

COUNCIL MINUTES

June 2, 2014

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the Monday June 2, 2014 Newark City Council meeting to order

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

A moment of silence was done in memory of former 1st Ward Councilman Ed Houdeshell who passed on Saturday May 31st.

INVOCATION – Mrs. Floyd

PLEDGE OF ALLEGIANCE

CAUCUS

MINUTES- May 19, 2014 Motion by Mr. Rath, second by Mr. Johnson to approve the minutes of the May 19, 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**

Ways & Means- **Received and Filed**

Capital Improvements- **Received and Filed**

REPORTS CITY OFFICIALS

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

COMMUNICATIONS

Paul Moran- comments he made at the Council meeting of May 19, 2014 regarding the annexation of property into the City of Newark. - **Received and Filed**

Park National Bank- letter regarding the annual inspection of the Newark Memorial Building at Cedar Hill Cemetery- **Received and Filed**

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

By: Mr. Rath, Mrs. Floyd

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

Motion by Mr. Rath to adopt Ordinance No. 14-09, second by Mrs. Floyd

Mr. Rath- this is a simple ordinance, this simply gives the judge discretion to order a dog to be put down, destroyed if it causes serious physical injury. Serious physical injury is a very defined term in the legal system, it is a definition that is used widely and regularly in the court system. It is a discretionary ruling by the judge. The judge can hear any and all evidence that someone may want to bring forward in defense of the dog. If you want to do a behavioral assessment the judge has the right to hear the findings of that as well as testimonies and then make the ruling as he/she sees fit. This is not about a dog biting someone in the finger, it is not about a dog that nips at somebody when it is being antagonized it is about a vicious dog running loose that mauls somebody or rips their face off. I just don't want to see that dog get a second chance to do that so

this eliminates that free first bite.

Motion passed by an 8-2 (Mr. Johnson, Mr. Rolletta) vote

ORDINANCES ON FIRST READING

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

14-13 AN ORDINANCE LEVYING AN ADDITIONAL INCOME TAX OF 0.15 PERCENT FOR THE PURPOSE OF RAISING GENERAL OPERATING REVENUE SPECIFICALLY AND EXCLUSIVELY DEDICATED TO THE GENERAL CONSTRUCTION, RE-CONSTRUCTION, RE-SURFACING, AND REPAIR OF STREETS, ROADS, BRIDGES AND SIDEWALKS ON ALL TAXABLE SALARIES, WAGES, COMMISSIONS AND OTHER COMPENSATION AS SET FORTH HEREIN AS WELL AS ON ALL TAXABLE NET PROFITS EARNED BY BUSINESSES, PROFESSIONS, OR OTHER ACTIVITIES AS SET FORTH HEREIN AND PROVIDING FOR THE COLLECTION AND ENFORCEMENT THEREOF

Held for a Second Reading

RESOLUTIONS ON THE SECOND READING

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

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

Motion by Mr. Blake to adopt Resolution No. 14-40, second by Mrs. Floyd

Mr. Marmie- I wish to split this legislation into two separate pieces. You have 14-40 A & 14-40 B in your packets. I wish to vote on the two appropriations separately because I am in support of one but not the other.

Motion by Mr. Marmie to split Resolution 14-40 into 14-40 A & 14-40 B, second by Mr. Blake

Motion to split passed by an 8-2 (Ms. Hall, Mr. Johnson) vote

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

Motion to adopt Resolution No. 14-40 A by Mr. Blake, second by Mrs. Floyd

Mr. Marmie- this is the part of the legislation that I am not in support of. It is the request of the administration to take \$12,000.00 out of the Budget Stabilization Fund. I think that we need to look with in the various accounts in order to appropriate this money and not have it come from the Budget Stabilization. An amount of \$12,000.00 is a large amount however it has been commented on that the Budget Stabilization is not something for little distributions and appropriations it is something that is an emergency by nature and going to be a larger amount. Our Auditor has indicated to us that we are fast approaching what I call the red zone as far as what will hurt our bond rating and our ability to borrow money if we continue to dip into this Budget Stabilization fund. In addition we have some things that are looking us in the face that are large expenditures and those are things that do come from Budget Stabilization for instance there was a fire truck that was recently damaged and we don't know how that is going to be paid for whether insurance is going to pay for it or not. There is TIFF money that hasn't been connected and that is a concern because that is money that we anticipated. We estimated that we would be at about a \$300,000.00 overage on collection and we are at about \$17,000.00 after the first quarter so we are not on target to reach that. I just believe that tapping into this Budget Stabilization is not a prudent thing to do fiscally for our city and for our ability to borrow in particular when it comes to some bonds. We have some bonds that we are going to have to renegotiate at various times we continually do that in. I don't think that it is a pretty thing to do and that is why I am opposed to this portion of it.

