COUNCIL MINUTES

July 20, 2015

Council Chambers

7:00 P.M.

7:00 P.M.- President Ellington called the Monday July 20, 2015 Newark City Council meeting to order.

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

INVOCATION – Mrs. Floyd

PLEDGE OF ALLEGIANCE- President Ellington

CAUCUS- Motion by Mrs. Floyd to excuse Mr. Guthrie and Mr. Johnson, second by Mr. Marmie. Motion carried by acclamation.

MINUTES- of July 6, 2015 Newark City Council Meeting. Motion by Mr. Rath second by Mr. Bubb 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 Street- Received & Filed

REPORTS FROM CITY OFFICIALS

Stephen E Johnson, City Auditor- operating report for the period ending June 30, 2015. - Received & Filed Barb Jobes, Newark City Income Tax Administrator- Income Tax Revenue Reports ending June 30, 2015- Received & Filed

PETITION

A petition was received to vacate an alley running south off of Wilson St, between 279 & 295 Wilson St- Received & Filed

COMMUNICATIONS

Ronda Barber- invitation to a reception for Police Chief Barry Connell and an open house for the Civic Engagement Center of Licking County on Thursday July 16th from 5-7 P.M. - **Received & Filed**

Paul Moran- his citizen's comments in written from the City Council meeting of July 6, 2015. - **Received & Filed Jeff Garshon, President & CEO of Chromocare**- an invitation for Councilmembers to attend the launch of Chromocare's Cleanroom Laboratory at the Heath-Newark- Licking County Port Authority on Thursday August 13, 2015 at noon.

Received & Filed

COMMENTS FROM CITIZENS

Lesha Farias, 116 Smithview Dr. in Madison Township- I am the co-founder and facilitator of the Newark Think Tank on Poverty and I would like to thank you for your cooperation and for listening to us and to the Grassroots as we are asking for change in this community. We really appreciate your listening ear and your support.

Tina Cole, 743 McKinley Ave- I just want to thank this Council for taking the time on this legislation. I know that Mr. Blake worked very hard on this. I just want to say that taking this box off applications is not only giving us a chance to get jobs it is showing our community that the City is supporting us and that the City is backing us and opening more doors. It is going to make it easier to get housing which is very hard to do. It is going to be easier for us to walk down the street with our head held high knowing that we have some support in this community. When we go to prison we don't just sit around we work our tails off. We are up and dressed by 7:00 A.M. and work 40 hours a week then on top of our jobs we go to some type of schooling. When we get out we still have that structure in us that we want to get out and work to support our families. Having a yes vote tonight is opening the doors for so many people to change their lives. The last line in the Pledge of Allegiance says "with liberty and justice to all." We served our justice we did our crime, we did our time. It says for all not except for convicted felons.

Mr. Johnson entered the meeting.

Rodney Stayers- he spoke of the trials of getting a job as a convicted felon because of the box on the application.

Richard Cook, 224 W Locust St- this will be the 14th County passing this amendment and it is a great start. He thanked Council for embracing this piece of legislation and accepting change.

Michael Aaron Reynolds, 12984 Twp Rd 64- I am glad for all the conflict we have all faced and the differences in humanity. It might sound opposite of what people would conjure up in their mind of so called justice but if it weren't for the pain, the wars, enslavement, differences, hatred and racism we wouldn't be where we are at today where humanity is at the point that we can excel. We can accelerate and work together past our differences or we can continue to play capture the flag and keep destroying ourselves. A house can't stand divided against itself.

