

COUNCIL MINUTES

February 18, 2014

Council Chambers

7:00 P.M.

7:00 P.M. - Mr. Ellington called the February 18, 2014 Newark City Council meeting to order

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

ABSENT- Mr. Bubb

INVOCATION – Mr. Johnson

PLEDGE OF ALLEGIANCE

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

MINUTES- February 3, 2014 Motion by Mr. Rath, second by Mr. Johnson to approve the minutes of the February 3, 2014 Newark City Council meeting 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 STANDING COMMITTEES

Finance-**Received and Filed**

Service-**Received and Filed**

Personnel-**Received and Filed**

REPORTS CITY OFFICIALS

City Auditor Stephen Johnson- operating report for the period ending January 31, 2014. - **Received and Filed**

COMMUNICATIONS

Nancy Welu-differences between Property Maintenance Code and the Rooming House Ordinance with regards to rooming houses. - **Received and Filed**

Tim Argyle- complaint regarding the condition of the local roads from the recent snow storm- **Received and Filed**

COMMENTS FROM CITIZENS

Reverend Booker- 1140 Clair St Pataskala, Executive Director of Shiloh Holistic Program and a representative of the Mathew House. He passed out information packets to members of Council regarding 343 Eastern Ave. He stated that he wanted to provide them with additional information before they voted. Certainly we understand the gravity and the responsibility that you feel in your position on City Council. We know that new information can bring new decisions and may clarify any misinformation that may have been out or perhaps just information that you may need to perhaps make up your mind tonight. We are pleased to be supported by several members of our community and have them here with us tonight. We have a person who is housed in the Mathew House, judges, pastors and members from the community who really and truly understand what the Mathew House has meant to the east side of Newark. There have been several issues raised and one of those is will the residents of the Mathew House be good neighbors and our response to that is very simply yes. We engage in so many positive activities within the community as we have stated at previous meetings. We have sponsored dinners for the seniors throughout the neighborhood for Christmas and Thanksgiving. On a monthly basis throughout the summer we have cookouts, we deliver meals to seniors, we help move furniture, and shovel snow and whatever might be needed within the community as part of our community service efforts which is one of the things that is required of every person that comes to the Mathew House. He discussed a letter of support in the packet from the manager of CVS. He then asked those that were there in support of the Mathew House to come forward and provide their own testimony.

Shane Wright- 343 Eastern Ave, I would like to say something as a resident of the house. We do a lot for the community we are not asked to anything for the community but the way I am looking at it is that we need a place like the Mathew House so we can try to better ourselves and plus help the community at the same time. I know two years ago I wasn't the best person, I'm still not the best person but I am making strides to change that every day. Since being at the Mathew House I have been

baptized and I have been saved. Life is getting a whole lot better it is still a rocky road but that is because of the choices that I have made in life that I am trying to fix. Basically I think that the zoning should pass just for the simple fact that we are all trying to do something better to ourselves and like the reverend said if we didn't have a place like the Mathew House who is to say where we would be. I know where I would be, I would probably be in jail or prison taking up tax payer money and I don't want to do that. I would much rather give back to the community and be someone that all of you would walk by and shake my hand. I think that we are all good neighbors; we do whatever we can to help out whoever we can. I think that it would be a shame if we didn't pass the zoning so we could help more people like me.

Judge Thomas Marcelain- 792 W Church St, I wanted to come speak to you a little bit because I knew that the Mathew House was on the agenda tonight so I felt obligated to come and answer some questions or speak out a little bit on their behalf. I know that some of the people that are there after being placed there are under the direct supervision of the Court, I can't tell you how they are when they are there but I know that there is a lot of thought and background that goes into deciding who is going to be able to go there. We also contribute to their supervision while they are there. If they don't behave then they won't be there anymore. It is certainly a facility that we need and I am confident that it is well ran and can be very successful in the community and it is one that we anticipate working with in the future a great deal. There is not as many State dollars as there used to be for these types of places or placements. Even for community resources there are a lot less of those as there used to be 5 years ago so I think that it is a necessary thing. It is something that they want to do, it is something that they are striving to do and it seems to be planned well so far. They have been easy to work with and again it is something that the Court has some input in. They are not out there on their own they have some help.

