

COUNCIL MINUTES

October 5, 2015

Council Chambers

7:00 P.M.

7:00 P.M.- President Ellington called the Monday October 5, 2015 Newark City Council Meeting to order

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

INVOCATION – Mrs. Floyd

PLEDGE OF ALLEGIANCE- William Butcher

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

MINUTES- of September 21, 2015 Motion 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, second by Mr. Cost. **Motion carried by acclamation**

REPORTS OF STANDING COMMITTEE

Finance- **Received & Filed**

Service- **Received & Filed**

Economic Development- **Received & Filed**

Personnel- **Received & Filed**

REPORTS FROM CITY OFFICIALS

Barb Jobes, Tax Administrator- Income Tax Revenue Report for the period ending September 15, 2015- **Received & Filed**

COMMUNICATIONS

Roger Loomis, Utilities Superintendent- lien document in the amount of \$14,555.56nt for past due water, sewer and storm water bills. - **Received & Filed**

William DeVore, Staff Representative AFSCME OC8- a letter to the Mayor, administration and City Council members regarding safety concerns- **Received & Filed**

Ohio Division of Liquor Control- a new liquor license permit request for Maamo Holdings LLC located at 1976 Granville Rd- **Received & Filed**

COMMENTS FROM CITIZENS

William Butcher, 263 Union St- would like to see the alley behind where he torn up and repaved as well as Union Street repaved. A weather report was given.

Jim Amore, 647 Evans St- reminded everyone about the computer recycling event on Friday and Saturday October 16th & 17th on Oakwood Ave at Concord Forming on the south side from 9:00 A.M. until 4:00 P.M. They accept anything but T.V.s or CRT monitors. He stated that the block watch group from Hudson Ave has reported theft, breaking and entering and dogs being killed. They meet this Thursday at the Union Hall on Hudson Ave at 6:30 P.M.

Rusty White, 1409 Residence Dr- he was in support of a raise for the City Auditor.

ORDINANCES ON FIRST READING

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

15-26 AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF \$4,000,000.00 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 OF WATER MAIN AND SERVICE LINES AND ALL NECESSARY APPURTENANCES, INCLUDING BUT NOT LIMITED TO, HYDRANTS, VALVES AND FITTINGS.

Held for a Second Reading

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

15-27 AN ORDINANCE AMENDING ARTICLE 135: DISPLAY SIGNS AND OUTDOOR ADVERTISING OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO ADOPTED MAY 5, 2009 BY ORDINANCE 08-33A

Held for a Second Reading

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

15-30 AN ORDINANCE AUTHORIZING AND DIRECTING THE NEWARK CITY SAFETY DIRECTOR TO CERTIFY TO THE LICKING COUNTY AUDITOR, THE SUM OF \$42,802.74 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

RESOLUTIONS ON THE SECOND READING

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

15-83 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION
(100 General Fund- \$6,746.25; 623 Water Projects Fund- \$4,000,000.00 (Note Renewal); 263 Lead Based Grant Fund- \$9,377.81; 247 Downtown Special Imp Fund -\$94.84; 231 Probation Improvement Grant Fund- \$11,848.00)

Motion by Mr. Blake to adopt Resolution 15-83, second by Mrs., Floyd

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

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

15-84 A RESOLUTION DECLARING THE PERIODIC REVIEW OF THE JOINT ECONOMIC DEVELOPMENT ZONE 1 CONTRACT UNNECESSARY AND CANCELING THE REVIEW MEETING BETWEEN THE CITY OF NEWARK AND THE BOARD OF TRUSTEES OF ETNA TOWNSHIP, OHIO

Motion by Mr. Rath to adopt Resolution 15-84, second by Mr. Bubb

Mr. Rath- all the parties involved have agreed that the meeting is not necessary so this is a mere formality.

Motion passed by a vote of 9-0.

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

15-86 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR FISCAL YEAR 2015 EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG-LE) FUNDING.

