

COUNCIL MINUTES

May 19, 2014

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the Monday May 19th Newark City Council Meeting to order.

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

INVOCATION – Mr. Johnson

PLEDGE OF ALLEGIANCE

CAUCUS

MINUTES- May 5, 2014 Motion by Mr. Rath, second by Mr. Bubb to approve the minutes of the May 5, 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**

Safety- **Received and Filed**

Capital Improvements- **Received and Filed**

Personnel- **Received and Filed**

REPORTS CITY OFFICIALS

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

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

COMMUNICATIONS

Chad & Chrissy Hale- email regarding Dallas Texas ending the fluoridation of water - **Received and Filed**

Paul Moran- discussion regarding the need for new downtown retail - **Received and Filed**

PUBLIC HEARING

President Ellington opened the Public Hearing, the Notice of Public Hearing was read then Mr. Ellington announced that the district change was recommended by the Planning Commission

Mark Schilling-1499 W Main St representing Southgate Corporation who owns 1567 W Main St. He stated that he was there to answer any questions regarding the request for a district change. He stated that Southgate Corporation felt that the change would bring Arensburg Pharmacy and the new proposed jewelry store tenant more in compliance with the zoning code.

The public hearing was closed and then Ordinance 14-05 was read for a second time

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

14-05 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1567 WEST MAIN STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF (GO) GENERAL OFFICE DISTRICT, TO (LB) LIMITED INTENSITY BUSINESS DISTRICT.

Motion by Mr. Marmie to adopt Ordinance 14-05, second by Mr. Cost

Motion passed by a 10-0 vote.

COMMENTS FROM CITIZENS

Richard Westbrook-276 Pierson Blvd, he was commenting projects that the City has proposed and/or is discussion for the downtown. Projects such as the sewer separation for downtown was mentioned and the cost being 8 million dollars, the turnabouts which are being discussed along with the removal of lights. He then stated that it looked like we were going to raise taxes to repair the streets. He also stated that along with these things that we would like to see happen some of us think that the rights of dogs are more important than the rights of people. He then asked the Mayor to bring back the committee that there was on the Property Maintenance Code. He stated he would strongly suggest making landlords responsible for their properties. He stated that they figured if they were registered it would bring in \$160,000.00 to pay for the inspectors. He stated that the liens on properties have never worked and he would like us to try something different. He suggested that we have Mr. Sassen present charges against violators to the court so that they would be ordered to pay fines within a period of time or go to jail. He stated he was in favor of inspecting the inside and outside of properties and registration of landlords.

ORDINANCES ON SECOND READING

By: Mr. Rolletta, Mr. Johnson, Mr. Cost, Mrs. Floyd, Mr. Rath, Mr. Blake

14-04 A AN ORDINANCE AMENDING CHAPTER 618 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO TO REQUIRE THAT ALL DOGS BE LEASHED WHEN OFF THE PREMISES OF THE DOG OWNER.

Motion by Mr. Rolletta to adopt Ordinance 14-04 A, second by Mr. Cost

Motion to amend Ordinance 14-04 A to Ordinance 14-04 B by Mr. Rolletta, second by Mr. Cost

Mr. Rolletta- the amendment includes reasonable control language along with the leash requirement.

Mr. Cost-this is the legislation that has been discussed for some time that I have been involved with. What we are asking for is in my opinion common sense of using a leash when you are walking your dog outside of your own property. There was discussion about the difference in having your dog on a leash and having reasonable control so with this amendment we have put both there. The dog needs to be on a leash and under reasonable control of some person. It is really just that simple.

Motion to amend Ordinance 14-04 A to Ordinance 14-04 B passed by a 10-0 vote

Motion to adopt Ordinance 14-04 B passed by a 10-0 vote

ORDINANCES ON FIRST READING

By: Mr. Cost, Mr. Rath

14-09 AN ORDINANCE AMENDING CHAPTER 618 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO REGARDING SANCTIONS FOR VIOLATIONS RESULTING IN SERIOUS INJURY TO PERSONS

Held for a Second Reading

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

14-12 AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND A RESOLUTION AS PART OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

Motion to adopt Ordinance 14-12 by Mr. Cost, second by Mrs. Floyd

Motion passed by a vote of 10-0

RESOLUTIONS ON THE SECOND READING

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

14-37 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (100 General Fund: \$3200.00-Bldg Ground Maintenance; DISAPPROPRIATE 100 General Fund: \$3200.00-Taxes & Assessments; 100 General Fund: \$750.00- Bldg Ground Maintenance; 334 Construction Note: \$15,000.00 Bldg Grounds Maintenance)

Motion by Mr. Blake to adopt Resolution 14-37, second by Mr. Cost

President Ellington- I don't normally comment on legislation but I am going to comment on this one before we do this. I think that my job up here is to try to run the meeting and to not really give my opinion but on this one I just feel like I have to make a comment. It seems to me that part of this legislation we are appropriating money to put a gate outside here for our parking lot and give everyone a clicker so we can keep people out or not call a tow truck to have people towed when we just had folks here about 6 months ago having the same problem with their lots around City Hall. We wouldn't let them boot the cars and told them to just call a tow truck. I just think that it really sends the wrong message for us to spend tax payer money to do this. That is just what I think.

