

## COUNCIL MINUTES

**April 7, 2014**

Council Chambers

7:00 P.M.

**7:00 P.M.** - Council President, Mr. Ellington called the April 7, 2014 Newark City Council meeting to order.

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

**INVOCATION** – Mrs. Floyd

### **PLEDGE OF ALLEGIANCE**

**CAUCUS-** Mr. Guthrie announced that he would be abstaining for voting on Resolution 14-19 because he owns a small house in the Village of St. Louisville.

**MINUTES-** March 17, 2014. Motion by Mr. Rath, second by Mr. Cost to approve the minutes of the March 17, 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.

**APPOINTMENTS-** Mayor Hall is reappointing Robert Klingensmith to the Heath-Newark-Licking County Port Authority Board of Directors. His 4 year term begins June 1, 2014 and will expire May 31, 2018. - **Received and Filed**

### **REPORTS STANDING COMMITTEES**

Finance- **Received and Filed**

Safety - **Received and Filed**

Service- **Received and Filed**

Economic Development- **Received and Filed**

Ways & Means- **Received and Filed**

### **REPORTS CITY OFFICIALS**

**City Auditor, Stephen E Johnson-** Operating report for the period ending February 28, 2014. - **Received and Filed**

**Barb Jobs, Tax Administrator-** Income Tax Revenue Report for Newark City, JEDZ1 & JEDD.- **Received and Filed**

**Licking County Municipal Judges-** 2013 Licking County Municipal Court Annual Report.- **Received and Filed**

### **COMMUNICATIONS**

**Chad & Chrissy Hale-** there has been several communications from Mr. & Mrs. Hale received by Council regarding fluoride in our water. .- **Received and Filed**

**Rhonda Loomis-** an email regarding her question regarding the Cadillac Tax and whether it was going to affect the City of Newark. - **Received and Filed**

**PG Sittenfield, City of Cincinnati Councilmember, Paula Brooks, Franklin County Commissioner, Lindsay Webb, City of Toledo Councilmember and Jeffrey Mims Jr., City of Dayton Commissioner-** an email asking fellow Local Elected Officials to join them in Columbus for a Finance Committee hearing with the House Finance Chair's office to provide testimony on how the reductions to Local Government Funding are impacting the community they represent. - **Received and Filed**

**Paul Moran-** suggested that once the structure located at 20/22 N 4<sup>th</sup> St has been demolished and the land cleared be set aside for retail businesses and not a parking lot - **Received and Filed**

**Roger Loomis, Utility Superintendent-** a lien document to be presented to the County Auditor for past due water, sewer and stormwater bills- **Received and Filed**

**Mayor Hall-** presented a proclamation to Renee Steele for her work organizing a Million March against child abuse.

#### **ORDINANCES ON SECOND READING**

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

**14-03** AN ORDINANCE ANNEXING CERTAIN TERRITORY, GENERALLY DESCRIBED AS BEING 0.275 ACRES, MORE OR LESS, (Lot 26 IN VANTASSEL MT. VERNON ROAD ALLOTMENT) LOCATED IN NEWARK TOWNSHIP, TO THE CITY OF NEWARK, OHIO.

**Motion by Mr. Cost to adopt Ordinance No. 14-03, second by Mr. Marmie**

**Mr. Marmie-** this lot is currently a house but for those of you who are aware of a local business in the area Belleza, they are looking to expand their business up in that area. I think this business is one of those incubator businesses that started out something small and it has begun to employ more and more individuals and it is something fantastic for our community. Not only are they drawing income from residents of Newark all throughout Licking County but also other Counties surrounding Licking County and bringing those dollars into our community. I think that everybody should recognize it is one of those small businesses that started out small but is really blossoming into something good for our community.

**Motion passed by a vote of 10-0.**

#### **ORDINANCES ON A FIRST READING**

**By: Mr. Marmie, Mr. Rath**

**14-06** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 363 NORTH 21<sup>ST</sup> ST, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF SINGLE-FAMILY RESIDENCE-RL- LOW DENSITY DISTRICT, TO LO-LIMITED OFFICE DISTRICT

**Referred to Planning Commission**

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

**14-07** AN ORDINANCE AUTHORIZING AND DIRECTING THE NEWARK CITY SAFETY DIRECTOR TO CERTIFY TO THE LICKING COUNTY AUDITOR, THE SUM OF **\$48,768.56** INCURRED BY THE NEWARK CITY PROPERTY MAINTENANCE DEPARTMENT WITH RESPECT TO PROPERTY MAINTAINENCE 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**

