

COUNCIL MINUTES

June 1, 2015

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the Monday June 1, 2015 Newark City Council Meeting to order.

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

INVOCATION – Mr. Johnson

PLEDGE OF ALLEGIANCE- Director Spurgeon

CAUCUS- Motion by Mr. Rath to excuse Mr. Marmie, second by Mrs. Floyd, motion was carried by acclamation.

MINUTES- of May 18, 2015 Newark City Council Meeting. Motion by Mr. Rath second by Mr. Johnson to approve the minutes as presented and the reading be dispensed with in view of the fact each member of Council has received written summary of same. **Motion carried by acclamation**

REPORTS OF STANDING COMMITTEE

Finance- **Received & Filed**

Service- **Received & Filed**

Capital Improvements- **Received & Filed**

REPORTS FROM CITY OFFICIALS

COMMUNICATIONS

Lindsey White Dasher, Director of Humane Wildlife Conflict Resolution- due to calls from citizens in Newark concerned for the safety of their pets against coyotes she sent information and tips for protecting ourselves and pets from coyotes. -

Received & Filed

Ohio Division of Liquor Control- transfer application for Old Bag of Nails Pub Newark LLC from The Grill on Twenty First LLC-

Received & Filed

Dave McElfresh- his comments from May 18, 2015 Newark City Council meeting regarding the current proposal and the impact it could have on public safety. - **Received & Filed**

Paul Moran- his comments from May 18, 2015 Newark City Council Meeting regarding Farmer's Market being moved out of the city. - **Received & Filed**

COMMENTS FROM CITIZENS

William Butcher, 263 Union St- he requested that his alley get paved and reported that there are speeders on Main St and Union St. He stated he was proud to be a south ender. He also gave a weather report.

John Veely, Attorney at 3 S Park Pl- he was present with Paul Wright owner of the building called Rusty Riders. They passed out a brochure with a picture of what the building looks like now and how it would look renovated. We are here tonight because we are running into some timing issues and we want to clarify whose timelines they are and how we can meet them. From our discussions with Brian Morehead we understand that the right of way needs to be cleared by September 1st. We have lead and asbestos abatement that needs to occur before the overhang can come down. They are 30 days from the minute that we say go and we are only 90 days away from the day that we need the right of way cleared. We need to figure out who we need to be talking to in order to find out if these are ODOT deadlines or the City of Newark's. We also want to figure out how we can coordinate this and work together. As far as cost figures go to do what we are looking at it is going to be about \$27,000.00 to take that overhang down and \$49,000.00 to renovate. We are working on the funding on our end to renovate but we would like the City's help taking it down. We wanted to present this to you and see if there were any suggestions as to who we should be talking to.

President Ellington- this isn't a question answer session with Council but my suggestion would be to talk to Director Rhodes and then he could give you a direction of where to go.

Paul Wright- I know this project seems unreasonable to some but to a small business owner we were fortunate to purchase this property in Newark. Newark is full of these old properties that seem dilapidated but when it comes to small businesses in deciding whether to lease or renovate Newark is full of these great adventures and opportunities. Economic Development and Chamber of Commerce should look into some of these small businesses. It would be nice to see them stand and have a small business come in and take a chance on them. It's an opportunity for us that we would like to see happen.

Darren Decker, 180 Alcon Dr- I don't know if Council especially 1st Ward council is aware of the low manning in public safety. I have great concern and I am curious where the money is going. I understand that when you bill for EMS it has to go into the General Fund. We passed a Public Safety Levy several years ago and to have staffing for the Newark Fire Department be at 13 and 14 for this city is ridiculous to say the least. For the City of Newark a typical manning is 18 or 19. Some of the mutual aid fire departments are getting into fires in the City of Newark before the Newark Fire Department arrives on the scene. At one of the recent ones Assistant Chief Decker documented arriving on the scene and waiting for a mutual aid engine to show up first. He documented this house burning for about 3 minutes before a truck showed up. I realize this is not a question answer session but I will be getting back with the people in the Public Safety Committee and the 1st Ward about where the money and funding is going for public safety. I am also curious to see a billing for expenses once we passed the levy expenses were shifted directly out of the pockets of public safety. So I will be doing a public records request because I want to see if some of this stuff has been shifted and see what City Council is going to do to bring those numbers back up. I understand that through binding arbitration minimum manning was lost but that doesn't mean that we should just be letting those numbers go down. I think that there is a certain number that the city has an obligation to commit to. I don't know if it is pulling money from the General Fund or putting 100% of the EMS billing since it is generated from the Fire Department back into the Fire Department. Again 13 or 14, closing down the east end fire station and browning out some of the other stations is unacceptable.