Stanley Ford- 11 Grantwood Dr Newark, Reverend Booker mentioned that I have 6 properties in that area but I actually have 7. The contact that I have had with the Mathew House has been doing some of the work inside the house. I have also used some of the residents there to do work in some of my units in the area right around there cleaning up, cleaning out and making repairs. They did a very good job at that. I have a house right next door to the Mathew House 349 Eastern Ave and I was going down the alley and saw a couple of them at the neighboring property helping the owner put up a storage shed. I have been inside the Mathew House and they keep it very clean. They seem to follow the rules. The judge had mentioned that if they don't follow the rules then they will no longer be there. Some of the names that I was familiar with on list because I was keeping a list of the names of the people there and what skills they had so I could plug them into some work assignments later, well some of the names started disappearing from the list. I found out that they weren't abiding by the rules and they did pull them out of there. I think they would actually be a positive asset to the community.

Ron Walpole- 340 Eastern Ave apartment 321, I will tell you what the seniors love them to death. Our Thanksgiving and Christmas dinner was done by the Mathew House. They have come over and helped with the snow. My mother was moved by two of the guys from the house. They worked like dogs for about 4 hours moving pianos and everything. He related his personal experience as a recovering alcoholic to Council members. He asked where these individuals would be without the Mathew House there to help them get on the right track and have a chance to do things for others. He stated that the house is a benefit to Eastern Ave, you want to build Eastern Avenue up right there is the best way to do it.

Michael Noble-590 Kimberly Ct Heath, you also in your packet which was mentioned a petition where we collected at least over 100 signatures to signify the support of the people in the community. One thing that I would like to throw out, it appears to me and I haven't heard it discussed, is what really lies before you is the possibility for us to service as many as possible within the law of course because the need is not the issue. You have to do case assessments, you have to do studies about is there a need in the community for these kinds of services. We haven't touched the tip of the iceberg with the existing institutions and ourselves so it seems to me and I would just like to put it before you in that context. We would like to help as many as can. If we have to take away a second chance of an individual that is trying to make a productive citizen in society then that would truly be a travesty.

Clinton Elmore-645 Fairway Blvd Whitehall, I reside in Whitehall Ohio but my home is Newark Ohio. My grandparents migrated here to get a second chance on their life; they raised 9 children here in Newark including my father and my aunt Francis who resided at 343 Eastern Avenue. What I think about most of all and what people have expressed here is the love that has come out of that house and the support of the community. I want to thank all of you who have continued that legacy in that home of providing support to people in the community, to opening your hearts to people in the community, to being here to support this mission. I thank you for your time and I thank you for your consideration. I am asking you all for grace in the request of this rezoning.

Romy Bennett- 588 Hudson Ave, I am one of the returning citizens I am in the Second Chance Network at Shiloh Missionary Baptist Church. I support the Mathew House and I love all the guys in there, they are wonderful. Any time he needs me or needs anyone to support him or help him or help out with the seniors with the different dinners and functions we are right

there to help. I am a returning citizen myself I just came home about a year and a half ago and since I have been out I have joined Second Chance Network which is part of the Mathew House. I think that it is wonderful because I have been in treatment programs myself and if you don't do right when you are in the program then they will make you leave. I am a recovering addict and alcoholic myself and being around the Mathew House with our groups and Richard and the Shiloh family it has made me grow and be the woman I know I can be today.

William Butcher-129 W Main St he relayed a complaint that a friend of his had about her street not being plowed. Weather forecast was given.

Richard Cook- 343 Eastern Ave, I am the Director of the Second Chance Network and the Director of the Mathew House. He discussed the need for a place like the Mathew House for people who have been released on parole or going through the Court system to live. He stated that these men and women if they don't have a support system they basically become homeless and that there is a need all over Ohio.

