

COUNCIL MINUTES

July 7, 2014

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the Monday July 7, 2014 Newark City Council meeting to order.

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

ABSENT- Mr. Blake, Mr. Guthrie

INVOCATION – Mrs. Floyd

PLEDGE OF ALLEGIANCE

CAUCUS- Motion by Mrs. Floyd, second by Mr. Marmie to excuse Mr. Blake and Mr. Guthrie

MINUTES- June 16, 2014 Motion by Mr. Rath, second Mr. Johnson by to approve the minutes of the June 16, 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- June 16th & 30th- **Received and Filed**

Economic Development- **Received and Filed**

REPORTS CITY OFFICIALS

Barb Jobes, Income tax Administrator- Income Tax Revenue Report as of June 15, 2014. - **Received and Filed**

Barb Jobes, Income tax Administrator- Income Tax Revenue Report as of June 30, 2014. - **Received and Filed**

Stephen E Johnson, City Auditor- operating report for the period ending June 30, 2014. - **Received and Filed**

COMMUNICATIONS

Paul Moran- hand out that is urging the City to have the ground tested prior to the construction of the new fire station-

Received and Filed

Ohio Division of Liquor Control- transfer request Newark Management Partners LLC to Newark Metropolitan Management LLC. - **Received and Filed**

Ohio Division of Liquor Control- New application request for Newark Metropolitan Management LLC. - **Received and Filed**

PUBLIC HEARING

Mr. Ellington- opened the public hearing

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

14-10 CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 188 DEO DRIVE, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF NEWARK TOWNSHIP, TO LB, LIMITED INTENSITY BUSINESS DISTRICT.

Motion by Mr. Cost to adopt Ordinance 14-10, second by Mr. Marmie

Motion by Mr. Cost to amend Ordinance 14-10 to 14-10 A, second by Mr. Marmie

Mr. Cost deferred to the Law Director for the explanation regarding the amendment

Director Sassen- this is a bit of a convoluted zoning issue that began several years ago actually when 206 Deo Dr annexed in to the city, went through the zoning process and was designated at that time as LB. The business that is currently on that site is doing well and looking to expand. In the recent months the lot that is known as 188 Deo Dr was annexed into the city by the same owner. The business is seeking to expand onto both of these lots. It was a bit of a jigsaw puzzle for the Engineer and the Planning Commission and myself to put this all together but in order to allow for the expansion it was recommended by the Planning Commission that the newly annexed lot, 188 Deo Dr application be amended during Planning Commission to request a zoning of MB, Medium Intensity Business, which is incorporated in this amended Ordinance 14-10 A. It goes on then in order to allow for this expansion since the properties are owned by the same person and are going to be engaged in the same

business to recommend and is also contained in Ordinance 14-10 A that the lots known as 188 Deo Dr and 206 Deo Dr be combined into one single lot owned by the same person for the same purpose. That then leaves you with two lots being combined with two different zoning designations and so the Planning Commission addressed that as well looking at the business plan, the intended use, being in favor of that business plan and intended use and reconciling those two zonings by saying that this newly combined lot then be zoned as MB, Medium Intensity Business as well as a provision regarding the signage on the property in Section 4. The Planning Commission has recommended the changes that are contained in Ordinance 14-10 A in order to allow these lots to combine for this business to expand and do it in conformity with the Zoning Code.

Mr. Rath-pointed out that Ordinance 14-10 was not the Ordinance read for the public hearing Ordinance 14-10 A was read for the hearing and I don't think 14-10 A existed prior to even now because we haven't voted on it.

Director Sassen- the rationale for that was that this 14-10 A was generated prior to the publication of tonight's agenda and prior to the publication in the newspaper based on the recommendation that the Planning Commission was making to City Council; as a result the public notice and the reading tonight included what the Planning Commission recommended so that there would be for a lack of a better term full disclosure to any interested party who might be interested in not what was the original proposal but what is the ultimate proposal as it has come back from the Planning Commission so that is why it was read as 14-10 A and that is why it was put in the paper as MB and not LB as the original application said.

Mr. Rath- so what you are saying is that what we did was ok?

Director Sassen- that is correct

Mr. Marmie- this is just a difficult process with this entire project and I am glad that it is finally coming to the end stages. We are going to have a great business up in the north end of Newark. It is already a great business and is expanding. It is not only going to draw in more patrons from Newark but all around Licking County and even outside of the County. It is great to see a small business grow like this and do so great. I am glad that we were able to work this out even though there were some difficulties in the process not only with this but with the annexation and everything else. I am happy for the business owner, employees and the patrons.

Motion to amend Ordinance 14-10 to Ordinance 14-10 A.

Motion to amend Ordinance 14-10 to Ordinance 14-10 A passed by a vote of 8-0.