ORDINANCES ON THE FIRST READING

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

15-14 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 13.457 ACRES, MORE OR LESS, 6TH STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF LI (LIMITED INDUSTRIAL) DISTRICT, TO MFR (MULTI-FAMILY RESIDENCE) DISTRICT.

Referred to the Planning Commission

RESOLUTIONS ON THE SECOND READING

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

15-46 APPROPRIATING AND DISAPPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (621-Water Projects Fund: \$12,500.00, 661- Sewer Fund: \$5,000.00, 669- Storm Water Fund: \$10,000.00, Geo Asset Software Costs; DISAPPROPRIATION 100- General Fund: \$4,152.50 Increase in Salary/Benefits in PM Dept; to cover the increase of salary and benefits for the PM Inspector/Analyst Position);100- General Fund: \$4,152.50 Increase in Salary/Benefits in PM Dept; to cover the increase of salary and benefits for the PM Inspector/Analyst Position)

Motion by Mr. Blake to adopt Resolution No. 15-46, second by Mrs. Floyd

Motion passed by a vote of 9-0.

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

15-49 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-CI (335 Capital Improvement Fund \$6,500.00 Relocate generator)

Motion by Ms. Hall to adopt Resolution No. 15-49, second by Mr. Johnson

Mrs. Floyd- I just want to double check that on everyone's copy of Resolution 15-49 the account number says 335.204.5533. I think that it does but Mr. Rhodes advised us that originally the form mistakenly had it coming out of the Police Department. It was verified the correct account number appeared on the legislation.

Motion passed by a vote of 9-0.

RESOLUTIONS ON FIRST READING

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

15-50 A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF NEWARK TO PAY BILLS ON BEHALF OF THE SAFETY DEPARTMENT PURSUANT TO SECTION 5705.41 (D), THEN AND NOW CERTIFICATION; AND DECLARING AN EMERGENCY.

Motion by Mr. Blake to adopt Resolution No. 15-50, second by Mrs. Floyd

Motion passed by a vote of 9-0.

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

15-51 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-CI-EXPEDITE **(335 Capital Improvement Fund-\$10,000.00: Land Improvements)**

Motion by Ms. Hall to waive the two day reading rule, second by Mrs. Floyd

Ms. Hall- they want to get started on the improvements

Motion passed by a vote of 8-1 (Mr. Guthrie)

Motion by Ms. Hall to adopt Resolution No. 15-51, second by Mrs. Floyd

Motion passed by a 9-0 vote

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

15-52 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION **(COPS Grant Fund-\$0.08: Salary; 100 General Fund-\$750.00: Building Grounds Maintenance)**

Held for a Second Reading

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

15-53 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-EXPEDITE **(673 Buckeye Corridor Fund-\$2,000,000.00: Buckeye Corridor Storm Sewer Project; 669 Storm Water Utility-\$100,000.00-Buckeye Corridor, W Church St & 30th St Storm Sewer Fund; 153 Compensated Absences-\$1,700.00: Resignation of Aaron Walsh)**

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

Mr. Blake- we are asking for the two day reading rule to be waived in order to get these projects started and because there is an employee payout on this resolution.

Motion passed by a vote of 8-1 (Mr. Guthrie)

Motion by Mr. Blake to adopt Resolution No. 15-53, second by Mrs. Floyd

Motion passed by a vote of 9-0.

By: Mrs. Floyd, Mr. Cost

15-54 A FINAL RESOLUTION FOR THE CONSTRUCTION OF A NEW INTERCHANGE OVER STATE ROUTE 16 TO REPLACE THE CURRENT AT GRADE INTERSECTION WITH CHERRY VALLEY RD, LYING WITHIN THE CITY LIMITS OF NEWARK

Held for a Second Reading

By: Mr. Cost, Mrs. Floyd

15-55 A RESOLUTION APPROPRIATING THE REAL ESTATE KNOWN AS PARCEL # 054-244170-00.000, NEWARK, LICKING COUNTY, LOCATED AT 1091 W. CHURCH ST., NEWARK, LICKING COUNTY, OHIO; AUTHORIZING THE DIRECTOR OF LAW TO PROCEED WITH A COMPLAINT FOR APPROPRIATION IN THE LICKING COUNTY COURT OF COMMON PLEAS; AND DECLARING AN EMERGENCY.