Craig Norman- 189 ½ W Locust St, stated that 15 years ago he came out of prison and if he had not had a family member to support him he probably would have been robbing houses. It is a serious matter when we pray to God and say help the oppressed that is how we started out tonight. The people living in this house were oppressed; they were oppressed by their own demons. They did their time; if we oppress them when they come out we can make them re-victimize other people. The courts will blame them but it will fall on our heads. So I suggest that we just rezone this and allow for this program to work. These gentlemen are coming out helping our community, I am proud of every one of them. I don't know them but I came by and seen the sign and wondered what was going on at City Hall. I am a universal life minister, we deal with the undesirables. I can remember Reverend Nobles and the Shiloh Baptist Church being here for as long as I can remember. This is a church ran organization and I also urge you to understand that the 1st amendment is president when it comes to this. These gentlemen did their time a second chance is something that every American should have.

ORDINANCES ON A SECOND READING

Mr. Ellington- Ordinance 13-44 has been read already a second time there was a motion to adopt by Mr. Rath and a second by Mr. Bubb; it was tabled by Ms. Hall for two weeks which is this evening. That is where we are at, Autumn I am going to go ahead and have you read it again then we will open it up for discussion.

By: Mr. Rath, Mrs. Floyd, Ms. Stare

ORDINANCE NO. 13-44 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 343 EASTERN AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF SINGLE-FAMILY RESIDENCE DISTRICT TO MFR (MULTI-FAMILY RESIDENCE) DISTRICT.

Mr. Ellington- the Planning Commission approved this so it takes 6 votes to adopt this, if the Planning Commission had said no then it would have taken 7 votes to adopt this but that is not the case so it takes 6 votes to adopt Ordinance 13-44 correct?

Law Director- correct

Mr. Cost- I would like to make something very clear, I support the work and the mission of the Mathew House, I have no questions concerning your intentions, I have no doubt or hesitations about the work that you are doing in the community. My hope is to have this house keep functioning but within the structure of a single family residence area which is where it is. It is where it is located. My concern is strictly zoning nothing else. I think that the work that you are doing is remarkable and I hope it continues. I wish you all the best on your program. I just want to make sure that you continue to be a good neighbor.

Mr. Marmie-I am going to echo a little bit of what Mr. Cost has indicated. As far as what is before us this evening it is a zoning issue and whether or not the zoning classification that is being requested fits within that specific area and that is what we need to look at as far as this legal entity. Specific use is not something that we can necessarily vote for or against. I support what all of you have said this evening as far as what you are trying to do and what you are attempting to do. I also know that if this zoning goes through that does not mean that you are going to meet all the guidelines it is just the first step. There are still property maintenance issues, there are still legal issues with our ordinances within the City that must be met in order to operate in the fashion and the functions that you are attempting to do. Our only objective up here before us is does that zoning meet that specific area and as a property owner does it meet your property owner rights and also the property owner rights of those around you. That is where I will be voting from this evening whether it meets that specific requirement in the area on Eastern Avenue.

Mrs. Floyd- as everybody else has said this is strictly a zoning issue and zoning issues as we have talked before are one of the toughest issues sometimes because a lot of times neighbors complain and some people want the change and others don't .

The one thing that I have noticed with this property is this is the third meeting that we have been to where there has been discussion on this property and there hasn't been one negative thought where somebody says don't do it. We got one not too long ago on 21st Street where it was single family in the area and a business wanted to go there and we had neighbors come and say don't do it and it was done anyhow. To me it seems that yes there are single family dwellings right there, I grew up in that area so I know it, there is also a huge apartment complex across the street so I don't see this as an issue so I will be voting for it.

Mr. Guthrie- of course I think this is a challenging issue for all of us. I made the decision that I am going to vote for it and I guess I am bad when I say this but the fact is I am voting for it because of what is going on there. I talked to a resident of the high rise who feels very good about what is transpiring and the mission over there at the Mathew House. I suppose you will have to take away my birthday for making a decision based on the use because for me this is contrary to what I believe. I believe that we should avoid spot zoning as often as we possibly can. I guess I am a hypocrite but to be honest with you I am placing my faith in you folks that this mission will continue in the matter it is now and put faith in Mr. Cook and the residents that you will continue to be a good neighbor and hope that my affirmative vote is the right thing.