Motion to adopt Ordinance 14-10 A passed by a vote of 8-0.

COMMENTS FROM CITIZENS

Rhonda Loomis- 870 W Church St, during the closing comments June 16th Councilman Rolletta made a statement pertaining to paving and the levy that was repeated in the Advocate in which he said "as we all go to the ballot this fall we need to remember why we are in this situation in the first place. Our current Governor and State Legislature have increased spending by 11 billion. I think this is indefensible and unacceptable so when we all go to vote on this tax issue I think we also need to think about who we are electing to be our Governor and State Senator." First your job is the City. Your job is to make sound decisions for this City. While I concur the State cuts to Local Government funding is detrimental, you failed to mention, remember or take accountability for placing our City in even a higher debt to income ratio by voting to increase the salaries that will be again based on the information in these public meetings and The Advocate by 1 million dollars. Prior to pointing fingers about what is indefensible and unacceptable spending make sure that you look at what you have done to the City budget. As a diverse group of citizens it is not your job to tell us who to vote for. It is not your job to campaign for your party. It is your job to make sound financial decisions for the better of all decisions for all citizens not your campaign supporters or your party. You skirted the ORC barely, your wording barely was legal, be very careful.

Tim Waldren- 167 S 2nd St, I want to know if you guys think that the taxpayers of this city are stupid. A couple of weeks ago you guys put a tax levy on the ballot and now you guys are going to turn around and vote to give a rich guy that can afford his own taxes of this City a tax break on his buildings. Over a period of a year he has done this several times over the years. He has asked for tax breaks. He can pay for his own taxes. That building is not a historic building. It is just an old school. Maybe it is time that we should start tearing down some of these old buildings and build new modern day buildings, they might last longer. Then we are going to do down here with the fire station, we are going to spend good money, taxpayers money to make a new building look old. Why? Don't vote for 14-19. That really isn't worth the money that he wants to put in it. That building is not worth the tax break that he is going to get. He got a tax break up here on Locust St. He has other places he got

tax breaks and we are out here paying our taxes, how come he can't pay his own taxes? If he couldn't afford the taxes down there on that building than he should have not bought it.

ORDINANCES ON SECOND READING

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

14-16 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE, AND POSITION AUTHORIZATION TABLES OF THE DEPARTMENT OF PUBLIC SERVICE, DIVISION OF STREET MAINTENANCE BY CREATING ONE (1) ADDITIONAL CREW LEADER AND ABOLISHING ONE (1) POSITION OF EQUIPMENT OPERATOR.

Motion by Mrs. Floyd to adopt Ordinance 14-16, second by Mr. Bubb

Mrs. Floyd- I think that the feeling is that it will just make the running of the Street Department more efficient since we will have Crew Leaders out there to make sure that there is another street that needs plowed or another pot hole that needs to be filled it can be done.

Motion to adopt passed by a vote of 8-0.

ORDINANCES ON FIRST READING

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

14-18 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 398 EASTERN AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF SINGLE-FAMILY RESIDENCE – RH HIGH DENSITY ZONING DISTRICT, TO GO – GENERAL OFFICE ZONING DISTRICT.

Referred to the Planning Commission

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

14-19 AN ORDINANCE APPROVING THE HISTORIC DESIGNATION OF 112 WEST MAIN STREET AS A LOCAL HISTORIC PROPERTY AND DECLARING AN EMERGENCY

Motion by Mr. Rath to adopt Ordinance 14-19, second by Mrs. Floyd

Mr. Rath- this is declared an emergency because we need to make timing deadlines for public benefit and welfare of the City because if we don't meet those deadlines construction on that building will be delayed significantly and we want construction to begin as soon as possible otherwise it leaves the building open for vandalism and vagrancy.

Mrs. Floyd- I just want to say that he is basically applying for tax credits from the State that doesn't mean that he will get them. There is only a certain amount of money that is available and he is asking for part of the pot. I know from thing I heard Liz Argyle say that it is a lot of paperwork. There is a lot of work that goes into trying to get it and as I said last week I am happy to see that building kept since my building was torn down.

Mr. Marmie- I just want to add on to what Mrs. Floyd said. We are just a part of the process in order for him to attempt to get any kind of State tax credits. It will have to meet certain criteria that the State does look at however we have to put it into our pool of a historic areas before it can even be considered.

Mr. Rolletta- I would just like to say that I do believe this property should be labeled as a historical property I think it is a building that is important to our City's history. It was the former home of Newark High School and Ohio State Newark, I attended intermediate school there and I would much rather see the building have a meaningful use than sit empty, however I do have some concern about using the emergency clause in this case. Our City Charter says each emergency Ordinance or Resolution shall declare that it is necessary for the immediate preservation of the public peace, health, safety or welfare. I think that we all want to see more development downtown. I think it is somewhat of a stretch to try to fit the project into this definition. I will be in support of this project and I understand that there are deadlines but I think we just need to make sure we are consciences in following our City Charter that was approved by our City residents.