Mr. Guthrie- Mr. President, I agree

Motion to adopt Resolution 14-37 passed by a 6 (Mr. Blake, Mr. Bubb, Mr. Cost, Mrs. Floyd, Ms. Hall, Mr. Rath) to 4 (Mr. Guthrie, Mr. Johnson, Mr. Marmie, Mr. Rolletta) vote

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

14-38 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE OHIO GOVERNOR'S OFFICE OF CRIMINAL JUSTICE SERVICES FOR FISCAL YEAR 2014 EDWARD BYRNE JUSTICE ASSISTANCE GRANT FUNDING

Motion to adopt Resolution 14-38 by Mr. Blake, second by Mrs. Floyd

Motion passed by a 10-0 vote

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

14-39 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- CI (335 Capital Improvements Fund: \$300,000.00- Maintenance of Streets; 335 Capital Improvements- 10,000.00 (Land Improvements)

Motion by Ms. Hall to adopt Resolution 14-39, second by Mr. Cost

Motion passed by a 10- vote

RESOLUTIONS ON THE FIRST READING

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

14-40 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION WITH REGARD TO THE RETENTION OF OUTSIDE LEGAL COUNSEL

Held for a Second Reading

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

14-41 A RESOLUTION APPROPRIATING AND DISAPPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (671 Landfill Reclamation-\$120,000.00: Land Improvements; 100 General Fund- \$25,000.00: purchase MARCS radio communication Equipment; DISAPPROPRIATION-100 General Fund-\$25,000.00: Salaries, Pension & Health Ins)

Motion by Mr. Blake to waive the second day reading rule on Resolution 14-41, second by Mrs. Floyd

Mr. Blake- this is an expenditure for the police communication equipment and we need to get it done in a timely manner

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

Motion to adopt Resolution 14-41 by Mr. Blake, second Mrs. Floyd

Motion passed by a vote of 10-0

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

14-42 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION
(335 Capital Improvements-\$25,000.00: Police Radio Communication Equipment)

Motion by Ms. Hall to waive the two day reading rule on Resolution 14-42, second by Mrs. Floyd

Ms. Hall- we need to move on this quickly

Motion passed by a vote of 10-0

Motion by Ms. Hall to adopt Resolution 14-42, second by Mrs. Floyd

Motion passed by a 10-0 vote

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

14-43 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT WITHOUT COMPETITIVE BIDDING FOR THE PURCHASE OF RADIO COMMUNICATION EQUIPMENT WITHIN THE DIVISION OF POLICE AND DECLARING AN EMERGENCY

Motion to adopt Resolution 14-43 by Mr. Cost, second by Mrs. Floyd

Motion passed by a 10-0 vote

CITIZENS COMMENTS

Paul Moran- Newark has a population of 47, 688 residents. Last week I learned that we have 220 miles of water lines. To pave one mile of road cost about 90,000.00-100,000.00. If the City continues to annex more and more land it will directly affect our city services, police, Fire, EMS and streets. It is like an overload or something. Some things aren't getting taken care of in the City limits that should be because we are taking on more and more land. I am sure if you talked to anybody in those departments they would probably agree with that. They are feeling a more and more additional workload on themselves. New annexations that are up-coming or somewhere down the way need to be put off or set aside. Let's take care of what the city has now within its' limits. I provided a list of items to each one of you of things that need to be addressed within city limits. If we keep adding on more and expanding the city it just puts us aside and gets more problems, more roads to pave and more roads to plow in the winter. I think that we should put annexation aside for a while. He passed out a handout to members of Council and asked that they consider the annexation issue. He stated that our dollars and services are stretched. He stated that he was thankful for some events in the City that he attended last week and also for mutual aid concerning the Madison Townships and Newark Township Fire Departments.