Mr. Blake- I am most definitely in favor of this and it touches me. I understand that the question is strictly zoning but when you have the support of such a cause as this particular situation does I agree it has to be supported. I have attended this rally that you have shared; my aunt's name was on this dinner so I know of the good works that you folks have done. She didn't say it but that is my aunt Romy Blake who testified before us tonight. This is just really a small testimony of all the issues that exist in our City. This room could be filled with second chance networks citizens. I believe in developing right relationships, I believe in developing not only right relationships with each of us but also with our own God whoever that may be. It is important that the services and the opportunities that are being given at the Mathew House continue. I am hoping that the men and women and everyone that is involved in the program develop right relationships. I just wanted make sure that everyone knows that I will be supporting the zoning change tonight.

Mr. Johnson- I am looking at the zoning map and all around there is multi-family zoning except one lot between that is being considered and across the street is multi-family and I think that the cause is wonderful so I am going to vote for it.

Mr. Rath- I just want to add quickly that you are right there is one piece of property in between this property and the apartment complex, 349 Eastern Avenue and the owner is here tonight and spoke in favor of the zoning change.

The motion to adopt Ordinance 13-44 passed by a vote of 8 yeas- Mrs. Floyd, Mr. Guthrie, Ms. Hall, Mr. Johnson, Mr. Marmie, Mr. Rath, Mr. Rolletta; Nays- Mr. Cost

RESOLUTIONS ON THE SECOND READING

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

14-06 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR AN AWARD OF FISCAL YEAR 2014-2015 FUNDING UNDER THE OHIO EMS TRAINING AND EQUIPMENT GRANT PROGRAM.

Motion by Mr. Blake to adopt Resolution No. 14-06, second by Mr. Cost

Motion passed by a 9-0 vote

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

14-08 A RESOLUTION APPROPRIATING AND DISAPPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION. **(298 ODNF Fund: Recreational Supplies-\$27,530.00, 100 General Fund: OPT ODNF Grant-\$27,530.00, DISAPPROPRIATION 100 General Fund-OPT- CI: \$27,530.00)**

Motion to adopt Resolution No. 14-08 by Mr. Blake, second by Mrs. Floyd

Motion passed by a vote of 9-0.

RESOLUTIONS ON THE FIRST READING

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

14-09 A RESOLUTION AUTHORIZING AND DIRECTING THE FIRE CHIEF OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE LICKING MEMORIAL HEALTH FOUNDATION FOR A 12-LEAD EKG GRANT.

Motion by Mr. Blake to waive the two day reading rule on Resolution No. 14-09, second by Mr. Rath

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

Motion to adopt Resolution No. 14-08 by Mr. Blake, second by Mrs. Floyd

Motion passed by a vote of 9-0.

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

14-10 A RESOLUTION APPROVING THE RENEWAL APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT AND DECLARING AN EMERGENCY

Motion by Mr. Cost to adopt Resolution No. 14-10, second by Mr. Rath

Motion passed by a vote of 9-0.

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

14-11 FINAL ODOT RESOLUTION FOR UPGRADING SIGNALS AT STATE ROUTE 16 AND DAYTON ROAD AND WEST MAIN STREET AND 30TH STREET LYING WITHIN THE CITY OF NEWARK

Motion by Mr. Marmie to waive the two day reading rule on Resolution No. 14-11, second by Mr. Johnson

Mr. Marmie- our City Engineer has indicated that this needs to be expedited in order to get started on this right away.

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

Motion by Mr. Marmie to adopt Resolution No. 14-11, second Mr. Rath

Motion passed by a vote of 9-0.

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

14-13 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (671: Landfill Reclamation Fund-\$204,237.02)

Held to First Reading

CITIZENS COMMENTS

William Butcher- 129 W Main St, he asked what was going to happen with the old school across the street from him and he said a friend asked when the pot holes were going to get fixed.