Mr. Guthrie- I was wondering if we could have somebody from the administration speak on this

President Ellington- normally that would not be the case but we can ask the Mayor if he would like to speak.

Mr. Guthrie- the rules allow it

Mayor Hall- asked Human Resource Director Mike Buskirk to speak to the requests for appropriation

Mr. Guthrie- I would like to know your feelings regarding Mr. Marmie's argument that we should not use Budget Stabilization but rather use other funding for this

Director Buskirk- my question would be what is the other funding. We have bills, we just got a fact finders report back that we have to pay for and it looks like we will be going to binding arbitration then we still have an AFSME contract to negotiate. I don't know that there are any other funds available.

Mr. Marmie- I guess that my only contention with the comments is that there are no other funds to be found. It is amazing how when we need radios we find money, when we need this or that we find money but when it comes to outside legal counsel we can't find any money. We found \$12,000.00 so it is my contention that you have to live within your budget until it hurts and not only that if we haven't spent money on something and we don't know whether or not we are going to why don't we use that now and then if there is a rainy day or something in the future we use it for that. Dipping into the Budget Stabilization for this and for that and like we just indicated there is more to come so what are we going to do pull more money from this? We have already pulled over 6 figures from this fund this year. The whole purpose of this Budget Stabilization was established so that the cash carry over was sufficient enough to maintain our bond rating. Not only that it is for a rainy day type of situation, an emergency situation, like a wrecked fire truck or something like that which occurs. It is something that we want to keep as a positive figure so that the bond rating doesn't go down below and we have the ability to borrow for Capital Improvement dollars, building a fire station, bridges or trucks for the Street Department whatever it is we get it at a lower rate. That is the purpose of this Budget Stabilization and we need to make sure that we maintain the dollar amount at a sufficient level that it isn't going to jeopardize that.

Motion passed by a 6-4 (Ms. Hall, Mr. Johnson, Mr. Marmie, Mr. Rolletta) vote

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

Motion to adopt Resolution No. 14-40 A by Mr. Blake, second by Mr. Marmie

Mr. Marmie- I am just going to explain my yes vote on this. I am in support of paying for the bills; don't get me wrong I just didn't like the fund that it was coming from. This is the General Fund expenditure that is taking place on this portion of the legislation and I know we have to pay the bills and I realize what it is for and the process and everything else so I am in support of this portion of it.

Motion passed by a 9-1 (Mr. Guthrie) vote

RESOLUTIONS ON THE FIRST READING

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

14-44 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (292 Ohio EPA Grants-\$17,695.29: Ohio EPA Community Recycling Grant)

Held for a Second Reading

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

14-45 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-CI (335 Capital Improvements-\$8,847.65: Machinery, Equipment & Supplies-Ohio EPA Recycling Grant)

Held for a Second Reading

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

14-46 A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF NEWARK, OHIO OF THE QUESTION AS TO PASSAGE OF A 0.15 PERCENT ADDITIONAL INCOME TAX LEVY DEDICATED TO GENERAL CONSTRUCTION, RE-CONSTRUCTION, RE-SURFACING, AND REPAIR OF STREETS, ROADS, BRIDGES AND SIDEWALKS WITHIN THE MUNICIPALITY

