

COUNCIL MINUTES

September 15, 2014

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the September 15, 2014 Newark City Council Meeting to order.

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

PLEDGE OF ALLEGIANCE- Rhonda Loomis

CAUCUS- Mr. Guthrie enters the meeting

MINUTES- September 2, 2014 Motion by Mr. Rath, second by Mr. Johnson to approve the minutes of the 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 appointing Phil Claggett to the City of Newark Board of Zoning Appeals. He is filling the term of a past member and his appointment will expire December 31, 2015. - **Motion carried by acclamation.**

REPORTS STANDING COMMITTEES

Finance- **Received and Filed**

Street- **Received and Filed**

REPORTS OF CITY OFFICIALS

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

Barb Jobes, City Tax Administrator- Income Revenue Report for the period ending August 31, 2014- **Received and Filed**

COMMUNICATIONS

Chad & Chrissy Hale- regarding fluoridation in water- **Received and Filed**

Paul Moran- written communication asking the status of the wrecked fire engine and costs involved, a complaint of overgrowth at various addresses on Mt. Vernon Rd and a few suggestions to Council- **Received and Filed**

Daniel Crawford- second Obama impeachment speech- **Received and Filed**

Ohio Division of Liquor Control- transfer request from Tricky Nicks to Elegant Hogg LLC at 191 South Second Street- **Received and Filed**

Ohio Division of Liquor Control- transfer request from Licking Springs Trout & Golf Club Inc. to Licking Springs Golf Course LLC at 2250 Horns Hill Rd- **Received and Filed**

Chad & Chrissy Hale- communications between Mr. & Mrs. Hale and Mr. Loomis of the Water Department concerning AMR installation- **Received and Filed**

Ohio Environmental Protection Agency- public notice of a permit of National Pollutant Discharge Elimination System- **Received and Filed**

COMMENTS FROM CITIZENS

Tom Atha- 95 Granville St Newark, I appreciate the opportunity to speak tonight, I am the President of the Downtown Newark Association, own and operate Earthwork Recording Studio which is located just across the street here and I have

recently purchased the Crystal Ball Room on Church St with plans for a multi-million dollar renovation. To say that I am interested in downtown Newark would be an understatement I am fully invested. I am here tonight after reading an article in The Advocate this weekend regarding a councilman's position on traffic flow changes downtown. I would like an opportunity to address two comments in the article that were great misinformed. First I quote The Advocate "he thinks most residents oppose the idea of removing traffic lights, installing roundabouts and instituting two way traffic." He goes on to claim that there hasn't been enough public input. As a citizen and a downtown business owner let me tell you not what I think but what I know to be true. Last year the EPA mandated the sewer separation project for downtown. Our leadership asked the question, if we are required to tear up the streets should we put them back the same or is there room for improvement? The CIC a public private partnership hired OHM a consultant from Gahanna to answer just that question. They were initially hired to design the purely esthetic components such as city entrances, on street dining, tree and planter choices but it soon became evident that pedestrian safety and traffic flow were of the upmost concern. The stakeholders at these meetings were primarily property owners, business owners, non-profit leaders and City Officials, those who live and breathe downtown Newark, those who would be best to speak to the issues at hand and those who would be impacted most by change. Having learned that safety was a primary concern OHM submitted a new quote that would pay for traffic studies and consultations on potential traffic solutions. Following stakeholder input OHM presented three options with associated study results. Option one replace the existing conditions as they stand. Option two institute two way traffic using new signals. Option three implement two roundabouts on East and West Main Street removing traffic signals all together. The group was unsatisfied with current conditions, encouraged by current recommendations so requested a fourth option for roundabouts for the four corners of the square. OHM then organized two public meetings to share outcomes. These meetings had overwhelming public support of the proposed traffic design. If someone couldn't make the advertised public meetings the CIC and Downtown Newark Association has been holding monthly meetings where ongoing conversation has been prevalent. I have seen many of the Councilmen and women at these meetings and have engaged in fruitful discussion related to this topic though have yet to meet the Councilman quoted in the paper. Am I claiming that this project has the approval of 100% of the city, of course not? I am sure there will be opposing opinions on the change of this scale but as it pertains to the 100 businesses engaged in the Downtown Newark Association we are talking more about the kind of trees and benches we would choose than whether or not we agree with the traffic flow changes because these are decisions we had a hand in making. To a second point of the design being a decrease to pedestrian safety I completely disagree. As I said the result of this design came from a public outcry about pedestrian safety. Both OHM and the city have provided impressive supporting evidence about the related improvements this plan will make. To list a few two way streets will slow traffic speed as well as roundabouts. Head on or t bone crashes will be decreased, pedestrian crossing will have bump outs and islands, they will be better visually defined and shortened in length considerably. As a previous downtown resident, a current downtown business owner and a future downtown residential landlord I have no greater concern than my own safety and that of my customers and tenants. This is what I know because our current administration has worked diligently to include public opinion in this plan and has provided sufficient public meetings to inform the town of the progress. What I think is that this plan will make downtown Newark a destination, a place that will attract new businesses, tourists, customers and a growing population of downtown residents. It will be a catalyst for downtown development but it is not just what I think ask River Road and Palumbos, Liz Argyle, Steve Layman and the 100 businesses and non-profits that are gearing up for what we believe will be a better public and business environment.