MISCELLANEOUS

Mr. Guthrie- first I want to recognize the administration for the role that they played with the demolition back here, it looks great Mayor it really looks great. I think we should all be proud of the end result there. Mr. Moran your point is well taken and I think that we do need to be conscience of the cost of maintaining property that we annex. I wouldn't favor a moratorium on annexations because some annexations might have more value to the city than others and I think that you need to weigh them individually but I do think that you should weigh the cost that an annexation could have to the city. Thanks for raising that issue because it is something that we should think about as we deal with annexations. I think that it is great that we are moving forward at the pace we are regarding the radios for the Police Department. That is really a good thing and I hope that it all works out and I hope that maybe with time if there are any supplemental costs surrounding this Mr. Spurgeon can fill us in on what those might be if there is anything additional to the purchase of the equipment itself. I had the opportunity to visit the 9-11 Memorial last week in New York and I am sure many of you have been there. Of course it is a very touching experience just to see it and be there where 9-11 occurred. It is such a stark reminder of the importance

that our first responders play in our daily lives. While I was in New York I read an article about the fact that this week is actually National EMS week. It was a reminder to me to recognize our EMS personnel and our City. I believe approximately 60 of our 70 some firefighters are paramedics and the balance are EMT's which puts our folks at about 70% being paramedics and I think that is a real strong showing for us in providing good service to our city.

Ms. Hall- I would like to thank Mr. Spurgeon and Mr. Rhodes for timely help with a couple of issues in the 1st Ward. You guys have always been there with answers or help in way or another.

Mr. Marmie- the sewer separation of the downtown area although we don't want to spend the money it would be great to save that money it is one of those things that is EPA mandated but not EPA funded. It is mandated that we do it but they are not giving us any money so we have to do that. As far as the fees for the landlords, we researched all of that and analyzed the numbers. The money just is not sufficient to take care of the inspections. Just the paperwork alone would take up a full time job of trying to maintain, also the upfront cost is what the huge expenditure would be and plain and simple we didn't have the money to start that up. We were not guaranteed \$160,000.00 because it is hard to collect all of those fees, we know that with other fees that are involved especially the ones that you mentioned. The ones that are going to pay are the ones that are in compliance usually. I am very pleased that the police equipment, the radios went through and I know that we had to expedite that as a one-time good deal in order for us to get these refurbished radios that will be supported by our current equipment and it's exactly what we are looking for. I am very pleased that we were able to expedite that because if we weren't than we would have missed out on that opportunity and we would be looking at a much larger price tag. I want to talk a little bit about 14-40 that will come up for vote at our next meeting. We are asking to move \$10,000.00 from our Budget Stabilization in order to pay for outside legal counsel. What Mr. Ellington discussed this evening with the gate in the back that is a perfect example. Do we spend money on a gate like that or do we have to pull from our rainy day funds to pay for an attorney. I just don't feel as though that is something that we want to do. We are basically starting to utilize a Budget Stabilization fund as our unappropriated balance and that is not a good thing to do. So we want to make sure that we are maintaining that Budget Stabilization and monitoring it. It is there for emergencies however we should try to look for smaller dollar amounts out of other funds is my opinion. Finally Mr. Moran as far as annexation, as far as what brings revenue to the city, residential housing brings in more revenue to the city than retail. Retail actually costs the city money. That was conducted by the Destiny 20/20 plan. It shows how retail definitely is more of a burden on the City's tax funds than housing. Now that doesn't mean that you can't have retail and you want to have retail because retail attracts the housing. Annexation if done correctly can be a benefit to the city. Most of the annexation that we have done in the most recent past have been of small lots that have been primarily already on our city streets so we are already maintaining the street which it is on. I would agree with you though that if we annex any additional properties in which there is going to be development done on which with our economy right now I don't see that happening in the near future but if we do have residential housing development I think that the developers need to be held to a higher standard as far as the placement of the roads. It appears to me in my opinion the thickness of the asphalt on those roads and the new ones don't meet the standards that the city likes to maintain therefore they are deteriorating at a faster rate than what we would like then we end up having to replace them because once they develop it, it then becomes a city road.

Mr. Rolletta- I would like to announce our 4th Ward block watch group will be meeting Tuesday May 27th at 6:30 P.M. at Holy Trinity Church

Mr. Blake- called a Finance Committee meeting

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

Mrs. Floyd- I would like to thank the Mayor for attending the round table meeting last Wednesday at the First Presbyterian Community Church. It was very informative. There was somewhere around 30 people there and we appreciate you coming to do that. I think that the new Midland schedule for next year will be out before long so check it out. I saw two great shows over the weekend. Thursday the Allmans Preservation Hall Jazz Band was there and Mr. Johnson and I were there. It was a wonderful night and fun. Last night I got to see Gavin George the 11 year old pianist from Granville. He was amazing.

Mr. Ellington- our next committee meeting will be on Tuesday May 27th at 5:30 P.M. because City Hall is closed on Monday for Memorial Day. The next City Council meeting will be on June 2nd at 7:00 P.M.

ADJOURNMENT- Motion by Mr. Rath, second by Mr. Cost to adjourn. Motion carried by acclamation. 7:38 P.M.