Held for a Second Reading

CITIZENS COMMENTS

Nancy Welu-7441 Stewart Rd, I came this evening to talk a little bit about the Fair Housing Program. I know a lot of you are familiar with the program. The City has a contract with Don Eager and Associates for those of you who don't know much about the program, to provide a fair housing and a tenants and landlords program for the City of Newark. Last May Mr. Eager gave a report to the Economic Development Committee at the request of the Chair, Rhonda Loomis. It has been a year and in my opinion a few things have changed with this program. There was a large sign that cost a little over \$2,000.00 that was placed in close proximity to City Hall and the phone number that wasn't valid got changed. The number that was on all of the literature was a 349 number and it wasn't working. Mr. Eager holds what he calls Landlord Tenant Clinics each month on the first and third Tuesday from 10:00 AM to 3:00 PM. That is a total of 10 hours a month. In the first 4 months of this year a total of 4 people have gone through the clinic. So Mr. Eager worked 40 hours and serviced 4 people. In the same time frame in 2012 he saw 9 people which is twice as many but still 40 hours 9 people not a lot of traffic I don't think in those tenant landlord clinics. Each month Mr. Eager is required by his contract to submit a report to the Department of Development which includes the number of phone calls he has received and the nature of the calls. There is also the requirement that he breaks down the type of people that are calling. For example, low income, female head of household, Hispanic, those are HUD reporting regulations. Mr. Eager also reports any community outreach and office hours he has kept. Sometimes I wonder if I am the only person that looks at these reports. I will say that the Department of Development, Melissa and Mr. Mauter are very gracious and send me this information every month sometimes without me even asking so I do have to thank them for that. Mr. Eager is also responsible to submit an annual report to the city which for the past two years I have requested and it has taken a little bit of teeth pulling from myself and Mr. Mauter to get this report and it has been well into March or April when I have received the report. In this report which I brought this year's there is no toll for how many have been serviced by this office or what types of areas are being called about which to me you would think that would be an itemized ok we had a 100 and some calls, so many on escrow but is not in that format you have to add it up yourself. You will find a schedule of the fair housing training in this report but the dates don't match the monthly reports and the sign in sheets don't match up. I do reports for my office and this is kind of a sloppy job in my opinion. In 2012 Mr. Eager conducted 7 training sessions at the Library for the public, a total of 10 people attended. In 2013 there was 6 training sessions, 7 people attended. I realize that this is a very small program that the city runs. I think his contract is 18,000.00-20,000.00 a year. To me that is a lot of money but in the scheme of things for a city budget that is very small. I know that it is a requirement to have Fair Housing to receive CDBG funds but I feel that the program could be more robust and reach and educate more people than it does. I truly believe this. The Citizens Committee for Housing Rights which I am a part of has decided to start going to one food pantry a month to pass out literature on tenant rights, Molly Mancini I believe is chairing that. The housing group has also had a presence in eviction court consistently. We had out tenants' rights literature and we have asked Judge Stansbury if we can keep tenants' rights literature there since there is eviction literature there for the landlords. We thought that would be a good balance and everybody would have access to information. We have also received private donations the housing group can make the Ohio tenant landlord book which are about a \$1.00 each to reproduce. My question to anybody who is listening is why is Mr. Eager not doing some of the same things that I as a private citizen and the housing group are doing? In order to reach as many people as possible we have to think outside of the box. They are not going to come to us. I know you think that they will but they won't. They are working everyday just to make ends meet so we need to figure out a way to reach these folks. Going to the food pantries was not my idea but I wish that it was, it is a great idea. I also have personal knowledge of two tenants who meet with Mr. Eager at the end of last September to file a complaint and Mr. Eager that called Mr. Eager and Mr. Eager never followed up these two tenants even though the tenants had made numerous phone calls and still making numerous phone calls. In my opinion this is not acceptable. As you can tell I am a little passionate about this. The end game is if more tenants and landlords but mostly tenants were educated on their rights and responsibilities of a tenant maybe we wouldn't have as many in eviction court every two weeks and maybe we wouldn't have people renting housing that isn't acceptable if they were educated a little bit more.

Director Mauter- Nancy I just want to say that I do meet with Don every Tuesday when he comes in, I am probably the only Director that has ever met with him since he has been working here. I do appreciate your comments and typically when people are getting replied back to they have left wrong phone numbers or numbers that are no longer in service. Whether that is true in each case I don't know but if there is an issue I would want to know about that. That has been my experience when speaking with him and meeting with him.

Mr. Guthrie- I think that Nancy raises a concern that we talked about last year. Is there possibility that especially with our finances being flat with Community Development dollars being darn near flat or actually dropping that we could bring someone in from in house so that you could keep your finger on it more?

Director Mauter- I suppose there is that potential. I don't know how much training it would take to get up to speed to run a program like this. Like other government programs there are a lot of regulations there are a lot of stipulations that are involved I am sure there are some continuing education involved. That is probably the best response I can give you at this time. It is certainly something that could possibly be looked at but I believe that is one of the reasons that the City did out resource this because Mr. Eager does bring about 30 years of experience in fair housing, that is a lot of experience that he brings to the table.