**By: Mr. Blake, Mr. Marmie, Mrs. Floyd, Mr. Rath, Ms. Hall**

**14-08** TO PROVIDE FOR THE ISSUANCE OF \$370,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF IMPROVEMENTS TO THE CITY'S LANDFILL, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

**Motion to adopt Ordinance 14-08 by Mr. Blake, second by Mrs. Floyd**

**Motion passed by a vote of 10-0.**

#### **RESOLUTIONS ON THE SECOND READING**

**By: Mr. Blake, Mr. Cost, Mr. Marmie, Mrs. Floyd, Mr. Rath, Ms. Hall**

**14-17** A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO APPLY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE UNDER THE BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM.

**Motion to adopt Resolution 14-17 by Mr. Blake, second by Cost**

**Motion passed by a vote of 10-0.**

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

**14-19** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO NEGOTIATE AND ENTER INTO CONTRACT TO PROVIDE SANITARY SEWER SERVICE TO THE VILLAGE OF ST. LOUISVILLE WITHIN THE NORTH FORK SEGMENTAL SEWER DISTRICT

**Motion by Mr. Cost to adopt Resolution 14-19, second by Mr. Marmie**

**Motion Passed by a vote of 9-0-1 (Mr. Guthrie abstaining).**

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

**14-21** 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

**Motion by Mr. Cost to adopt Resolution 14-21, second by Mrs. Floyd**

**Motion passed by a vote of 10-0.**

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

**14-22** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (221 Streets/Traffic Fund: \$16,851.00- Traffic lights, bulbs; 100 General Fund: \$4,510.60-Insurance check reimbursement for repairs done at Babe Ruth)

**Motion to adopt Resolution 14-22 by Mr. Blake, second by Mr. Cost**

**Motion passed by a vote of 10-0.**

#### **RESOLUTIONS ON THE FIRST READING**

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

**14-23** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (100 General Fund-\$40,784.40: Summer Youth Program; 100 General Fund-\$671.99: Insurance check for broken water pipe at Hollander Pool; 100 General Fund-\$1,000.00 Courthouse Square beautification; 293 AG Demo Grant Fund-\$6,536.13: Phase II for Buckeye Lake share of AG Demo Grant)

**Held for a Second Reading**

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

**14-24** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (621 Water Department Fund-\$74,195.00: Replacement of 11 year old backhoe; 153 Compensated Absences Fund-\$2,800.00: Resignation of Kristopher Gladstone; 360 Local Govt Fund-\$234,671.00: Engineering consultant fees for Cherry Valley Rd Bridge)

**Motion by Mr. Blake to waive the two day reading rule on Resolution 14-24, second by Mrs. Floyd**

**Mr. Blake**-my understanding is that there are some deadlines with the engineering consultant and also with payouts to an employee.

**Motion to waive the two day reading rule passed by a vote of 10-0.**

**Motion by Mr. Blake to adopt Resolution 14-24, second by Mrs. Floyd**

**Motion passed by 10-0.**

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

**14-25** A RESOLUTION TO ALLOW FOR THE TRANSFER OF OWNERSHIP OF CERTAIN REAL PROPERTY TO THE BOARD OF COUNTY COMMISSIONERS OF LICKING COUNTY, OHIO

**Held for a Second Reading**

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

**14-26** A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NEWARK TO ENTER INTO A COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED SUBRECIPIENT AGREEMENT WITH THE HEREINAFTER NAMED ORGANIZATIONS TO CARRY OUT ACTIVITIES INCLUDED WITHIN NEWARK'S FY 2014 COMMUNITY DEVELOPMENT BLOCK GRANT ONE YEAR ACTION PLAN.

**Held for a Second Reading**

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

**14-27** PRIMARY LEGISLATION FOR BRIDGE INSPECTION PROGRAM SERVICES, INCLUDING, BUT NOT LIMITED TO BRIDGE LOAD RATING CALCULATIONS, SCOUR ASSESSMENTS, BRIDGE INSPECTIONS, AND FRACTURE CRITICAL PLAN DEVELOPMENT AND DECLARING AN EMERGENCY.