Justin Coleman, 151 Rugg Ave- I got locked up when I was 17 years old and I did 14 years. Everything that I am I learned from inside of there; my work ethic, skill sets that I have available and a college education. I have been home 4 years now and I can honestly say that I have never been late to work just because call it the benefits of institutionalization. I am afraid to be late, I am afraid to not do my job correctly. When I first came home I couldn't get a job making pizzas. We know that the things that we do are wrong, we are not supervillains or complete maniacs. We know the difference between right and wrong. The difference is that everybody is telling us to come home, be a citizen, pay your taxes and do the right things but every road block that you could imagine to prevent us from doing that is in our way. Not everybody is able to sneak their wat into an interview and work their way around the box to make an impression first, to actually become a person not just a piece of paper. They never get a chance to present themselves and bring their qualities to get that job and prosper. The box is unnecessary it is an outdated modem. That is what background checks are for. Let the background check determine whether their specific crime prevents them from that particular job and not working in general. The incarceration is the consequence for our actions, that is the punishment and keeping the box continues that punishment. The entire process is to be able to show what we have learned from rehabilitation.

William Sawyer, 9521 Outville Rd Kirkersville- We have so much potential and so many skills but we lack the ambition to pursue said goals because we know the stigma that falls upon us. It is difficult to preserve so by banning the box that will elevate more stress than you can imagine. It is a fair chance, an equal opportunity situation. So many of us here are proof that we do rehabilitate.

Alisha Sickles- asked that Council voted yes on banning the box. She stated that they want the opportunity to prove themselves to the community.

Donna Gibson, 1858 Stanhope Dr- I am the coordinator for Bridges out of Poverty and Parents Support at Mental Health America of Licking County and I am also a member of the Newark Think Tank. She supported the Ordinance to ban the box and stated that it would allow convicted felons an opportunity to get an interview and tell their side of the story.

Dave McElfresh, 153 N 39th St- President of IAFF Local 109, speaking tonight concerning public safety regarding Ordinance 15-20 which seeks to abolish one Captain's position in the Fire Department. In part the ordinance states "to enhance operational efficiency" The 8th Captain position that they seek to abolish was created in 2005 which included the creation of a Training Captain position. At a personnel committee meeting in 2005 Jack Stickradt discussed the creation of this position. "last year we separated Training and EMS positions and have tried the system for about a year now. Both of these are so important because of the liabilities, mandated training, insurance programs, protocols and continuing the education are just too much for one individual to handle. In 2010 the State of Ohio began requiring continuing education for firefighters that as of now is 54 hours in a three year cycle that they didn't have in 2005 when the training Captain was established. A paramedic continuing education is 86 hours in a three year cycle, a Fire Inspector needs 30 hours of continuing education in a three year cycle and Instructor 6 hours of continuing education plus 24 hours of instruction. My point being the training is a paramount part of our profession. It was important enough in 2005 to dedicate a Captain position to oversee our entire Fire and EMS training. I must note it's the Captain position that both Fire Chief Connor and Safety Director Spurgeon served in during their tenure when they were a Captain in the Fire Department. This is simply not a desk job all of our members are expected to provide fire and EMS service when needed and can and do respond on calls, assume command responsibilities. Our job isn't getting any easier; the skills needed have increased significantly in just the last decade. I understand that the

budget is tight but is EMS training really where you want to cut? It has been said that training is certainly a priority; we will just have other officers assume the responsibility of training. We have continually heard from our Fire Chief and Safety Director, not just the Union that our firefighters are doing more and more with less and that we are extremely busy however their answer is to put this additional training responsibilities on our Officers who are already being asked to do more with less. That all being said the only thing the Union asked was that if they insist on abolishing a higher ranking position that they would at least create a lower ranking position or additional firefighters with the savings of abolishing the Captain in order to increase or at least maintain focus in public safety. The answer was no we can't guarantee you anything. Then why would we abolish what was deemed an important, needed positon and replace it with nothing and say we are enhancing operational efficiency? I speak in opposition of this Ordinance.