Paul Moran- 63 N 4th St, the roof on the building at 21 W. Canal St has since collapsed since the last time that I mentioned it and somehow the doors have been pried or pushed open. A child or a pet could just go right down into the basement of the place. There isn't an X on it and it is a major safety hazard downtown and I would like to get somebody to do something as soon as possible before there is an unfortunate situation. I was wondering if the ground had been tested for any chemicals where that garage was for years on 4th St where the new fire station is going. I was wondering if the ground had been tested for oils or anti-freeze like could have leaked into the ground. He suggested a picnic area go in where the building was torn down behind City Hall instead of a parking lot. The more that we can do to make a better impression on visitors that come in here all the time and we aren't even aware of it like the man I met from Dayton that was here taking pictures of our historic buildings. The Port Authority said that there was ample parking downtown; these results were in the Advocate January 25th of this year. Mr. Fred Ernest even made good comments about the parking situation downtown so I don't see the need for any additional parking lots with all the positive research that has been done on it.

ADMINISTRATION

Mayor Hall- we had a good weekend, the American Cancer Society had Relay for Life out at the TJ Evans Athletic Complex. I want to thank all of the employees that showed up, we had 10 out there and somebody walking nearly every 18 hour period. It was a good fundraiser and the weather held out. Strawberries on the Square was this past weekend and we had great weather for that too.

MISCELLANEOUS

Mr. Marmie- Nancy I appreciate you bringing the information in to us, it is always good to be well informed on what is happening. I believe Director Mauter should evaluate annually the performance that is being conducted within a contract. It is his administrative function to determine who is awarded the contract. If there is an area where Mr. Eager isn't performing I would just hope that Mr. Mauter would bring it to his attention. Discussion or dialogue can take place from this body but when push comes to shove it is an administrative decision who is awarded that contract. He thanked Director Rhodes for getting him information on properties that the city owns that they could get tax credits for. It looks like year to date we have about \$8,000.00 annually that is going to be saved because we looked into those. We are going to continue to look into properties that we can possibly lower our tax burdens. I want to thank him for all of that

research and getting back to me. He also wished the NC baseball team the best of fortunes in their bid for another State Championship. They will play Thursday at 1:00 and it should be an exciting week if they win that game and continue on to the State Championship game Saturday.

Mr. Rath- he stated that Ed Houdeshell would be missed and that they had a closer relationship than some. As far as Ordinance 14-09 the dog bite ordinance I want to thank you all for your support and indulgence. This is not a personal agenda although I do have personal experience that lends a little bit of experience, knowledge and expertise to this, there is no agenda here, there is no personal gain for me and I am not ignoring anything else. We take everything into serious consideration, this is just one small thing but there are plenty of other things that I focus on as well. As far as Resolution 14-40 A goes regarding the Budget Stabilization I voted for that today although only because of timing I have to say that I do kind of agree with Mr. Marmie that we do need to look for dollar amounts as small as \$10,000.00 or 12,000.00 we need to look in some other areas that we can make some cuts. I don't know where those will come from but for something of that nature if we do have another wind storm or catastrophe in the city we are going to be in trouble. I did vote for it today but I do want to see some other looks.

