

COUNCIL MINUTES

December 5, 2016

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the Monday December 5, 2016 Newark City Council Meeting to order.

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

INVOCATION – Mr. Johnson

PLEDGE OF ALLEGIANCE

CAUCUS

MINUTES of November 21, 2016 Motion by Mr. Johnson to approve the November 21, 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. Bubb. **Motion carried by acclamation.**

APPOINTMENTS

Mayor Hall- reappointing Sue Spiker and Mark Mauter to the Etna Corporate Park Joint Economic Development Zone 2 (ECP JEDZ2) Board. The terms will begin immediately and expire October 19, 2018. - **Carried by acclamation. No objections**

Mayor Hall- reappointing Mark Mauter to the City of Newark Tax Incentive Review Council (TIRC). His three year term will begin January 1, 2017 and expire December 31, 2019. - **Carried by acclamation. No objections**

REPORTS OF STANDING COMMITTEES

Finance- **Received & Filed**

Service- **Received & Filed**

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

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

16-46 AN ORDINANCE AMENDING SECTION 890.051 OF CHAPTER 890 OF THE CODIFIED ORDINANCES FOR THE CITY OF NEWARK, OHIO REGARDING THE LEVYING AND COLLECTION OF MUNICIPAL INCOME TAXES

Motion by Ms. Hall to adopt Ordinance 16-46, second by Mrs. Floyd

Motion passed by a vote of 10-0.

RESOLUTIONS ON SECOND READING

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

16-96 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- CI (335, Capital Improvements Fund, \$30,247.00- Land Improvements)

Motion by Mr. Johnson to adopt Resolution 16-96, second by Mrs. Floyd

Motion passed by a vote of 10-0.

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

16-97 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (272, License Plate Permissive Tax Fund, in the amount of \$400,000.00)

Motion by Mr. Marmie to adopt Resolution 16-97, second by Mrs. Floyd

Motion passed by a vote of 10-0.

RESOLUTIONS ON FIRST READING

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

16-98 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- Expedite (**153 Comp Abs-\$6,125.00, Payout Jeremy Wesner, 153 Comp Abs-\$296.00, Kayla McGuire**)

Motion to waive the two day reading rule for Resolution 16-98 by Mr. Marmie, second by Mrs. Floyd

Mr. Marmie- we have some compensation payouts and we need to expedite those so we can get the individuals their money.

Motion passed by a vote of 10-0.

Motion to adopt Resolution 16-98 by Mr. Marmie, second by Mrs. Floyd

Motion passed by a vote of 10-0.

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

16-99 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO NEGOTIATE AND ENTER INTO CONTRACT, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR A SOLAR POWER SYSTEM LOCATED AT THE WASTEWATER TREATMENT PLANT.

Motion by Mr. Rath to waive the two day reading rule for Resolution 16-99, second by Mr. Bubb

Mr. Rath- Mr. Loomis has expressed an urgency to proceed with entering into contract for this project.

Motion passed by a vote of 10-0.

Motion by Mr. Rath to adopt Resolution 16-99, second by Mr. Bubb

Motion passed by a vote of 10-0.

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

16-100 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT AN APPLICATION TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR FISCAL YEAR 2017 BROWNFIELDS ASSESSMENT GRANT.

Motion by Mr. Marmie to waive the two day reading rule on Resolution 16-100, second by Mr. Bubb

Mr. Marmie- there is a deadline that we need to meet for this application.

Motion passed by a vote of 10-0.

Motion by Mr. Marmie to adopt Resolution 16-100, second by Mr. Cost

Motion passed by a vote of 10-0.

COMMENTS FROM CITIZENS

Gabriella Campbell, 204 S 4th St- reminded everyone that they will be protesting tomorrow out from of City Hall between 11-1 against the decision to uphold state law instead of the recent city ordinance that passed for marijuana.

Sean Abrams, 71 Kreig St- he was there regarding the marijuana initiative. He stated that there was near 1200 more vote for the initiative and that if Council members had won their election by 1200 votes but been told they wouldn't be Councilmen they'd be upset too. He stated the people spoke and they have decided not to listen to them. He stated that they will be having a peaceful protest out front tomorrow.

Mrs. Fraizer, 20 W North St & Taylor Finley, Dorsey Mill Rd- they spoke on behalf of the 2012 Newark High Class regarding the loss of a fellow classmate named Duncan Unternaher. She announced that they are trying to put together a fundraiser for the family on December 22nd at Newark High School in The Commons from 3-9 P.M. They are hoping to have refreshments, a raffle and possibly sell t-shirts. They would like to bring the community together.