ORDINANCES ON THE SECOND READING

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

15-19 AN ORDINANCE AMENDING CHAPTER SECTION 220.02 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO TO ESTABLISH A POLICY OF FAIR HIRING

Motion to adopt Ordinance No. 15-19 by Mr. Blake, second by Mrs. Floyd

Mr. Blake- it has been a pleasure to work with the group of people out in the audience tonight. This is an issue in our community that deals with a segment of our population who need that second chance. I am very proud to say that I will be supporting this tonight and I hope my colleagues support it tonight and that the City will at least remove that question from our application. Forgive me I have to get my thoughts together because this is emotional for me because I have members of my own family that are in similar situations as to the people sitting in this audience. So don't just think this affects you it affects people in our families as well. There are several people in our city that have gone through similar situations as you. This is a great piece of legislation that is talking about jobs and getting potential employees with potential employers. What we really want to do is get them in that interview room so that they can have that chance. I want to thank Director Sassen for working with me on drafting the legislation and Director Buskirk for attending a meeting that the Newark Think Tank hosted at Licking Memorial Hospital. We are really talking about momentum here. We know this just effects City employment but what we are really saying to our private employers in our community is to join the movement. Denison University and Licking Memorial Hospital are supportive but hopefully this will send a message to private employers who are actually hiring. The city isn't hiring right now but we want to reach those that are hiring and give that chance to people to get that job. People can voluntarily remove the box from their applications. Hopefully out of the news media and the buzz around this legislation they will be able to view that and remove the box from their application. We know that a 3rd of our population is in poverty and there are so many different agencies that work together on issues of poverty. We know there are issues dealing with addictions and mental health issues in general but all of these things come together when we connect people who have an issue to professionals who are able to provide a service and develop that relationship. We know that we have to develop relationships between our citizens and the people that provide services and this is another way to tell that story and to get those stories out is through the testimonies that you provided tonight and hopefully as this momentum continues you will provide more testimony to more people because the story telling that you all share not only tonight but at all the events we have been through is the most powerful thing I have seen throughout this several month process that we have been through. Thank you for your courage tonight and thank you for your work. I am proud to support the Newark Think Tank. Motion to adopt passed by a vote of 9-0.

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

15-20 AN ORDINANCE AMENDING THE POSITION AUTHORIZATION TABLES OF THE CITY OF NEWARK DIVISION OF FIRE BY REDUCING THE POSITION OF CAPTAIN BY ONE (1) THROUGH ATTRITION RESULTING IN A STRENGTH AUTHORIZATION OF SEVEN (7).

Motion by Mrs. Floyd to adopt Ordinance No. 15-20, second by Mr. Bubb

Mrs. Floyd- the Fire Chief has basically said that he can move the work around so that it can be done by 7 Captains instead of 8 and for that reason I will be supporting this.

Motion passed by a vote of 7-2 (Ms. Hall, Mr. Rolletta)

ORDINANCES ON THE FIRST READING

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

15-23 AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF \$1,120,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF VARIOUS STREET AND PARKING LOT IMPROVEMENTS, SIDEWALK CONSTRUCTION AND LIGHTING IMPROVEMENTS, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

Motion by Mr. Blake to adopt Resolution No. 15-23, second by Mr. Cost Motion passed by a vote of 9-0.

RESOLUTIONS ON THE SECOND READING

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

15-24 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION WITH REGARD TO THE RETENTION OF OUTSIDE LEGAL COUNSEL

Motion by Mrs. Floyd to adopt Resolution No. 15-24, second by Mr. Bubb

Mrs. Floyd- this is something that we do periodically.

Motion passed by a vote of 6-3 (Mr. Rolletta, Mr. Blake, Ms. Hall)

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

15-61 APPROPRIATING AND DISAPPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (100 General Fund-\$11,055.47: Impound Clerk Salaries & Benefits for year-end; DISAPPROPRIATION 100 General Fund-\$4700.00; 100 General Fund-\$4700.00: Health Insurance; 100 General Fund-\$1,694.24: Services General; 100 General Fund-\$750.00: Machinery /Equipment; 152 Budget Stabilization-\$10,000.00: OPT; 100 General Fund-\$10,000.00: Professional Services)

Motion by Mrs. Floyd to adopt Resolution No. 15-61, second by Mr. Cost

Mr. Marmie- I would like to make a motion to separate out Section 6 and 7.