Motion to adopt Ordinance 14-19 was passed by a vote of 8-0.

RESOLUTIONS ON THE SECOND READING

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

14-47 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO SELL CERTAIN CITY PROPERTY AS DESCRIBED HEREIN BY INTERNET AUCTION

Motion by Mr. Cost to adopt Resolution 14-47, second by Mrs. Floyd

Motion passed by a vote of 8-0.

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

14-48 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (621 Water Dept Fund-\$15,000.00: GIS Work; 661 Sewer Dept Fund-\$15,000.00: GIS Work; 669 Storm Utility Fund-\$5,000.00: GIS Work; 100 General Fund-\$742.98: Equipment)

Motion to adopt Resolution 14-48 by Mr. Marmie, second by Mrs. Floyd

Motion passed by a vote of 8-0.

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

14-50 A RESOLUTION OF INTENT TO VACATE A PORTION OF A 16 FOOT WIDE ALLEY AS SHOWN ON THE PLAT OF THE WILKIN-SMITH PLACE ADDITION, AS RECORDED IN PLAT BOOK 4 AT PAGE 114 OF THE LICKING COUNTY PLAT RECORDS, LOCATED BETWEEN EDDY STREET AND CENTRAL AVENUE

Motion by Mr. Johnson to adopt Resolution 14-50, second by Mr. Marmie

Motion passed by a vote of 8-0.

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

14-51 A RESOLUTION OF INTENT TO VACATE A PORTION OF MARKET STREET, A PORTION OF A 16.5 FOOT WIDE ALLEY, AND A PORTION OF A 24.75 FOOT WIDE ALLEY AS SHOWN ON THE PLAT OF THE P.M. WEDDLE'S ADDITION, AS RECORDED IN PLAT BOOK 2 AT PAGE 128 OF THE LICKING COUNTY PLAT RECORDS, LOCATED SOUTH OF WEST MAIN STREET AND WEST OF SOUTH 5TH STREET

Motion by Mr. Johnson to adopt Resolution 14-51, second by Mr. Marmie

Motion passed by a vote of 8-0.

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

14-52 A RESOLUTION OF INTENT TO VACATE A PORTION OF A 10 FOOT WIDE ALLEY AS SHOWN ON THE PLAT OF THE DAVID M MOORE'S ADDITION, AS RECORDED IN PLAT BOOK 3 AT PAGES 30-31 OF THE LICKING COUNTY PLAT RECORDS, LOCATED NORTH OF VALLEY STREET

Motion by Mr. Johnson to adopt Resolution 14-52, second by Mr. Marmie

Motion passed by a vote of 8-0.

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

14-53 A RESOLUTION OF INTENT TO VACATE A PORTION OF A 16 FOOT WIDE ALLEY AS SHOWN AS ORIGINALLY PART OF OUTLOT 68 ON THE PLAT OF THE WILLIAM C MAHOLM'S ADDITION, AS RECORDED IN PLAT BOOK 1 AT PAGES 130-131 OF THE LICKING COUNTY PLAT RECORDS, LOCATED NORTH OF CAMBRIA STREET

Motion by Mr. Johnson to adopt Resolution 14-53, second by Mr. Marmie

Motion passed by a vote of 8-0.

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

14-54 A RESOLUTION OF INTENT TO VACATE A PORTION OF AN 11.54 FOOT WIDE ALLEY AND BEING PART OF THE RIGHT OF WAY ON THE EAST SIDE OF LOT 16 IN WARNER'S ALLOTMENT IN THE CITY OF NEWARK (PLAT BOOK 5, PAGE 10), LOCATED NORTH OF DICKERSON STREET

Motion to adopt Resolution 14-54 by Mr. Johnson, second by Mr. Marmie

Motion passed by a vote of 8-0.

RESOLUTIONS ON THE FIRST READING

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

14-55 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A RIGHT TO A LEASE AGREEMENT AND EASEMENT AGREEMENT ON BEHALF OF THE CITY OF NEWARK FOR CERTAIN REAL PROPERTY LOCATED AT LEVIN PARK, SHARON VALLEY ROAD, NEWARK, OHIO, PARCEL 054-286350-01.000 LOT 5 OF 21.30 ACRES.