President Ellington- this young man was such a nice young man; he was stabbed in the heart by his roommate and I believe went through surgery ok then the next morning he had to go back into surgery and had a blood clot and passed away on the table. What a tragedy. Thank you for bringing that up.

MISCELLANEOUS

Mrs. Floyd- for those of you who may not have been downtown, with three around a bout done it is wonderful. She announced that she and Curtis Johnson saw the Newark Granville Symphony with the choirs of Newark High and Granville High and that it is done every year and that it is a wonderful Christmas concert. It is nice to see that many young people out performing and it is a great start to the holiday season. There are a series of shows that are coming out after the first of the year at the Midland which have been announced. You can go on the website and see what is all coming. I talked to a worker who told me Mt. Vernon Road is close to being finished and that he thought their work would be finished by the 16th. I don't know if that means it will be open or if there will be stripping still to do. It is one of the many in a series of projects that we have going on. The Advocate is taking the 31 days of December and saying 31 new things that have happened in Newark this year.

Mr. Fraizer- with the loss of Duncan it has been a rough weekend for my wife and her class. To see the amount of fundraising that has been occurring and the amount of support from everybody in the community has truly been inspiring. It lets you reassess what your priorities are and how precious life really is. I want to address the previous statements that were made about the legalization of marijuana. When it comes to the ordinance on the ballot we have a state that allows anybody to put just about anything on the ballot. Whether that follows the State Constitution or whether it is applicable is not really up to the voters. What we see here is should marijuana laws be reassessed? Was something accomplished in the last election? We repealed the local ordinances that had increased penalties and increased fines that were associated with it; it went to the State level. The issue you currently have is the State needs to reassess the criminalization aspect of the law. It requires an additional referendum, a more sweeping referendum and because the way that the State law is set up and the municipality is set up it is a lot different than the Federal Government with the states. Because it is uniformly enforced throughout the state and because we are set up to be subservient to the state we can't change the way that we follow the law in the City of Newark Ohio and we apologize for that but we also encourage you to have a more sweeping referendum in order to get your views heard and a progressive treatment of marijuana in the city and State of Ohio. We hear you but we are constrained by the Constitution of the State of Ohio. Although you did change the local ordinances in the City of Newark you didn't change the Constitution of the State of Ohio. I feel like the Law Director and the Chief of Police are following the law and we don't want selective enforcement of the law because that is a slippery slope where people's rights can be trampled upon.

Ms. Hall- I agree with that, I did discuss this with Sean and I agree with everything that you said I spoke to the Law Director's office as well.

Mr. Johnson- I want to thank Mrs. Floyd we had a wonderful time at the concert. I want to thank everyone that wished me a Happy Birthday and I am so pleased to be here. It was my 80th birthday.

Mr. Marmie- he called a Finance Committee meeting. I want to extend you a happy birthday. My thoughts and prayers go out to the Unternaher family. I grew up with the boys, I didn't know the sons as well but I knew of them, Duncan was the same age as my daughter. I wanted to mention some of my view points on the marijuana initiative. It is an administrative issue that is being dealt with. We are the legislative body of the three bodies. It is up to the enforcement portions to enforce the laws how they choose and how they see fit and what is best. Whether we make a law or anything along those lines it is their decision how best to enforce that for the citizens of the municipality whether it is the city, state or whatever entity. In this situation there are a lot of different factors that go into the decisions as far as why the choice is being made to operate under the state. Fiscally it is a huge issue if we operate under our municipality code versus the State. It really doesn't benefit the city and again it is a choice and as Mr. Fraizer indicated if you really want to change the law it is the State law that needs to be changed. The other thing that is in play is with the stiffer penalties you can afford to do some of the things that have to be done even at the minimum level and so there becomes a cost factor. That is the reason why the City of Newark had the stiffer penalties because then it would be able to afford the entire program. I do have something to do on New Year's Eve this year where normally I don't do much. Win or lose I am happy we are there. I know there were fans that thought the chances were dismal when we lost to Penn State however they preserved. I am proud of the team for doing that just as I am sure the Law Director is proud of his team. It will be a friendly rivalry.

Mr. Rath- called for a Service Committee meeting.

President Ellington- the next Committee meeting will be Monday December 12th at 5:30 and if nothing comes up our next and final Council meeting will be December 19th.

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