Motion by Mr. Marmie to separate Resolution No. 15-61, second by Mr. Bubb

Mr. Bubb- we don't do this very often but when we do it is done as a courtesy to a Councilmember

Motion to separate Section 6 & 7 from Resolution No. 15-61 passed by a vote of 9-0.

Motion to adopt Resolution No. 15-61 Sections 1-5 passed by a vote of 9-0

Motion to adopt Resolution No. 15-61 A did not pass by a vote of 5 (Mr. Bubb, Mr. Cost, Mrs. Floyd, Mr. Johnson, Mr. Rath) to 4 (Mr. Blake, Ms. Hall, Mr. Marmie, Mr. Rolletta)

By: Ms. Hall, Mr. Cost, Mrs. Floyd, Mr. Rath

15-63 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-CI

(335 Capital Improvement Fund-\$1400.00: Machinery/Equipment; 335 Capital Improvement Fund-\$20,000.00: NFD purchase of 4 used vehicles)

Motion by Ms. Hall to adopt Resolution No. 15-63, second by Mr. Johnson Motion passed by a vote of 8-1 (Mr. Marmie)

RESOLUTIONS ON FIRST READING

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

15-65 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

(297, Fire Safety Grant Fund, in the amount of \$3,500.00: Supplies & Training; 100, General Fund, in the amount of

\$5,690.72: Temp Services for Parks Dept)

Held for a Second Reading

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

15-66 APPROPRIATING AND DISAPPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL

CORPORATION-EXPEDITE (231, Probation Improvement Grant Fund, in the amount of \$500.00: Law Enforcement Supplies; DISAPPROPRIATION 100, General Fund, in the amount of \$70,000.00: Salaries; 100, General Fund, in the amount of \$70,000.00: Computer Hardware/Software for NPD)

Motion by Mr. Blake to waive the two day reading rule on Resolution No. 15-66, second by Mrs. Floyd

Mr. Blake- there is a timeline related to the software purchase.

Motion to waive the two day reading rule passed by a vote of 9-0.

Motion by Mr. Blake to adopt Resolution No. 15-66, second by Mrs. Floyd

Motion passed by a vote of 9-0.

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

15-67 A RESOLUTION OF INTENT TO VACATE A PORTION OF A 16.5 FOOT WIDE ALLEY AS SHOWN ON THE PLAT OF THE JOHN R. HUGHES ADDITION, AS RECORDED IN PLAT BOOK 3 AT PAGE 13 OF THE LICKING COUNTY PLAT RECORDS, LOCATED BETWEEN PROPERTIES AT 279 AND 295 WILSON STREET.

Held for a Second Reading

COMMENTS FROM CITIZENS

Mark Fraizer, 20 W North St- I am here tonight to talk a little bit about public safety and ban the box. Congratulations thank you for banning the box it is a great initiative but I also want to point out the fact that it is the beginning and not the end of getting people off of addiction, into recovery and into job placement. I encourage you guys to look at initiatives that involve public and private partnerships with employers to get skilled trades out of prison and into the workforce with local companies. That is the next step in the right direction; out of treatment programs, out of jails, then how do we get these people employed. What skills can we transfer from the incarceration into the workforce locally? I encourage the administration to do what they always do which is great work. Hopefully there can be progress in alleviating the 1/3 that is in poverty.

