.

Held for a second reading

RESOLUTIONS ON SECOND READING

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

16-73 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (100, General Fund, \$6,790.73 (Reimbursement for RR#2 Summer Youth Program); 221, Street Fund, \$20,000.00, Professional Services & Street Maintenance Supplies)

Motion to adopt Resolution No. 16-73 by Mr. Marmie, second by Mrs. Floyd

Motion passed by a vote of 10-0

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

16-75 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO ENTER INTO A LEASE AGREEMENT WITH PARK NATIONAL BANK FOR THE LEASE-PURCHASE OF ONE (1) MEDIC UNIT FOR THE DIVISION OF FIRE.

Motion by Mr. Johnson to adopt Resolution No. 16-75, second by Mr. Cost

Motion passed by a vote of 9-1 (Marmie)

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

16-76 A RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY NOW OWNED BY THE CITY OF NEWARK, OHIO TO NEWARK DEVELOPMENT PARTNERS AS ITS AGENT FOR INDUSTRIAL, COMMERCIAL, DISTRIBUTION, AND RESEARCH DEVELOPMENT.

Motion by Mr. Rath to adopt Resolution No. 16-76, second by Mr. Bubb

Motion passed by a vote of 10-0.

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

16-81 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE OHIO DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY, FOR FISCAL YEAR 2016 DIESEL EMISSIONS REDUCTION GRANT (DERG) PROGRAM FOR EQUIPMENT REPLACEMENT, REPOWER, RETROFIT AND ANTI-IDLE.

Motion by Mr. Marmie to adopt Resolution No. 16-81, second by Mr. Johnson

Motion passed by a vote of 10-0.

RESOLUTIONS ON FIRST READING

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

16-83 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- Expedite (153 Comp Abs, \$2375.00- Payout NFD; 231 Probation Grant, \$175.00- Reimbursement for SCRAM unit;

DISAPPROPRIATION 100 General Fund, \$4000.00-Overtime Parks Dept; 100 General Fund, \$4000.00-Overtime Parks Dept)

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

Mr. Marmie- whenever we have payouts we expedite them and we also have a couple of bills that need paid.

Motion passed by a vote of 10-0.

Motion to adopt Resolution No. 16-83 by Mr. Marmie, second by Mrs. Floyd

Motion passed by a vote of 10-0.

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

16-84 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (100 General Fund, \$694.67- Overtime NFD)

Held for a second reading

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

16-85 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY.

Motion to adopt Resolution No. 16-85 by Mr. Marmie, second by

Motion passed by a vote of

COMMENTS FROM CITIZENS

William Butcher, 263 Union St-stated that people are speeding on Union Street and people aren't stopping for school buses.

MISCELLANEOUS

Mr. Fraizer- this is the solid waste exception for the McDonalds downtown, they have had some issues with their trash pick-up service with the construction and new traffic patterns. This will remediate that, allow for trash pick-up and will be a win win for everyone.

Both Majority and Minority Leaders have agreed to invoke Rule 11 for Ordinance 16-40.

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

16-40 AN ORDINANCE AMENDING CHAPTER 1860 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO REGARDING COMMERCIAL SOLID WASTE OPERATIONS IN THE DOWNTOWN DISTRICT AND DECLARING AN EMERGENCY.

Motion by Mr. Fraizer to adopt Ordinance No. 16-40, second by Mrs. Floyd

Motion passed by a vote of 10-0.

Mr. Rath- reminded everyone that this Saturday is the Bluegrass event downtown and there are businesses downtown that will be hosting bluegrass bands after the main event. This Friday is the final Final Friday. Called a Service Committee meeting.

Mr. Blake- I just want to publicly thank the Mayor, Councilmembers Floyd, Cost, and Hall for attending our opening celebration this past Saturday for the South Newark Civic Association's new meeting house. I thought that it was a good event and glad we had good participation from various cross sections of our community. I'm looking forward to providing more programming and community building in that neighborhood. Thank you to those who attended it was greatly appreciated.