Motion by Mr. Blake to adopt Resolution 15-86, second by Mrs. Floyd

Motion passed by a vote of 9-0.

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

15-87 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) A ONE YEAR USE OF FUNDS/ACTION PLAN ALONG WITH AN APPLICATION FOR FY 2016 FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG), AS REQUIRED BY 24 CFR PART 91.220, FOR VARIOUS PROGRAMS RELATED TO HOUSING AND COMMUNITY DEVELOPMENT.

Motion by Mr. Blake to adopt Resolution 15-87, second by Mrs. Floyd

Motion passed by a 8-1 (Mr. Marmie)

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

15-88 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-CI (335 Capital Improvement Fund- \$11,667.00 (Traffic Control Software License Payment 1 of 3))

Motion by Ms. Hall to adopt Resolution 15-88, second by Mr. Cost

Motion passed by a vote of 9-0.

RESOLUTIONS ON FIRST READING

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

15-90 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- Expedite (233 Police Grant-\$5,148.33: Overtime; 100 General Fund-\$10,133.61: Walking Path; 231 Probation Improvement Grant-\$14,615.85: Refund to State; 231 Probation Improvement Grant-\$175.00: Reimbursement for damaged SCRAM unit; 231 Jail Diversion Grant-\$175.00: Reimbursement for damaged SCRAM unit

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

Mr. Blake- there are some grant deadlines in the fund accounts on this resolution

Motion to waive the two day reading rule passed 9-0.

Motion to adopt by Mr. Blake, second by Mrs. Floyd

Motion passed by a vote of 9-0.

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

15-91 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT BIDS AND SELL CERTAIN SURPLUS PERSONAL PROPERTY NOW OWNED BY THE CITY OF NEWARK, OHIO, AND DECLARING THAT SUCH PROPERTY IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND DECLARING AN EMERGENCY.

Motion by Mr. Cost to adopt Resolution 15-91, second by Mr. Bubb

Motion by Mr. Cost to amend Resolution 15-91 to 15-91 A, second by Mr. Bubb

Mr. Cost- we need to make an amendment to 15-91 to 15-91 A which is in our packets. In section 4 the emergency provision was not included originally and has now been added.

Motion to amend Resolution 15-91 to 15-91 A passed by a vote of 9-0.

Motion to adopt Resolution 15-91 A as amended passed 9-0.

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

15-92 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (100 General Fund-\$1,221.20: Reimbursement for Fire overtime)

Held for a Second Reading

COMMENTS FROM CITIZENS

William Butcher, 263 Union St- he would like to see a Flint Festival downtown.

Theodore Jenkins, 11273 Staddens Bridge Rd. – next to the Aging program we take care of an old root beer stand for a Veteran of two wars, Korea and Vietnam. He stated that the owner of the property has been getting trouble from the people who review properties for the City of Newark. He stated the owner was billed \$1600.00 to mow a quarter acre of land. He stated the property he thought the City was referring to with the violations was actually owned by Budweiser. His complaint was that area neighbors are feeding and giving water to all the stray cats at the old root beer stand property. He stated that they have cleaned up the property and after seeing the article in the paper went to the property and got the letter left there to see what the lien on the property was about.

Leonard Jenkins, 11273 Staddens Bridge Rd- the property address being discussed is 1050 E Main St. He stated a month ago they caught people from the Aging Program feeding the cat and asked them not to because it creates a nuisance. He also stated they went there again today and the door was kicked in and there were very large bowls of cat food and water inside the building. He stated that the property is not able to be kept up on because of the cat situation and asked the City to enforce the people not to feed the cats.