As far as public safety is concerned Resolution 15-20 eliminating one Captain, I listened to Mr. McElfresh' s speech about the issue and I did a lot of research about the part time issue that is going on. From my calculations 350 call- ins in a 6 month time period spent \$211,000.00. That is about \$35,000.00 a month. With the delay that we have regarding the other pieces of legislation being tabled until August 10th we are looking at about \$70,000.00 that is going to be spent in overtime. Looking at the figures of \$12.00 an hour approximately for a part time firefighter, 215 call - ins 12 hour shifts we are looking at \$47,000.00 versus \$211,000.00. There is a \$5,000.00 startup cost for a new firefighter so if you got 15 that is \$35,000.00 versus \$211,000.00. So as we have this tabled legislation we continue to rack up the overtime costs, we don't have increases in public safety and we continue to bear the burden on these firefighters working overtime rates instead of a solution, the only solution that was presented. You have 28 shifts to bring 2 firefighters for the week, 14 shifts, and 12 hours. I would like to see a plan in place, legislation voted on yes or no and I would like to see progress in our public safety. I don't think having

one Captain dedicated to training will increase public safety versus 15 part time firefighters. I encourage you to pass the legislation and pass it quickly so we can have better safety for the right cost.

Paul Moran, 63 N 4th St- now with the Madison Township Fire Department closed the east side fire department shouldn't be closed at all. We need to keep that station open now more than ever since they are gone. He mentioned all of the empty store fronts everywhere.

Ms. Scanlon, 182 N 3rd St- I finally got my playground together they ran didn't stop us. I would like to invite the Mayor, Law Director and City Council to our ribbon cutting August 5th at Washington Square, 425 Washington St from 12:30-5:00 P.M. Anna Rehl, 1293 Granville Rd- this is regarding the overtime for the firefighters. I did mention whether they should get overtime if they don't work a full 48 hours, I know that there are contracts with the unions, but one thing that I have not heard is has there been a review of what is causing all of this overtime? Does management look and say to a firefighter you have missed so many days in so many months? The firefighters that are getting a lot of overtime has anyone considered if they are the ones that have another part time job elsewhere and maybe they are too tired? Has anyone considered studying what is causing this overtime? I am not saying that they could take advantage of it but they could and is there anything done about it? \$211,000.00 in 6 months is a lot of money that we could be employing someone else and getting someone who is looking for a job. It's like it is ok to go ahead and pay that. I would think that if we have some abuse causing that then there is some kind of consequence. I do appreciate what our Firefighters and Police Officers do. I think they deserve all of the compensation they get. They have some tough jobs, especially our Police Officers so please don't think that I am standing here saying we have corruption but it could be certain people who continually call off causing overtime.

MISCELLANEOUS

Mr. Rath- regarding the legislation for ban the box I just want to congratulate all the people who came in today. You did an excellent job of representing yourselves and your wants and needs. I appreciate that. I am encouraged by all of the programs that are offered and I think Tina you were the one with all of the certificates of things that you accomplished, I am encouraged and think that is great. This is a very small obstacle that we have removed for you today and I wish you luck. As far as the firefighters overtime, the administration came to us with a solution that they wanted to research. They didn't necessarily come to us with a solution but they came to us with an idea, asking if it was ok for them to look into this idea. Unfortunately the Safety Committee said no don't look into that idea, we don't even want you to look at it. I have had some firefighter and EMS personnel approach me and make another suggestion. I don't know if this is an option or not or if the Safety Committee will allow us to research this or not but if our firefighters are so overworked with the overtime let's let them do what they do best. Let's let them fight fires. Let's see if we can contract out our EMS services. That will eliminate a lot of the overtime and training needs that Mr. McElfresh expressed concern over tonight. I don't know if that is a viable option or not but maybe the Safety Committee will allow us to look into that option since they wouldn't allow us to look into part time firefighters.

Mr. Rolletta- I think that it was the Personnel Committee that Mr. Rath was referring to.

