

COUNCIL MINUTES

November 7, 2016

Council Chambers

7:00 P.M.

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

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

INVOCATION – Mr. Johnson

PLEDGE OF ALLEGIANCE

CAUCUS- Motion by Mr. Marmie to excuse Mr. Bubb, second by Mrs. Floyd. Motion carried by acclamation.

MINUTES of October 17, 2016 Motion by Mr. Rath to approve the October 17, 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. Johnson. **Motion carried by acclamation.**

REPORTS OF STANDING COMMITTEES

Finance-Received & Filed

Street-Received & Filed

Service-Received & Filed

Economic Development-Received & Filed

Personnel-Received & Filed

REPORTS FROM CITY OFFICIALS

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

Barb Jobs, City Tax Administrator- income tax revenues for the period ending October 15 & October 31, 2016. **-Received & Filed**

COMMUNICATIONS

Roger Loomis, Utilities Superintendent- liens in the amount of \$22,787.39 for past due water, sewer and storm water bills. **-Received & Filed**

Ohio Division of Liquor Control- application for a new liquor license for Moe's Original Bar B Que at 21 W Church Street. **-Received & Filed**

Julia Applegate, Director, Institute for Health Equity- recognition to Newark City Council for the LGBT legislation.

COMMENTS FROM CITIZENS

William Butcher, 263 Union St- asked about when the pot holes in the streets were going to be fixed and he looks forward to the Cherry Valley exchange being open.

Mike Blowers, 830 E Village Dr- I stand before you tonight representing myself, a citizen of this community who also serves as a board member for the Newark City School District. The comments that I make tonight and the opinions that I share with you tonight are mine and mine alone. They don't represent or reflect the thoughts and opinions of other school district board members. I am not here as a representative of the Newark City School Board. All the information that I share with you tonight is all a matter of public record as it was discussed during open public meetings. As we all know the Newark City Administration contacted the Newark City School Board of Education to consider a tax increment financing which would divert tax revenue

from the school district to the City of Newark. These funds would be allocated to build a road to connect Baker Boulevard and Evans Boulevard. As a board member I had to work with fluctuating and consistent numbers and other considerations such as legal definition of tax increment financing and the ethical application of the TIF mechanism and local politics. My main concern as a member of the board has been with the ethical and political issues as the city administration came to meetings not totally prepared and had not presented evidence based research such as an official safety study in support of their claim that this road would increase emergency response times with the schools nor a blue print plan of how the road would look with safety concerns addressed. Safety is important. A TIF is a mechanism provided by the State of Ohio to local municipality to tap into future tax revenue to build and to improve infrastructure for the purpose of economic growth. This future tax revenue would have otherwise been shared by the school districts, vocational school, public library and other government entities will lose this future tax revenue if it is the verdict of the city for 10, 20 or 30 years. The Newark City School Board in a unanimous vote rejected the Kroger TIF request for the reason of losing needed operating revenue. Simple put the school district would lose a classroom teacher. Which class, subject or position would you recommend the school board eliminates. Regardless of how much the city administration spins the idea that the school district will benefit, the bottom line is this; the children will lose. If the Kroger TIF is passed by City Council the Newark City School District will lose future tax revenue which could result in more taxes for the citizens of Newark to make up the difference. The Newark City School District Administration and the Board of Education has been vigilante and diligent with the taxpayers money. It is my responsibility as a duly elected official of the Newark City School District to protect the interest of Newark City Schools that is why I am here tonight which includes but not limited to providing for our children the facilities, classroom teachers and the materials needed to learn and to prepare them for their future and the future of our community, state and country. It is my personal position that tax increment financing can be a good tool if it is used correctly however it is the primary responsibility of the city, state and federal governments to first raise revenue through the consent of the citizens to build and maintain infrastructure which sustains viability of the economy and a means in which to safe guard its citizens. Consider five different points; safety, tax increment finance, economic growth, the timing of this request and the urgency. Safety that is our first priority, it is my first priority as a board member, but there was no safety study. Tax increment finance, the formula in which a municipality may take money from other government groups, take money from the city schools and that is the chart that I gave you. It is actually from the County Auditor Mike Smith. If you look at it I have marked the loss to the school if it had been passed. The way it was would have been a teacher's salary and benefits, \$52,000.00. Regardless of how much it is still money taken form the school district which we are in the business of, I am in the business of helping the schools teach. We are not building roads that is not our job. Economic Growth, economic growth was another consideration. It would take an awful lot of jobs to make up the difference from income tax. What kind of jobs would we be growing? If you put that road in there what kind of economic growth is there going to be? There were no real hard facts for that. Timing, how long has Meijer been out of that place and why all of the sudden do we need this road built? TIF has been around for a while. It could have been worked out. The urgency piece goes with that. I believe that TIF, tax increment financing can be a good tool. This is not the project to use it. Thornwood would be better time spent on economic growth. I asked at the last meeting if the city pursued other means of revenue like going to the taxpayer and asking for a road levy. The answer that I heard was that we have grants. If you approve this tonight there still is no plan. There is money coming out of the school district and there is no plan. Those are my thoughts and concerns. I also have a concern with the way the ordinance reads tonight. Ordinance 16-43 where it says authorizing agreements with respective property owners effected by public infrastructure improvement and with the Newark City School District. We have not agreed to anything and CTEC they have nothing in this so I think it is misleading. Then declaring an emergency, I understand the timing. I hope that you say no. I think there is a better way without taking money from our school district and future revenue from the school district.