Motion by Mr. Cost to adopt Resolution No. 15-55, second by Mrs. Floyd

Motion passed by a vote of 9-0.

By: Mr. Cost, Mrs. Floyd

15-56 A RESOLUTION APPROPRIATING THE REAL ESTATE KNOWN AS PARCEL # 054-242994-00.000, NEWARK, LICKING COUNTY, LOCATED AT 318 N. 30th ST., NEWARK, LICKING COUNTY, OHIO; AUTHORIZING THE DIRECTOR OF LAW TO PROCEED WITH A COMPLAINT FOR APPROPRIATION IN THE LICKING COUNTY COURT OF COMMON PLEAS; AND DECLARING AN EMERGENCY.

Motion by Mr. Cost to adopt Resolution No. 15-56, second by Mr. Rath

Motion passed by a vote of 9-0.

COMMENTS FROM CITIZENS

William Butcher, 263 Union St-congratulated Chief Connell and stated that was the first swearing in ceremony that he has seen. He again told Councilman Blake that he was staying in his Ward and a weather report was given.

ADMINISTRATION

Director Spurgeon- tonight was a great night in public safety but there are some unsung heroes that donate their time so on behalf of myself and the entire city I want to thank the reserve officers for coming in here on their own time and keeping us safe.

MISCELLANEOUS

Mayor Hall- we have had a pretty busy week around here starting with Memorial Day on Monday and great services down at Cedar Hill Cemetery. I want to thank the crew for making the cemetery look the best it may have ever looked. I also want to congratulate all the students that will be graduating. Friday night was a busy night downtown with the food trucks, DNA Final Fridays and Strawberries on the Square that seemed to work out very well at its temporary location. I want to thank everybody that worked hard on that.

Mr. Rath- I came down Friday night too for the food trucks and Strawberries on the Square and my intent was to grab a bite to eat and stay for an hour at best then leave. I think I left at sundown. I was there for a few hours, it was a great time and there were tons of people. While the Strawberry Festival was tight it was functional and I think that it turned out very well. He thanked Mr. Morehead and Director Rhodes for getting 40th St paved. I received welcomed messages about that today. I just want to make a quick comment about the waiving of the second reading and the emergency clause, I know why we did that and I am ok with doing that but I have to imagine that there are people in the audience or

watching the video that don't know. It is not standard operating procedure for us to waive the two day reading rule or for us to pass an ordinance or a resolution with the emergency clause. When we do that I think that it warrants a justification. My own personal philosophy if we are going pass something with the emergency clause or waive the two day reading rule I think that the reason for that should be explained. Can I ask Director Spurgeon a question?

President Ellington- is it pertinent to what is going on here and you can do it quickly?

Mr. Rath- yes, Mr. Decker said that we had 13 or 14 firefighters on staff today. How many did we have on staff?

Director Spurgeon- I have spoken with the Chief and I believe that it was 16 today.

Mr. Rath- 16, how many did we pay today?

Director Spurgeon- 22

Mr. Rolletta- I too was pleased to see all the activity downtown this weekend. I would also like to thank the Kiwanis Club and the Downtown Newark Association for that. I would also like to congratulate Chief Connell.

Mr. Blake- congratulations to our new Chief, Chief Connell. I actually knew Chief Connell for positive reasons when I was a teenager. He was the Canine Officer and he would bring the canine down to do demonstrations at various activities when I was a teen. It is nice to see that he has progressed through the department is now the Chief. It was nice to see his family here for that occasion. I congratulate the Mayor for that selection. I do think that there is a lot of discussion regarding the staffing levels in the Fire Department so I think that at some point we should have some type of discussion publicly about that. There have been private conversations between the administration and obviously the community is concerned. At some point we are going to have to have an open discussion about what is really happening there. He called for a Finance Committee meeting.