Mr. Blake- I am thankful for the action that Council took tonight with ban the box. That was a great action for us to take to show leadership within our community. I appreciate the support of members of Council on that legislation. My understanding is that several member of Council have a meeting with Director Spurgeon and Chief Connor this Thursday at 11:30 in this room. Considering the number of people on the list for that meeting I guess it is considered a public meeting. We are going to discuss part time firefighters from what I saw on the email exchanges. I am looking forward to that discuss. I am hosting a meeting on the 30th at the Newark Public Library at 5:30 P.M. This is more about getting input from our constituents, getting input from our stakeholders. We have heard and will hear comments from the City Officials, we have heard comments from the administration and the Union but really we need to open up and engage our public as to what ideas are out there. Mr. Rath tonight just shared another idea. One proposal has been presented but let's broaden it and see what other ideas are out there. There is no reason for us to just start with one idea of part time. There's an issue of EMS, there's an issue of hiring the budgeted amount and there are other ideas out there so we want to welcoming and inviting to people to come to the Library on July 30th at 5:30 to share their ideas. We will collect that information and share with everybody. He called a Finance

Committee meeting.

Mr. Cost- when the Personnel Committee tabled the decision on whether to investigate part time firefighters from my point of view the answer wasn't no, the answer was we want time to get the information we need from the administration and from the Firefighters Union so when we vote we are informed about what we are voting on. To make sure we have an educated vote to offer. I think that the time that was allowed has been helpful. I know I have received a lot of information and on the 23rd and the 30th we will receive even more information. I think it is a positive thing and that we will vote then move on from there. I thought tabling was a strong idea. I thought it was a good idea to give everybody a chance to get the information that we need to make the right decision.

Mrs. Floyd- I just want to say we did not say we couldn't research it, we said we were delaying the vote until August 10th to give us more time to get more information. To Mr. Fraizer's point we wouldn't be saving money right now anyways because number one we are not that far. If we pass this it will give Chief Conner the opportunity to look into it. It will take some time to look into and see what all it encompasses. How we are going to do it and how would those people be used? So we are not talking in terms of saving dollars at this particular point. To Ms. Rehl's point about overtime, I am a retired school teacher and once I retired I started substitute teaching which I see as filling in for a fire fighter. I filled in for a lot of people and most of them did not misuse their time, I 'm not saying nobody ever does I am just saying how I see it. I want to congratulate Jeremy and all of the people that were here. You did a wonderful job Tina. The ban the box is a wonderful thing for our community and hopefully it is something a number of businesses will include in their strategies as they are hiring people because there are people in our community who need the opportunity to have a chance to get a job and to tell their story.

Final Fridays are a wonderful way for you or anybody who comes to see what all is going on downtown Newark. I know parts are a mess right now and will continue to be a mess for a couple of years but when it is done we will be looking at wonderful things. On July 31st Final Fridays there is a history tour, an artwork tour and a quilt show at the First Presbyterian Church. Please think about coming to downtown for Final Friday and realizing there are things happening in downtown Newark.

Ms. Hall- called for a Capital Improvement Committee meeting.

Mr. Marmie- I want to congratulate the folks that were here tonight and the work they did to make sure their issue went forward. I applaud them for their bravery and their courage for telling their stories. I also want to talk about my vote. I am in support of Director Buskirk and of the legislation as far as having the contract services for attorneys. My vote no is because I feel as though we can't raid the Budget Stabilization any longer. We need to find other ways to find that \$10,000.00. I feel that taking it from Budget Stabilization Fund is not a prudent thing to do. We have already taken a huge amount from that fund this year. During the budget process I indicated we can't utilize that as an appropriated balance that is very dangerous so that is my reasoning for not supporting that particular legislation. I do appreciate all of Council separating that out in order for me not to turn down the rest of the legislation that was needed and my being able to support that portion of it and still have my vote against the other portion of it.

President Ellington- the next committee meeting is next Monday July 27th at 5:30 P.M. and the next Council meeting is Monday August 3rd at 7:00 P.M.

ADJOURNMENT- Motion by Mr. Rath to adjourn, second by Mr. Johnson. Motion carried by acclamation. 8:11 P.	
Autumn Klein, Clerk of Council	Don Ellington, Council President