President Ellington- correct me if I'm wrong but 16-43 was written assuming Newark City Schools would be in favor of this that is why it stayed the same on here, we had already passed before they took their vote.

Law Director Sassen- yes it had passed out of committee, correct.

President Ellington- there is a paving levy on the ballot tomorrow and we would appreciate a vote yes.

ORDINANCES ON SECOND READING

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

16-41 AN ORDINANCE ACCEPTING THE DEDICATION TO PUBLIC USE OF THE STREETS IN PARK RIDGE SUBDIVISION, PHASE 2, SECTION 1A AND SECTION 2, AND SETTING THE DEVELOPMENT SURETY FOR SAID ADDITIONS.

Motion by Mr. Rath to adopt Ordinance 16-41, second by Mr. Fraizer

Mr. Rath- I'm happy to see there is more growth in the residential section of the most desired ward in the City of Newark.

Motion passed by a vote of 9-0.

ORDINANCES ON FIRST READING

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

16-42 AN ORDINANCE VACATING PORTIONS OF ALLEYS AS SHOWN ON THE PLAT OF CHARLES MILLER'S ADDITION, AS RECORDED IN PLAT BOOK 2, PAGE 129 OF THE LICKING COUNTY PLAT RECORDS; SAID ALLEYS ARE LOCATED BETWEEN 226 AND 232 EAST MAIN STREET.

Held for a second reading

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

16-43 AN ORDINANCE DECLARING CERTAIN IMPROVEMENTS TO PARCELS OF REAL PROPERTY IN THE CITY OF NEWARK, WHICH ARE NECESSARY FOR THE FURTHER DEVELOPMENT OF THE BAKER-EVANS PROJECT, TO BE FOR A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT THE RESPECTIVE PARCELS, AUTHORIZING AGREEMENTS WITH THE RESPECTIVE PROPERTY OWNERS AFFECTED BY SUCH PUBLIC INFRASTRUCTURE IMPROVEMENT AND WITH THE NEWARK CITY SCHOOL DISTRICT AND THE CAREER & TECHNOLOGY EDUCATION CENTERS OF LICKING COUNTY, ESTABLISHING THE BAKER-EVANS TAX INCREMENT EQUIVALENT FUND, AND DECLARING AN EMERGENCY.

Motion to adopt Ordinance 16-43 by Mr. Blake, second by Mr. Fraizer

Mr. Blake- as we all became aware of the actions of the Newark City School board last week Director Mauter called me earlier today and I am offering a mention to table this legislation.

Motion to table Ordinance 16-43 by Mr. Blake, second by Mrs. Floyd

Motion to table passed by a vote of 9-0.

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

16-44 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE LICKING COUNTY MUNICIPAL CLERK OF COURTS, BY CHANGING THE NUMBER OF DEPUTY CLERKS (FULL TIME) AND SETTING COMPENSATION THEREFORE.

Held for a second reading

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

16-45 AN ORDINANCE WAIVING THE STATUTORY RESIDENCY REQUIREMENT FOR THE DIRECTOR OF PUBLIC SAFETY AND APPROVING MAINTENANCE OF A RESIDENCE OUTSIDE THE CITY LIMITS OF NEWARK, OHIO.