Mr. Bubb- I think after tonight's vote regarding 21st Street I would encourage the administration to really start looking at traffic patterns and what we can do to encourage development. Obviously there is an issue with that right now according to some folks, which is ok but I hope that it gets looked at because we really have a chance to start developing on 21st Street.

Mr. Cost- I would like to tell Jeremy that he should be proud of what has taken place at the South Newark Civic Association. You have done some great things there that you should be very proud of.

Mrs. Floyd- the fall season has started at the MidLand. Last night was a Josh Turner concert that was almost sold out. On Friday the United Way did its kick off for the week of caring. Projects are going on all over around the county to help people lend a hand to their community. I too would like to congratulate Jeremy and the South Newark Civic Association on a nice event on Saturday.

Mr. Fraizer- I would like to thank the Majority and Minority Leader for using Rule 11 on 16-40. It was something that was very necessary and critical for a local business. This is going to be a hot topic to continue on in this Chamber and I don't look forward to zoning discussions moving forward but it is something that has to happen. I hope that the Planning Commission can make appropriate recommendations and we can support them. I do feel like that medium intensity and general business is more appropriate for 21st Street as well as general office. I hope that we can continue to encourage business on 21st Street, throughout the city and downtown and make sure that we have progress in our city, greater incomes, higher wages and more opportunities for people.

Ms. Hall- I too would like to thank Mayor Hall, David Rhodes and Jeremy for the South Newark Civic Association picnic and opening on Saturday. Even though there weren't as many people from the Little Texas and that area in the 1st Ward I came away feeling a sense of community pride and I think that will grow.

Mr. Marmie- called for a Finance Committee Meeting. The reason that I didn't support 16-75 is because it is another hit on our capital improvements without seeing what our capital improvements are going to look like in 2017. I support additional medics and things like that I just wish we could think of another way to fund more of these items and I don't know if that is our best method. I wish some of those folks would have stuck around, Mr. Layman indicated a drainage problem and I think that should be addressed by our Storm Water Utility. Part of the drainage problem is because the church was built prior to all of our ordinances were in place or else they would have had to have a spillway. I believe in property owner rights. Most of the people in here have the right to be in the township, we don't force them to move into our city even though it would be to their best interest and the cities best interest for that to happen. It would be in the best interest of the church because if they moved into the city because we have sewage that we could put down in that area and we then wouldn't have that problem with the drainage. They are an island, they are surrounded by city. They have chosen as a property owner to maintain that right. I still believe that we made the wrong decision this evening. Councils before us stepped out and made decisions to allow Big Bear/Harts right next to residential. They allowed Meijer and Walmart to butt up to a residential area. They allowed the corridor where the current Kroger is on Deo Drive to be right across the street from a residential area. These prior Councils were not incorrect in their decisions because they saw into the future what the corridor was going to look like; they had the vision to know what it was going to look like. Our Planning Commission does that, they study it, and those are the experts within our city that we rely upon and we went against their recommendation as far as what was best for our city. I still believe in property owner's right and I believe that we made an incorrect decision this evening because we stopped progress. That daycare is up for sale, that daycare is not going to be there. It could be a dilapidated rental property very easily. That is what we voted a possibility of. We need to do things that are progressive for this city and I commend the Planning Commission on what they did. Those properties are going to deteriorate because nobody wants that daycare because people don't want to have their kids on 21st Street at that business corridor with the same traffic problems that they are talking about. A daycare owner doesn't want to open a daycare there that is not the appropriate place for it for the exact same reasons that were indicated by the residents who were in here. I hope that we make better decisions in the future. Friday night Newark High has their Homecoming game and Saturday night Newark Catholic is hosting Lakewood. They both took one hard on the chin last week so if we could support them that would be great. White's Field is a fantastic area to go to these days, it is a wonderful facility. I think that everybody has benefited from the decisions that the city has made down in that area and what Newark City Schools has done cleaning that whole area up, it is a great asset to our community. President Ellington- it is a great facility. Next Monday September 26th committees meet at 5:30 and Monday October 3rd Council meet at 7:00 P.M.

ADJOURNMENT- Motion by Mr. Rath, second by Mr. Cost 8:31 P.M.

Autumn Klein, Clerk of Council

Don Ellington, Council President