**Motion by Mr. Cost to adopt Resolution 14-27, second by Mr. Marmie**

**Motion passed by a vote of 10-0.**

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

**14-28** CONSENT LEGISLATION FOR DEMOLITION OF STRUCTURES LOCATED AT CHERRY VALLEY ROAD IN THE CITY OF NEWARK. THIS WORK WILL BE PERFORMED AS A PART OF CHERRY VALLEY ROAD AT STATE ROUTE 16 INTERCHANGE PROJECT

**Held for a Second Reading**

## **CITIZENS COMMENTS**

**Paul Moran-** 63 N 4<sup>th</sup> St, I attended the renew Newark thing the other night and I understand there were at least 80 people there. There is a lot of interest in the new movement that is going on around downtown which is a good thing. There are also some bad things around too. There is a concrete building behind Little Bear that is boarded up somewhat but you can still see inside and I noticed that the floor has collapsed in on it into the basement. Hopefully this building can be brought down before someone is hurt. Hopefully the City will look into that and get it taken down as soon as possible. On the Front Street over pass on the east side of the sidewalk it is all broken up and covered up with mud and it really isn't usable at all with the condition that it is in. It would be nice if there was concrete could be laid down over the dirt coming down or some gravel but it is in horrible condition. I have been sharing ideals with the City which I very much enjoy doing. I talked with Autumn and Jennifer the other day about all the ideals that I have shared and I am hoping that other people will come forward from the city and share stuff with all you folks. Give more ideals and input and make things better and improve on things from the downtown to the neighborhoods. I wish people would mail you, write you, come in and talk to you like I do whether it is at a Council meeting or up in the Mayor's office. I encourage people to come in and share their ideals not keep them to themselves or say negative stuff all the time. Share something positive. That is why I do what I do. I am sure in your mailboxes you have seen stuff from me. I enjoy doing it, I feel led to do it and it is all positive.

**Lesa Best-** 205 W Church St, this is in reference to Resolution 14-25 and it just reminds me not with a bang but with a whimper that only in Newark politics only a dismal failure be deemed even remotely a success. This is another one of those times when I can say told you so. The Wilson St property that Judith Carr first brought up was questioned by me. It was during that golden age of accessibility when citizens were not inhibited or bullied in the denial of their rights to an open public channel to the people's government. Those were the good old days when the Republicans had control of Council and I never thought that I would say that. Wilson St was brought up to Council on at least three different occasions by three different officials, Carr, Dan Coffman as Service Director and Kim Burton Development Director. The premise was that this property was going to be the new headquarters and storage facility for the illustrious and predictably and inevitably doomed City Transit Department. The only questions regarding the wisdom and the process of buying this property came from the gallery not

Council. The people who are supposed to be watching out for us failed miserably. This purchase only benefited the two or three people who made money on the deal. The rest of us well got royally and truly yah...Perhaps we should just dissolve the city and hand everything over to the county to run as this seems to be the trend and truly capabilities are in doubt. Decisions reached by ignorance, cowards', corruption or simple not at all. You can't even commit to a leash law. Now as to the fascinating turn that the Committee Chairs have taken in the denial of a free and unencumbered dialogue between the people and its' government. Committee meetings are as close to a town meeting as we get. Members of this community have the right to question their representatives and the administration. Public answers, not lobby answers without witnesses or accountability. Opposing undue limitations and restrictions are based upon fear because there is no valid excuse for limiting pertinent questions or this new and very stupid tactic of some Committee Chairs translating questions in some sort of ridiculous mediator position between the public and the administration. I ask myself why this has only happened after the last election when the party of the down trodden and the common man have taken over, how embarrassing for you. Mr. Marmie as former head of Finance Committee and I have had some rather heated exchanges but there was never any attempt to permanently stifle any dialogue. Control and order when it comes to citizens are common enough concepts in the works of McEvilly or maybe even(?) but not very democratic though. I suggest instead of grasping for control of the people out here for simply asking the questions that you don't or saying things you don't like try exerting a little control over the officials in here for reasons other than getting re-elected or ingratiating yourselves to an exclusive and privileged population of property or public employ. I suggest you be secure enough in your position to not be so scared of words and listen to what is said here in public instead of what is whispered in your ear. So ask yourselves why smooth pavement trumps safe housing, why Don Eager and other unproductive souls are still supported, why we have had so many different and expensive studies on the square based on the same selected data and antic dotes, why a simple rule like leashing a dog is so difficult but subjective unenforceable dog school dog laws slid on through or the continual justification of underutilizing the Property Maintenance Code. Is this based on ignorance, cowards' or corruption? What better way to protect those motivations than by inhibiting questions in an open and public forum. How proud you must be.