Held for a second reading

RESOLUTIONS ON FIRST READING

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

16-90 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- Expedite (100 General Fund, \$1,079.98-Computer Hardware/Software; 100 General Fund, \$2,2250.00- Hygiene kits; 231 Probation Improvement Grant, \$1,565.00- 1st half health insurance; 632 Wastewater Replacement Fund, \$2,700.00- Computer Hardware/Software; 153 Compensated Absences, \$17,600.00- Termination Sick; 100 General Fund, \$20,000.00-Maintenance building & grounds; 100 General Fund, \$284.91- Vehicle maintenance; 100 General Fund, \$300,000.00- OPT Health Ins; 153 Compensated Absences, \$34,400.00- Payout Steve Baum)

Motion to waive the two day reading rule for Resolution 16-90 by Mr. Marmie, second by Mrs. Floyd
Mr. Marmie- we have some payouts and we also have to make sure that we have money in some funds for the end of the year and we need to move some money around for that.

Motion passed by a vote of 9-0.

Motion to adopt Resolution 16-90 by Mr. Marmie, second by Mrs. Floyd

Motion passed by a vote of 9-0.

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

16-91 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION
(100 General Fund, \$317,361.78- 2017 Worker's Comp bill; 221 Street/Traffic Fund, \$21,302.5127; 621 Water Administration Fund, \$46,419.13; 661 Sewer Administration Fund, \$21,484.34; 669 Storm Water Fund, \$2,885.97; 231 Adult Probation Fund, \$4,589.21)

Held for a second reading

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

16-92 ODOT PRELIMINARY LEGISLATION FOR BRIDGE INSPECTION PROGRAM SERVICES, INCLUDING BUT NOT LIMITED TO BRIDGE LOAD RATING CALCULATIONS, SCOUR ASSESSMENTS, BRIDGE INSPECTIONS AND FRACTURE CRITICAL PLAN DEVELOPMENT AND DECLARING AN EMERGENCY.

Motion by Mr. Rath to adopt Resolution 16-92, second by Mr. Fraizer

Mr. Rath- this has been given the emergency clause at the request of ODOT to meet their deadlines.

Motion passed by a vote of 9-0.

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

16-93 A RESOLUTION SUPPORTING THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE DESIGNATION OF STATE AND US BICYCLE ROUTES CROSSING OHIO, INCLUDING US BIKE ROUTE 50 AND STATE BIKE ROUTE 65 IN THE CITY OF NEWARK.

Held for a second reading

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

16-94 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR CERTAIN ESSENTIAL SUPPLIES FOR VARIOUS DEPARTMENTS OF THE CITY OF NEWARK, OHIO, FOR 2017.

Held for a second reading

COMMENTS FROM CITIZENS

William Butcher, 263 Union St- asked when the street paving is going to begin and stated he voted for the levy and paid his taxes.

Daniel Crawford, 163 S 2nd St- I haven't spoken in a while and felt the need to do so on the eve of Election Day. He reminded everyone of the Democracy Day initiative on the ballot. I'm typically someone who is obsessed political campaigns but this year I have been especially disturbed. Never before have I had to worry about my kid being near a television while a campaign has been going on. I think as Americans we should be especially ashamed of this year. I am very much looking forward to the end of election night. What I am concerned about is what happens after because although I have my strong opinion of what is going to happen I am afraid that we have reached such a boiling point that we are at a very dangerous period right now, especially when you hear some of the rhetoric on television. It is such a contrast from last year for our local elections. There were 6 of us who ran for Council At Large and we conducted ourselves respectfully. When I hear a candidate for President using rhetoric that says throw the other candidate in prison, promising if they were President they would do so and people cheering that. As Americans we should be disturbed by that no matter who you support. Anybody who knows anything about Political Science knows that is a Banana Republic so if we really care about our form of democracy and our freedom then you should whole heartily condemn such rhetoric. You also hear that same candidate saying we can't let them steal this election from us. I literally heard that from a campaign speech on television that is not something taken out of context. You're setting the ground work for an election not being accepted as legitimate, the election result. I am hoping no matter who loses that they concede and that we move as a nation to unite. You don't have to support that President but you have to acknowledge that they are our President and accept the results up and down the ballot. It is time to move beyond this hyper partisanship although I am a partisan myself I also respect the right of another person to disagree with me. For the sake of our children this horrible campaign needs to be forgotten and pushed away in the past.