Daniel Crawford, 163 S 2nd St- Governing a city is hard. You've got a population of thousands with almost as many different demands and concerns. In addition to the plethora of requests for action, you have to deal with budget limitations and a care-free state government which isn't always supportive in making sure that your constituents gets everything they need. The last thing you need is to compound all of these problems with a narrow-minded focus. How about a suggestion? Recognize and appreciate that there are limited intellectual resources in this room. That isn't to say that none of you are capable of imagining some creative solutions, but my opinion is that we would be better off to proactively reach out to the people for the solutions they have in mind. Ultimately, the city of Newark would be better off if our policymaking was all-inclusive. That also entails listening to the groups of citizens who've had disagreements with council. Yes, controversial issues have created bad blood in the past, but we are all in this together and partisanship should not supersede the obligation of this government to serve the interests of all. Besides, opening your hearts and minds to the input of people with a different take on life can and will give you a perspective that you probably never considered. If you are of the opinion that politics absolutely has to be a zero-sum game with winners and losers then I am here to tell you that the time has come to find another job. In a democracy, no debate is ever truly over unless it pertains to human rights; and even then a society's focus shifts to the expansion of said rights. Our focus should always be on how to move forward, together. The means by which we maintain this focus is by remembering our common fate. Citizens of differing political affiliations do not experience the city's challenges differently. We all drive on these roads, depend on our safety forces, and are required to abide by the same ordinances. So, it makes sense that the shaping of public policy ought to reflect this unity of consequences with an attempt to foster an open exchange of ideas involving all those with something to offer. Let us extend a hand to one another and work on the extensive list of concerns that the people would like to see addressed. Let's find workable compromises to repeal outdated and harmful laws once and for all so that innocent citizens can get back to enjoying life instead of fearing that they will face the justice system. Let us explore all of our options in finding the funds we need to pave our streets. Let us come together, respect the bargaining process, and have a discussion as to what it will take to give Newark's safety forces the support they need to offer the best protection possible for this city. Finally, let us resolve that we are not content with and are determined to confront an economic reality which condemns a group of our fellow citizens to a life of everlasting poverty. With all of this talk about making America great again too many of us forget that the best way for us to do so is by first focusing on our cities, towns, and villages. This country will not prosper until communities like Newark are healthy, engaged, and primed to work as one. We can lead the way forward by inspiring others with our unity and determination to rise above the challenges placed before us. Regardless of what happens in just under a month, I hope that a more inclusive and successful future lies ahead. Mr. Guthrie I read your article in the paper here recently about Meritor. That is part of what I am concerned about is a loss of jobs like that in our City. I would like to see us getting back on track to more those coming into the area so that not only me but my children and their children can experience a life of prosperity.

Paul Moran, 63 N 4th St- there is a building that runs along W Market Street with no number on it that is covered in overgrowth. A picture of the building was distributed to members of Council. There is a delivery door that is partially open. There is no telling who is going in and out of it but it is a safety hazard just like 21 W Canal Street that I did address and take care of. The guy that owns it is Joseph L Jefferies. He stated that the round about that was put in front of the County building is huge.

MISCELLANEOUS

Mr. Cost- called for a Service Committee Meeting. I would like to thank the owners of the Good Guys Garage for sponsoring the speaker that spoke at the Midland Theatre. He was a motivational speaker to encourage business and improvement for the city. I think we owe Good Guys Garage a huge thanks for bringing him here.

Mrs. Floyd- I want to remind everyone that this month there are starting to be a number of activities in town. There is Safe Trick or Treat on the Square at the end of the month, the South End Civic Associations Spooky Town Bash is coming up. The Midland starts its fall program this week. There are a couple of big concerts there this week. I keep encouraging people to go if there is someone there you want to see because we have a gem with the Midland in downtown Newark and I want to see it continue to progress. She called a Personnel Committee meeting.