Mr. Cost- I want to congratulate Chief Connell, it was a great choice. What a fun night to be downtown on Friday night. It reminded me of years past when downtown was rocking and I think that it is a great show of things to come. He called for a Service Committee meeting.

Mrs. Floyd- Friday night was wonderful. I have been around for a long time and been a big supporter of downtown for a very long time. I went down not feeling very well and ended up staying for 4 hours. It was exciting to see that many people downtown and several people commented like Mr. Cost did about it looking like it used to be. I think that is where we are headed eventually. I would like to congratulate Chief Connell. I think that it is really nice that we have two Chiefs now that have been chosen from within and they know the people they are working with and they know the community which I think is a big benefit. The first community round table meeting is Wednesday at noon at the First Presbyterian Church and the Mayor will be speaking. They are having a taco bar for lunch. I want to thank Paul Wright for being here with his picture of what the building that is right across from my house might look like at some point. I have lived there for 52 years and that building has looked that bad for a very long time. This is such a great change to the neighborhood and I hope that things can be worked out.

Mr. Guthrie- I have a question of Mr. Spurgeon. I wasn't exactly sure of the point that was being made. You indicated there were 16 firefighters on duty today and in response to Mr. Rath's question of how many people we paid. Would you explain that 22 and I am sort of wondering what the purpose of that number coming out tonight?

Director Spurgeon- 22 is what our normal staffing per shift is. Chief Connor believes and I agree that is the appropriate number. What we have done is we have a matrix that deploys our personnel according to how many people appear for duty that day but 22 is the number that we maintain across the shifts. We have taken a Captain and an inspector and put them on trucks to maintain that 22.

Mr. Guthrie- is the 22 considering all of the time off and folks that have been injured on the job, does that include them in that number?

Director Spurgeon- we have three shifts, three platoons, 22 per platoon. That question I am not sure of.

Mr. Guthrie- Do we have some firefighters off due to some work related injuries?

Director Spurgeon- I know we did but whether they have come back or not I am not sure I would have to check with Chief Connor.

Mr. Guthrie- I think the point is the point Mr. Blake made, we need to have some open discussion on this whether it be

in the Safety Committee or on the floor of Council. Residents of Newark view their members of Council as their advocates on these kinds of issues. With all due respect to everybody involved, we had a great conversation with the Chief here today about this. For instance, if a fire station is closed down I don't think a 2 minute call to the particular Councilmember to make them aware this is happening because if a resident calls the Ward member whose area is impacted by those decisions, right or wrong. They are caught completely off guard. I understand why it happened but if something as drastic as browning out or closing a fire station happens it is especially important the Ward people are made aware. I think that we should have some open discussion. Mr. Spurgeon gave us an email on this but I really want to get a good grasp on how much we might be losing from EMS billing on mutual aid from other surrounding communities because without a doubt we are losing money. I would like to know some specifics on those numbers. Congratulations to Chief Connell. I wanted to say something about a member of our community, Skip Salome because I heard on a radio ad where he was advertising his Lee's Famous Chicken at the end of the ad he encouraged people to go out and visit their friends in Buckeye Lake. Skip no longer owns the chicken place in Buckeye Lake but he cares enough about the people out there and the impact that the lake level is having on their economy that he said go out there and get something to eat. I think that takes character.

Ms. Hall- congratulated Chief Connell. I found out late morning about the brown out in the 1st Ward and I wasn't sure why that happened then as the day progressed I made a few phone calls and got more information. We definitely need to sit down and talk whether it is a Council meeting or a Safety meeting. I am getting mixed answers and it is a safety concern. A quick phone call or an email would have been nice. When people call and want to know what is going on you want to know what is going on first. I would like to discuss it further it is a concern. I was told we had 14 on duty today and I didn't understand that. I am concerned about what a brown out is and how long it lasts and why we are paying for 22 when there are 14 on. She called a Capital Improvement meeting.

President Ellington- if you will allow me to have a discussion with the Mayor or Director Spurgeon after the meeting maybe we can have a Safety Committee meeting and have conversation about that.

Mr. Johnson- I thought that Strawberries on the Square went well and there was a good turnout. I want to congratulate the Chief and we look forward to his service.

President Ellington- our next meeting is Monday June 8th of Committees and Council meets again on June 15th.

ADJOURNMENT- 7:41 P.M.