MISCELLANEOUS

Director Mauter- I just wanted to respond to a couple of things that were shared by Mr. Blowers a little while ago. First issue he cited was a safety study. When we met with the school board members both one on one and as a group we did know there was a safety concern they shared it with us at the school board meeting and we immediately said that we want representatives from the school board when the preparation for these roads was going to be done. We knew that was going to be very important so we did address that but did we have a safety study done? No. Why? Kroger's intent was on the drawing board and when they began moving forward we didn't have a whole lot of advanced notice in order to do things like put safety studies together and maybe traffic studies but again we were very cognizant and we did reach out. We want members of the school board to be working with the city and to address any safety concerns they may have. The second item the TIF itself and the money that it is going to generate or not generate. There was a mention of a loss of \$52,000.00. That is a net loss as a result of the TIF but there is also a net gain to Newark City Schools. They were going to continue receiving the same amount as when Meijer was in operation and they were going to receive and additional funding from the 25% compensation agreement the TIF offered. Economic growth, Mr. Blowers mentioned there were no facts about how many jobs would be created and he is right. It is something that is very difficult to quantify when you are talking an economic development projects. It is like marketing. If any of you have ever done advertising or marketing to promote a business or an event it is very difficult to quantify what the results of that advertising are. Same way with this TIF. The urgency factor, we are here in November trying to get this TIF approved and we have to have it done by the end of the year. How I would respond to that is as soon as we knew Kroger was going to proceed and there was an opportunity here we immediately met with members of the school board. Myself, Dave Rhodes and at the time Stuart Moynihan met with Jeff Anderson the School Board Treasurer, David, Operations Manager for Newark City Schools and

Jason Keys as well as Superintendent Doug Ute 18 months ago to have a discussion regarding wanting to do a TIF. As soon as we heard we started to put the wheels in motion. Did the city look for other funding means? Again because of the timing of this there hasn't been a lot of opportunity. By the time we would get grants and applications processed and get on the list with ODOT, it's a process and we didn't have that kind of time. We did promise that we would pursue grant dollars and perhaps have capital improvement dollars. There were also discussions about private public partnerships that we have seen things get done with such as White's Field. It is happening and it can happen and the possibilities are there. Finally no plan was prepared. From the time we knew Kroger's decision we moved on it. The Evans Foundation is in the process of putting a master plan together for the vacant remaining property they have control over so there is planning going on there. I think we did the best we could and put forth a good conscious effort to do all the things we needed to do to do it the right way for this TIF. We are very respectful of the Newark City School Board's decision and Dave Rhodes and I expressed that to them when we attended the meeting the other night. Our hands are out, we want to continue to work with them, and we will find a way to get this done. I just wanted to make sure some of the facts were out from the administrations side as well.

Mr. Blake- I want to offer our new Safety Director my congratulations. I am looking forward to our sit down and I am looking forward to working with you on the issues that are facing our community. Welcome aboard now that you got officially sworn in and it was nice to meet your family earlier. With regards to the TIF, it is very interesting because at one point I was on the other side as Mr. Blowers when I was on the school board and now being on City Council I can say that Director Mauter and Director Rhodes worked very hard on the TIF. I haven't been in direct conversations that they and you may have had but I think that the best interest of a partnership and collaboration was always there and I think it will continue to be there. I think if we are going to move our community together we can't get into the schools versus the city. We have to do this thing together and whatever actions happen in the future it is my hope things happen in a very unique partnership so everyone benefits in a positive manner. Tomorrow is Election Day and as divisive and controversial things are, elections come and go but I think we all have more things in common than we have different. As Americans we are going to move forward with whichever leader is chosen. We have local issues and local candidates and I want to stress my strong support to vote tomorrow if you haven't already voted and vote for our street levy which also includes funding targeted for improvements within our safety departments.

Mr. Cost- I would also like to express my support for the city levy and welcome Steve as our new Safety Director, we look forward to working with you.