Mr. Guthrie- I wanted to point out with Resolution 15-83 I continue to vote against these issues because they have the round a bouts in them and I am really conflicted about them because there are really good things in there. I know I could try to separate them but I know what the vote would be on it so I don't bother you folks with that. I think the other issues are good. I think the sewer project is certainly needed that is for sure. I want to take a few minutes to say a few words about something and I am really not comfortable doing this but I really believe these kinds of issues are important for us to talk about. Mr. Bubb will have the opportunity to respond to my comments here. I know the candidates this year were given an opportunity to respond to a questionnaire from the Advocate. Mr. Bubb's response to the Advocate about his accomplishments as an incumbent, his number one bullet point was that he voted against three of the largest bargaining unit pay raises in the City's history. Three of the largest bargaining units pay raises in the City's history. Ryan I'm not exactly sure where you got your information to make a statement like that but I did want to bring some facts out because we really need to be careful when we...I don't know whether we are going after the employees or the votes or if we are going after the other people we want to defeat in this election but facts are facts. I want to give you a few examples Mr. Bubb when you make such a statement. To start with and I haven't been able to do all of the research because there is a lot of research to be done. That three year package of raises may be the smallest in the quarter century. I use the Firefighters because that is the folk's people like to bang on the most. Their raise this time over three years was a three percent raise. The last time it was 4.75. I think Mr. Bubb might have even voted for that. 2007, 2008, 2009- 6.5%; 2004, 2005, 2006-9%. Then I went back to the 90's. 92, 93, 94-15.5% One of the largest bargaining unit raises in Newark's history. With all due respect I think all of have an obligation to..you know making the case that anyone on this Council voted against those raises was because of the City's financial condition is fair game. That is fair game but to make a statement like this just Mr. Bubb is not right. It's not right. It is pandering to people. It is trying to turn people against our employees and it's just not right. I would love Mr. Bubb to have an opportunity to respond to that.

Mr. Bubb- this City Council meeting is not a candidate forum.

Mr. Marmie- I am going to start off stating after last week's meeting I'll be honest I usually try not to pay attention to signs but I took it upon myself to really pay attention to signs this week. It is unbelievable the signs that are out there. Churches in particular I paid attention to. There are so many temporary signs and they are way too big. But not just the churches, I don't know if any of you have the pleasure of driving down 21st St near Big Lots this week but every 5 feet they had a sign in the right of way. It was as gaudy as gaudy could be. Some of them were professionally done and some of them were handmade signs. I see the "we buy houses" are back out and "we buy gold". So when we are talking about this sign legislation that is coming up I think that we need to think very long and hard what we are opening the door up to. I do believe the cause is right but they want a permanent sign. I want you to look at that, look at what is out there and look at what we are opening our door too even just for churches because they are already out there for churches. My church is one of them, they have one occasionally and I know that. What need to think about it and make sure that is really what we want to do as far as opening the door then what is going to be next as far as non-profits because they are good causes and so on and so forth. Just go out and look, I am not trying to convince anybody right now. I am going to put some things together that was discussed tonight with what Mr. White indicated, what the Jenkin's indicated and also Daniel alluded to. It is unfortunate the Jenkin's left because the first thing that I am going to say is that cats unfortunately are not something that is any legislation. I know because I had to deal with it in the north end of Newark. We had someone build a temporary house basically for cats then every single stray cat in the area was around and it was causing all kinds of problems. Finally we got the owners to take care of that but it is a whole other issue. It is a very tough one for Animal Control or anybody to deal with because we have nothing on the books as far as cats. We have plenty for dogs but nothing for cats. Mr. White talked about the raise for the Auditor. If we had the money we would love to give raises to almost everybody in our city. It feels good to pay somebody