Malita Scanlon- 182 N Gay St, Newark, I am the manager of Washington Square Plaza my biggest concern is with the City plowing. Eastern Avenue has not been touched at all. My concern is not only my seniors leaving the building but this morning I watched several cars that were not able to even go up the small incline. When the paramedics have to come into the building they have to jump out of their trucks they would have busted their heads this morning. I called several places, I called the City Streets today no one has returned any of my phone calls, I kept getting Newark is out of salt when don't know when it is coming in. Can someone return my phone call just to say so I can let my seniors know that they are working on it. Several of my seniors came down this morning and asked "when are they going to get to us?"

MISCELLANEOUS

Mr. Cost- I would like to reiterate one more time I wish the folks on Eastern Avenue all the success, I hope the program goes incredibly well and we will hope for the best.

Mrs. Floyd- I just wanted to make people aware that the Health Department is having a bedbug seminar at the library, I think it is on February 27th but I don't have the exact time. Considering that comes up here several times it may be something that some of us or someone in the audience may want to attend. Good luck to all the area basketball teams as they get into

tournaments.

Mr. Guthrie- Mrs. Floyd mentioned area basketball teams; Friday night might be one of the biggest nights on the Newark High School Campus. I hope that the rest of you noticed the really great spread of photography in the Newark Advocate regarding Haiti. The advocate reporter Jessica Phelps went with Doctor Tracy and Doctor Jeanne Flood to Haiti. Doctor Tracy has a clinic there. I have been to Haiti before and what they are doing there are great things. I looked at every picture on the website and it was just fantastic. I think that there is actually some award winning photography there you can see the plight of the people of that poorest country in the western hemisphere on the faces of the many folks in those photographs. I am very grateful that the Advocate carried them and that they committed resources for this photographer to go to Haiti, I certainly assume that they did. The only other thing that I wanted to mention is a number and I want to especially thank Lori Resta and Steve Johnson for assisting me, Bill Spurgeon also, he emailed me today. I think that it is important for Council to know some numbers. In the 2014 budget there are 78 fire fighters budgeted, we currently have 76. We heard last week during the special meeting that we may have some retirements so I am certainly hoping that we can at least fill a couple of firefighters during 2014, a couple slots, especially since we budgeted for them. Even with the new contract there really is no reason why we should be able to get to 76 firefighters even with two retirements.

Mr. Marmie- I too want to wish the best of fortune to the basketball programs. We have some fantastic opportunities I believe this year in Newark between Newark High and Newark Catholic programs. I wish all of them good fortune. The mentioning of potholes brings back a memory of Reverend Raul. There were a number of folks that always wanted speed bumps in our neighborhoods and he said that potholes were nothing but inverted speed bumps so it will slow traffic down. So you always look at the positive aspect of potholes. I have two numbers 50 and 30. We have had 50 inches of snow this year and the year goes from July to July as far as snow fall and how they measure it. 30, 30 days until spring.

Mr. Rolletta- within a month I plan on organizing a meeting and inviting individuals who served on our Property Maintenance Committee. Just to get this group together one more time to discuss some areas of consensus and talk about some ways that we can make some common sense improvements to the ordinances we currently have.

Mr. Blake- I just want to give a few thank yous. I want to thank Director Spurgeon for helping me with a couple of constituents' issues over the last few weeks. I want to thank Mr. Loomis; he took the newbies on a tour of the water facilities. I appreciate his time to give us a tour of that facility. I don't think that people really realize the extent of what our Water Department does and the facilities that we have to provide good clean water. Mr. Rhodes isn't here but Mr. Mayor Mr. Rhodes also helped me with a few constituents' issues, please pass my thanks along to him. I do want to thank Lori Resta as well. I spent an hour with her going over some budget things so I appreciate her time. Finance Committee meeting was called Mr. Cost also called for a Service Committee meeting.

Mr. Ellington- next Monday February 23rd Committees will meet in Council Chambers at 5:30 P.M. Council will meet again March 3rd at 7:00 P.M. Once again I would like to thank everyone for coming we appreciate your input.

ADJOURNMENT

Motion to adjourn by Mr. Rath, second by Mr. Cost, motion was carried will acclamation. 7:56 P.M.