Mrs. Floyd- I too would like to welcome Steve we are glad you're here and I'm sure Mr. Rhodes is glad you're here too so he doesn't have two jobs. I too would like to express support for the levy there is no doubt that we need it for streets and police and fire for capital improvements. I think like most people and as a Civics, History teacher elections have always been important to me and I think that we can all say that we will be very glad when this election is over. I don't know anybody who doesn't feel that way at this point. At our church on Sunday we had a Vietnam Veteran who is the head of point man ministries gave a speech and in part of his speech he quoted Abraham Lincoln's second inaugural address, "with malice towards none and charity for all" I hope that is what happens in our nation. I'm not convinced it will be I can hope. As Jeremy said elections do come and go and hopefully things move forward and we can work as a nation.

Mr. Fraizer- welcome Steve, I look forward to having you in that role and I know your years of experience will go a long way in that position. We look forward to having you on the team. As far as the TIF is concerned I hope that we will continue to try to pursue that TIF. I know we have some powers in which we can enact that given what the current situation is. The frustration on my part is with the current financial situation that we have this is the best opportunity to build a connection road that connects those schools on the Evans complex and to lose sight of that opportunity would be a disservice to the students of those schools and the safety of our community. An access point would encourage safety services, a second route outside of the school in case of emergencies and it would continue the improvements in that area. I think it is very short sided of us to look at \$56,000.00 of a net gain as a reason to not continue with a 20 year TIF in that area. It is entirely up to the board how they make their decisions however I strongly disagree with that decision. With the election coming up the biggest thing is how we conduct ourselves. When it comes to other sides of the isle, people with

different opinions, you need to hold yourself accountable for what you say and how it affects others. In this divisive nature that we find ourselves in it is critical that you show love, admire and appreciate those around you. We definitely don't have all the time in the world so it makes no sense for us to limit ourselves and to hate, malice and deceit. Go out and vote and participate and enjoy the longest democracy in the world with the most opportunity in the world as well.

Ms. Hall- I would like to welcome Steve, I'm sure there will be challenges but I'm happy you are Safety Director. She called a Ways & Means Committee Meeting.

Mr. Johnson- welcome Steve. Go out and vote and let's not think about being divisive let's think about coming together.

Mr. Marmie- called a Finance Committee meeting. Congratulations Jeremy on your award, job well done. Congratulations Director, welcome aboard. I look forward to working with you. Congratulations to those Cubs. I can honestly say I can't recall a better World Series ever and I am a baseball fanatic. That was a very exciting series and 7th game. It was phenomenal and I really enjoyed it. Both teams are class acts and to be honest the leadership of those two managers demonstrated why those two teams were there. I agree with most of the comments as far as the TIF. Mr. Blowers I look forward to your report that you have. You said that you know there is a better way and I look forward to receiving that report, you can just email it to me. As far as trying to fund something that we have been trying to fund for over 15 years. This is an urgent situation and we have been talking about this since Destiny 2020 which was even before 15 years ago we knew that we wanted to connect that side up towards the north end in some way shape or form. I look forward to receiving that from you. I respect the school boards opinion on it but we still need to move forward on it and make sure we are doing what is best for the citizens of Newark. If all the things we do have planned in the future come to fruition and the make-up of all of our safety forces, where they are going to be and the traffic patterns that we already have it would definitely help us as far as different run times and just responding to different things. I don't need a study to tell me that.

Mr. Rath- called a Service Committee meeting. Safety Director Baum welcome to the organization, glad to see you're here and I look forward to working with you. Daniel I would love to give you a rebuttal to your statements but I think I will reserve that rebuttal until tomorrow. I am a traditionalist. It is your basic responsibility to go out and vote. I absolutely plan on voting tomorrow that is why when I leave here I will go get inline so I can be at work by 8:00. I encourage everybody else to vote. I am concerned about the outcome of the election regardless of who wins but the actions of some of the citizens of our country and some of the non-citizens of our country. I hope that our country is not judged and perceived as it is based on the actions of a few.

Mr. Rolletta- I would like to congratulate both Mr. Baum and Mr. Blake

President Ellington- congratulations Jeremy on your award. Director congratulations I hope in about three months from now after negotiations and the budget you are still happy you did this but I'm sure you will do a great job. Next Monday the 14th is committee meetings at 5:30 and Monday November 21st is the next City Council meeting at 7:00.

ADJOURNMENT- Motion by Mr. Cost, second by Mr. Rath. Motion was carried by acclamation.