Mr. Blake- I want to thank Nancy for bringing up the issues with fair housing. I don't know when the 5 year contract is up but I agree with the previous comments that we should perhaps look at what stipulations are in that contract to make sure that Mr. Eager is performing to those stipulation. Thank you for bringing that up and thank you Mark for working on that. He thanked the Mayor and Director Rhodes for signing a letter with him to send to the railroad regarding the condition of the railroad crossing at South 21st St. He hopes that the letter will put some pressure on the railroad to fix that crossing. He stated that it has been a bear for a while and that it is hard to get the railroad to do anything but he felt that the letter was the right thing to do to advocate for the residents that travel that road. He thanked Mr. Moran for his comments and his letters. He commented on the article in the Advocate about Ronnie Schlosser and the Millwheel Tavern. He called it a South Newark gate way. He stated that the Schlosser family has done a lot for the south end. It is always a good time to go down to the Millwheel and I was pleased to see the article about the Tavern. Ronnie is doing a lot for the south end. The Party House hosts meetings for the South Newark Civic Association. He really cares about the neighborhood and community. Brewsky's Pizza will be opening soon on Calburn and Debbie's Ice Cream on W National Drive will also be opening soon too. There is a lot of small business activity happening in the south end and I am proud to be a part of that and to even just advocate for them. There are two picnics coming up. This Saturday from 11:30-1:30 at the old Red Cross building there will be a south side community picnic. This one is sponsored by the Vineyard Grace Fellowship Church and also Vertical 196 which is a branch of Scott Hayes group with the Outlook Center. There will be bouncy houses, face painting, games and food for kids. It should be a really good type of fellowship with neighbors and things. The following Saturday on the 14th is the 3rd annual graduation picnic for the neighborhood. This will be the 3rd year that the South Newark Civic Association has honored the high school graduates in the neighborhood. This will be at the Moose Lodge on National Drive from 12-2. If you forget everything that I said we have a website that is going to be launching on Wednesday and our website is mysouthnewark.org. Chase Ghiloni and Stand Alone Media have been working with the Civic Association to launch this website and we are really excited about that. He called a Finance Committee meeting.

Mr. Cost- thanked everybody in the Parks Department that was involved in the event on Memorial Day. It was as always a really nice event that I think is very important for a community. Cedar Hill Cemetery looked great. It was also nice to attend the announcements for the Farmer's Market Pavilion another thing that is going to be a lot of good news for downtown Newark. He called for a Service Committee meeting.

Mrs. Floyd- I certainly think a lot of us will miss Ed Houdeshell. I had called to see how he was doing about 6 weeks ago and he wasn't doing real well at that point I don't think that the heart valve surgery did what it was supposed to do. She commented on the Squonk Opera that was sponsored by the Midland Theatre and

how it was the strangest most indescribable thing she had ever seen but that it was a lot of fun and that it attracted a lot of people at the Strawberry Festival. She thanked the Midland for bringing them in. She also announced that the next Community Round Table meeting is Wednesday June 11th at noon and that Judge Branstool would be speaking.

Mr. Guthrie- Mayor mentioned Strawberries on the Square and as a Kiwanis member I got a report and it sounds like it was a record year. They had really great weather and it was a real nice event. In the 4 hours that I worked there for Kiwanis I was intrigued by the number of people from outside of our community that came. I haven't noticed it in the past as much as I did this year. As everybody knows the FOP rejected the fact finders report. Of course we all know that there is some risk I think the fact that there was risk involved had something to do with some members of Council's vote on the firefighter's fact finder report on the affirmative side. Even though there is some risk I understand why the members of the FOP took the action that they did and I respect that. This now moves on to work within the parameters set forth by the collective bargaining law. I think we really need to look at this fair housing thing a bit more. I think one of our concerns last year was that there was quite a bit of time left in the contract. I think that the Clerk is going to share the report with us via email and that is a good thing. Mr. Rolletta and I, thanks again for volunteering to help Kiwanis at the Strawberry Festival. He stated that they received an anti-tax handout when they were working at the festival. The handout had everybody's email addresses on it as well as phone numbers. He stated that he thought that the lady told him it was Tea Party related but he wasn't sure. He then read the flyer. "Jeremy Blake, Marc Guthrie and their allies have only been on the majority on Newark City Council for 5 months and have already maxed out the taxes on license plates and are now posing an income tax increase dragging Mayor Hall right behind. This wonderful little piece of misinformation was going around to hundreds of people on Strawberries on the Square. It is a freedom of speech issue but I think that there should have probably been a disclaimer. The last thing that I wanted to say and I went for a couple of reasons. I went to my granddaughter's graduation at Heritage Middle School which is one of our many new schools in our school district. We have all heard a lot of powerful speeches in our life times I am sure but the retiring principal gave one of the most powerful speeches I have ever heard and I only got to hear half of it because I had to leave. It was an inspiring speech about how a student was the reason that he ended up accepting a full time principal job there. There was a student there that needed him, needed guidance. He was there as a temporary principal and had not decided as to whether he was going to accept the position. The young man that was in the office in time out asked him if he was going to stay and he made his decision that very moment. That young man and many others just like him needed him to be there. It was his last event at Heritage and it was a proud moment.

Mr. Ellington- the next Committee meeting is Monday June 9th at 5:30 PM and the next Council meeting is Monday June 16th at 7 PM.

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