**Mr. Ellington-** thank you Ms. Best that is what is so great about this County everybody is allowed to have an opinion no matter how right or wrong it could possibly be.

**Renee Steele-** 1370 Residence Dr Newark, I was invited here by Mr. Hall this evening to get this proclamation but I would just like to say that the past years Millions March has taken place against child abuse in Newark and other locations and I couldn't be any more proud to be from Newark, Ohio and to get the support I have gotten from City Officials, businesses in regards to their donations and other communities in Licking County. This will be a continual event in Newark and I hope that I get further cooperation from the City and elected officials and citizens. I would just like to say thank you very much for all children.

**Ron Palmer-** our satellite office is 138 Union St, our main corporate is in Utica at 37 North Bank Street. I am the co-founder of Network 4 Rentals.com, we are an online software program that was designed to help the landlord tenant community. We are a local company we currently have viewership from about 45 different states. We are growing very quickly and I want to work with City Council. Our premise is basically with the landlord tenant market it is funded by local businesses so landlords don't pay anything and tenants don't pay anything in order to open a line of communication between the two. I feel that this can help a lot with in the issues and I know City Council has had some of those here in the past as far as dealing with landlords and tenants being accountable for what their rights and laws are. At this point I just wanted to make the announcement that we are a local company and that I want to work with City Council so when you guys have these issues I feel that our system cannot fix but definitely help.

## **MISCELLANEOUS**

**Mrs. Floyd-** The church that I belong to the First Presbyterian which is the church on N. 3<sup>rd</sup> St beside of the Elk's, is going to start having a series of community meetings. We have done this the last two years I think and on May 14<sup>th</sup> the Mayor will be there. It has been a community forum. You come in, you get a free lunch, you hear a short presentation and you get to ask questions. It is over by 1:00. Judge Branstool is going to come to one meeting and someone from LMH. I will let you know when I get those dates down so you can have them. I went to the meeting Thursday night, the whole plan for downtown Newark, and the whole re- Newark thing. I find it very exciting. I have been involved in politics and stuff that is going on around Newark for many, many years. There have been a number of proposals. I remember many years ago meeting with Johnny John and some other people at the jewelry store down the street and the Sullivan building, we walked around downtown Newark seeing what we could do. I think there is the most excitement there ever has been. I realize neighborhoods have issues and we have things that have to be done in the neighborhood but we also need a vital downtown. I know there will be some discussion about what is being proposed and I am sure that there will be some debate about it. I

have been a member of the Downtown Newark Association for probably 6 years or so. They meet once a month. When I first started going one of the meetings was at Christy's Pizza and there were only about two tables of people there. I was there last Tuesday morning and there were probably close to 30 people there. There is a vitality that I have not seen in a very long time and a feeling that this time something will really happen. Finally I want to sort of answer a couple things that were brought up about Committee meetings. First of all at Committee meetings it is not an open question and answer. It is basically to discuss proposed legislation. It isn't like here at citizens' comments when you can come up and ask a question which can't be answered during the meeting but can at least be brought up during the meeting and be answered afterwards but any questions that come up should be about specific legislation. I know that there is some frustration about people needing to come up to the microphone for each thing that they have and not have a back and forth but that is for two reasons as I see it. Number 1, Autumn our Clerk who takes wonderful minutes and does a great job, she needs to hear exactly what is being said because her minutes are very complete and if she can't hear them she can't write them down. Secondly thanks to the computer group we are being broadcasted. This is now on You Tube. You can actually go to You Tube and watch City Council. It is not on T.V. like it used to be but you need to be in a microphone so people can actually see and hear this. I see that as a good thing. I still wish we were on T.V. because I think a lot of older people in the community who used to like to watch it on T.V. probably don't go to a computer and go to You Tube. I just want to clarify that because I think that we are trying to make sure our minutes are complete and that the community has a right to hear what actually happens in Committee as well as Council meetings.