more especially when they are a hard worker. Daniel you mentioned all of things about the community, trying to get their input on what they want done. We already have a priority list that we can't even meet. I would love to be able to do everything in the community everybody wants us to do but we are already looking at about a million dollars in deficit right now and we are just getting started with the budget. We have to look at things and make decisions on priorities that might even make it worse in the future. If you have the money you can solve a lot of problems but one problem that we can't solve is pride of individuals in their own property. You say you want the government, this city government to help people with their properties and help beatification when they are not doing it themselves. Look at how many liens there are for not taking care of their own property. They have to have self-pride. We have to encourage people to take it upon themselves to make the improvements and just do what is required of them. We are not asking them to do more let's just do what is required. That is where we need to begin to encourage that. The reason that I voted against the CDBG this evening was because the plan has percentages of money going to things that are nice to do, really good feel good things but our streets need paved. We have economic situations where we could help in a community that is impoverished and we could utilize the CDBG funds in that area to help them with some of the essentials and I think we need to focus more of our CDBG funds on that and not on these social agencies. I'm sorry I love social agencies but it is not city government's responsibility to try to fund them. Therefore I think we should use our funds to stimulate the things that we are responsible for. The way that our economic situation is going to be this next year every dime is going to count, every single one. It is going to take a tough effort on everybody's part on this Council as well as everybody in our community. It is something that is going to be very tough to overcome because whenever you don't have the money you have to cut services somewhere and we hate to do that. All of these things raises, money to try to get to accomplish things we need to come up with alternative solutions because additional money is not coming our way it is actually being taken away. With the whole new tax thing that Barb presented to us it might be even greater in the future that we are not going to see tax revenue. I encourage that we try to start with a little bit of self-pride and helping people and encouraging people to take care of their own properties. I would love to give everybody a raise Mr. White I really would but I also have to look at if it means a raise for one person at the detriment of another individual with their job or service I have to say that we freeze the raise. That is just my choice. The least amount of services we can cut the better off we are going to be so we have to at least try to maintain.

Mr. Rath- in reference to ordinance 15-27 the changing of the sign ordinance, I just want to make it very clear that we are not restricting the language on the sign in any way shape or form. We are not telling churches what they can and can't say. There are no restrictions what so ever. I had a phone call where they thought this was a form of religious prosecution because we weren't letting churches get their messages out. I informed them that this is about a temporary sign that has been there for 5 years. Obviously we are letting them get their message out. This has to do with keeping the City of Newark clean, neat and keeping codes the way they are. It really has nothing to do with what our feelings or opinions are on any type of religion or message they have.

Mr. Rolletta- I just would like to mention how pleased I am that the city was recently able to hire four additional Firefighters with the help of SAFER Grants and also the City of Newark was selected for a grant to fund a couple of Police Officers. It was my understanding that there were 1100 applicants and just over 200 were awarded and one of them is the City of Newark. I am very grateful that we were able to accomplish those things.

Mr. Blake- this is the first time I think I have heard several different topics tonight discussed around economic issues and it is interesting for me because over the weekend I attend a conference where about 60 different economists around the country attended this event and I was invited by one of the economists at Denison University to go and the very issues that were mentioned around the several Council Members about stagnant wages, collective bargaining, getting livable wages, poverty, full employment for our community and for our country as well as talking about modern money theory. This isn't going to be solved in this room but it will be a collective decision where we as a society where do we want to go and how can we do things? I wanted to echo some of the comments. To William I can't bring a Flint Festival back to downtown Newark but I can bring you Spooky Town Bash and that is October 31st. It is from 4:00-10:00 at Don Edwards Park. We are really excited about it and are getting an army of volunteers to help that day. Thank you Mrs. Floyd for mentioning it and having the posters and Mr. Cost for taking a poster. Businesses are starting to display that information and we are starting to get the word out about

the event. It is open to everyone in Licking County even though the planning and organization of it has occurred with the Civic Association we have people all over the county helping us with this event. We hope it will be a real success. I can't go without saying thank you to Director Rhodes. Chuck Jackson has been phenomenal. The Park's Department has been very helpful regarding this event. Chuck has done several events in our community. Please just know that he has been very easy to work with. He called a Finance Committee meeting.

President Ellington- next Monday is Columbus Day but City Hall will be open, I believe that is the holiday that we exchanged for the day after Thanksgiving. We will have committee meeting next Monday at 5:30 P.M. City Council meeting will be Monday October 19th at 7:00 P.M.

ADJOURNMENT- Motion by Mr. Rath to adjourn, second by Mr. Cost. Motion carried by acclamation. 7:49 P.M.