Held for a Second Reading

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

14-56 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION
(293 Demo Grant Fund-\$4,637.80: Reimbursement for costs associated with demolitions)

Held for a Second Reading

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

14-57 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO APPLY FOR FINANCIAL SUPPORT FROM THE STATE OF OHIO 2014 NATUREWORKS GRANT FUND

Held for a Second Reading

CITIZENS COMMENTS

Paul Moran-63 N 4th St, I have issues that deal with health, safety and waste. I want to address the biggest eyesore in Newark, the former Westinghouse plant at 325 W Main St. He stated that there are windows broken out, vines covering the back of the factory area, boards falling off exposed windows on the Jefferson Street side and pigeons and other birds flying in and out. The other building that he mentioned was the telephone building at 66 N 4th Street. He stated that a section of the south wall was falling apart. He stated that both of these structures are partly used and not used.

I am confused, we are talking about tight budgets in the City but here we have these railroad type crossing gates over our parking lot. They are electronic, I just don't understand that. Did we use General Fund money or grant? He feels as though it poses a safety hazard to pedestrians. What if they were to malfunction and there is a storm somebody walking by could get struck? The City is liable for that. I don't understand why they were even put in; I don't see any progress there. He announced that Licking County Transit was having two meetings. One meeting is tomorrow at 11:00, the next one is next Wednesday 6:00. They are going to reduce their services. The meetings are at 745 E Main Street.

ADMINISTRATION

Mayor Hall- on July 3rd out at OSU Newark/COTC was a great event which they have every year. I want to thank the campus and the foundation that put that together, it is great for the community. We have a couple of local athletes that have done great and received recognition. Grant Russell from Newark High School was named by The Advocate the 2014 male athlete of the year. It is well deserved; he has worked very hard during his time at Newark High he played three sports. Then from Newark Catholic High School Hunter Nance was The Advocates 2014 baseball player of the year. His father works for the City of Newark in the Water Department. We are proud of both of those youths as they achieve those statuses and we wish them the best as they move on in life.

MISCELLANEOUS

Mr. Johnson- I concur that the fireworks display on the 3rd was absolutely outstanding. I think that it was a good 4th of July weekend for the City.

Mr. Marmie- called a Finance Committee meeting

Mr. Rath- I just wanted to say congratulations to the Argyles, they had an article in The Advocate today. I know they went through a long tedious process of applying for tax credits that lasted over several years. They are certainly sticking their necks out and putting in a huge investment into their business as well as downtown Newark. I am excited for them that they are finally going to get to start construction and hopefully be completed by January and I wish them all the best.

Mr. Rolletta- First of all I would like to thank Brenda Combs from Newark High School for attending the meeting tonight. She is going to be active in the Youth Council that we are going to be forming. She is taking an interest in government and leadership at a young age just as I did. In regards to Mrs. Loomis's comments, you got one thing right. Yes, my job is to work for the City and I take great pride in that. I think opposing policies that have been enacted by politicians that have clearly negatively affected our community such as these local government fund cuts, that is not a partisan issue it is standing up for your community issue and that is what I was doing. That is why I felt the need to speak out and honestly I feel that is pretty relevant information considering we lost at least a couple of million dollars of revenue from our State Government and here we are having to put an income tax increase on the ballot to pave the streets. As far as my vote on the fact finders report for the firefighters, I had two choices, I could accept it as it was and vote no and the only thing that would be guaranteed is more legal fees for our firefighters and our City. That is the only guarantee. You don't know what you are going to get in arbitration. I thought that it was a fair deal. Those raises won't even keep up with the cost of living and they have nothing to do with the fact that they endorsed my candidacy and supported my campaign. They endorsed me because I am a pro collective bargaining right that is why they endorsed me. As far as saving money goes I did vote against spending over 5.5 million dollars on a new fire station. As far as telling people how to vote I was quoted in The Advocate specifically saying I am not going to tell people how to vote on this tax increase issue. I just felt that it was necessary for me to make the comment that these cuts have hurt our City and we should hold people accountable.

Mrs. Floyd- the OSU Newark event was wonderful. I always see it as a big community party. There is a big thing going on at the jail this Saturday. They are going to do tours but they are also going to show the movie that the guys from the Travel Channel shot when they came looking for paranormal activity. The Downtown Newark Association under the leadership of Tom Atha is getting much more active. There is now a website. The pizza walk at the end of June was very well attended; there were lots of people downtown which is what it is all about. July 25th there is an art walk downtown. First Presbyterian Church has a quilt show from 2-8 and then an art walk that you don't have to buy tickets for ahead of time there will be different artist set up downtown in different stores. The art walk goes on from 4-8 and there is a Mayor's concert that evening which is usually pretty well attended. It is nice to see people using downtown for community involvement.

Mr. Ellington- announced that the next Committee meeting would be Monday July 14th at 5:30 P.M. and the next Newark City Council meeting is Monday July 21st at 7:00 P.M.

ADJOURNMENT- Motion by Mr. Rath, second by Mr. Cost 7:41 P.M.