**Mr. Guthrie-** I want to thank Steve Johnson. Steve is always responsive when I make requests for information and I wanted to thank him for always being Johnny on the spot. I also want to thank Mr. Moran and Mr. Moran let you know that we do value your input. I am very grateful for the comments that you make and the information that you provide me in a very constructive way. I agree with pretty much everything that Mrs. Floyd said regarding Committees. We vary a little bit because I do think that Committees is the time for dialogue. I watched this in the last couple of sets of Committees and something that I think we should look very seriously at is creating a second podium so that it is more conducive for some level of dialogue. If we have someone making a presentation at one podium and a member of Council who is in the audience has a question it is cumbersome that they have to come up and move that person out of the way. I think from a technology stand point that there shouldn't be any problem with us establishing a second location for a second individual to come up and communicate with the committees. I would like there to be some discussion on that. I think that it makes sense and this business of having people scoot over, sometimes they have different positions and they have to crowd each other out. To me it is not as welcoming as it should be so I think that we should take a pretty serious look at that and I hope that happens.

**Ms. Hall-** I agree with Mr. Guthrie I think that we should be more welcoming to come up and talk to anybody on Council. I don't know how we could figure that out but I would like to work on that with you. I would also like to thank Mr. Moran for coming forward; it is always great to hear from citizens and your opinions. I agree with Mrs. Floyd on everything else.

**Mr. Johnson-** I want to thank the Mayor for the proclamation and calling to attention child abuse and the really tragic things that happen with that. I hope people will take it to heart. I know from working at the Courts that it goes all the way from child abuse to adult abuse.

**Mr. Rath-** I was at the Streetscape meeting last week also, I think that I have been to every one of them. I have been excited about the changes that are coming to downtown Newark and continue to do so. It is great to see so many people there. I actually brought a couple of business owners there with me that had not been there before and after seeing the plans had some general concerns. Hopefully those will be addressed but they were excited about all the changes that are coming as well. It is neat to see the growth that is happening; we already have businesses moving in and second and third floor residences being built. I think that is great. I am sorry Renee left but I wanted to thank her for her dedication to an issue that is very near and dear to me. I appreciate all of the things that she does for child abuse.

**Mr. Rolletta-** I too would like to thank the Mayor and Ms. Steele for bringing to attention the issue of child abuse. I agree with Mr. Guthrie that a second podium would help the flow of meetings. I also would like to thank Chief Sarver for speaking with the Safety Committee last Monday. I know some people may not think that we should be discussing issues such as an annual report during the Committee meeting but I personally disagree. I will continue to invite speaker to give presentations on issues that relate to safety in our city. I think that it will provide some good opportunities to have open dialogue in a public setting and I think it's a positive thing.

**Mr. Blake-** I want to echo the comments, I also attended the Re-Newark event last Thursday. It was a good evening. I think the diversity in the room from business leaders to residents. It was a good spread of folks to provide input and the presentation was very well done. You are hearing grumbles about round bouts throughout the City but I think as time goes on people will probably warm up to that. Mr. Palmer and I have been emailing back and forth, we will get coffee soon sir, I do thank you for

coming and presenting tonight. Then I want to thank Director Rhodes for providing us some trash bags. Last Saturday we had about 70-80 people volunteer from YES Club, residents and small business owners and we had a clean-up. We filled a huge commercial dumpster from Big O with trash and we also collected 60 tires. It was a really good morning to clean-up and to put in some community service. I want to remind folks, you may have gotten an invitation, this Friday April 11<sup>th</sup> is the 5<sup>th</sup> annual community interracial relations conference at OSU Newark. It is Friday morning April 11<sup>th</sup> and if you haven't gotten your RSVP in you can contact Rory at OSU Newark. It is a good morning to talk about bringing diversity and inclusion and respecting all the different aspects that we have here in our city. He called a Finance Committee meeting

**Mr. Bubb-** called for a Ways & Means Committee meeting

**Mr. Cost-** I am rather proud to announce in my opinion the citizens of Newark have free and unencumbered access to Council and Committee meetings. I am also pleased to see that these meetings can be held in an orderly fashion with some courtesy and respect for not only the people who are seated here but for the people who are seated out there. That is all we are asking is to do this in an orderly fashion all technology issues aside, I understand those. I think that we need to make sure that these are held with some basic courtesy and rules that I believe you learn in kindergarten.

**Mr. Ellington-** I will take a look to see if there is a way that we can make that a little better during committee if you give me a little time. Next committee meeting will be April 14<sup>th</sup> at 5:30 P.M. and next City Council meeting will be April 21<sup>st</sup> at 7:00 P.M.

**ADJOURNMENT-** Motion by Mr. Rath, second by Mr. Cost 7:44 P.M.