Fred Ernest- I am the Executive Director of the Downtown Newark Community Investment Group, I talked to Jeremy Blake today about the article in yesterday's Advocate. Jeremy told me that it would be a great idea if I came down to the City Council meeting today and reminded everybody about the street scape project and the homework that we did to make our recommendations. The CIC started searching for our street scape consultant in August of last year. We contracted with a firm in September of 2013 by the name of OHM in Gahanna. OHM is the leading expert in urban design. OHM also has a division that is experts in traffic control, flow and design. In choosing a street scape design consultant we put a lot of infuses on a company that was strong in leading a public meeting to obtain public input, we felt that was critical. In doing our due diligence we found from other communities that OHM's strength is leading town meetings to achieve the best designs and

results. OHM led three state quarter meetings and one public meeting on November 6th of last year. These four meetings brought about public issues about speed and pedestrian safety around the square. This is when we the CIC decided that our scope of work was much bigger than the street scape and we signed another contract with OHM's traffic division to include the traffic studies and designs. We needed to come up with the best and the safest solution for the residents and visitors of Newark. We are going to tear everything up so let's put it back the right way and do our homework. Over the next 6 months we had additional state quarter meetings and public meetings and performed actual traffic studies. We used the traffic counts to plug into a monitor program to identify the safest and most successful traffic flow pattern. The four optimized intersection scenario with two way traffic was the safest and smoothest design by far. The four mini round a bouts would also benefit Newark in a couple of other ways. It has the lowest annual operating and maintenance costs of any of the other resolutions. It also allows flexibility for entertainment by allowing one of the streets to be closed down while the other three can maintain traffic flow very easily. To finish we contracted with OHM because they are experts in urban design and traffic. They reached their recommendations by listening to the public and doing their homework. They also worked very closely with us. The recommendation you are voting on tonight were very well thought out and designed over the last year.

Mr. Guthrie- asked President Ellington if he could respond to one comment that Mr. Atha made since he was referencing him.

President Ellington- he didn't name you by name but go ahead. I guess we all kind of figured that out so go ahead.

Mr. Guthrie-the only thing that I want to say Mr. Atha is that I didn't come here tonight to debate this. My vote is going to be no but I do want to take exception to one point you made and I have witnesses. I met you; I introduced myself to you at a DNA meeting 4-5 months ago and thanked you for what you have done for the community. At the conclusion of the meeting I walked up to you and shook hands with you and thanked you for what you had done for the community so for you to imply that you never met me or saw me at a DNA meeting is fine but that is not the facts.

ORDINANCES ON FIRST READING

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

14-25 AN ORDINANCE VACATING 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.

Held for a Second Reading

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

14-26 AN ORDINANCE VACATING 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.

Held for a Second Reading

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

14-27 AN ORDINANCE VACATING 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, AS RECORDED IN PLAT BOOK 5, PAGE 10 OF THE LICKING COUNTY PLAT RECORDS, LOCATED NORTH OF DICKERSON STREET.

Held for a Second Reading

RESOLUTIONS ON THE SECOND READING

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

14-69 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 No. 14-69, second by Mrs. Floyd

Motion passed by a vote of 10-0.

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

14-70 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (335 Capital Improvements-\$6,000.00: Machinery & Equipment)

Motion by Ms. Hall to adopt Resolution No. 14-70, second by Mrs. Floyd

Motion passed by a vote of 10-0.

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

14-72 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR CONSTRUCTION OF THE DOWNTOWN RENOVATION PROJECT.

Motion by Mr. Cost to adopt Resolution No. 14-72, second Mr. Johnson

Motion passed by a vote of 7-3(Mr. Guthrie, Mr. Rolletta, Mr. Marmie)

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

14-73 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR FISCAL YEAR 2014 EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG-LE) FUNDING.

Motion by Mr. Blake to adopt Resolution No. 14-73, second by Mrs. Floyd

Motion passed by a 10-0 vote

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

14-74 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT APPLICATIONS TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENTS PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED

Motion by Mr. Blake to adopt Resolution No. 14-74, second by Mrs. Floyd

Motion passed by a vote of 10-0

RESOLUTIONS ON THE FIRST READING

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

14-71 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (333 Infrastructure- \$1,102,800.00: Various Purpose Bond Note Sale; 247 Downtown Special Improvement

District-\$102.99; 100 General Fund-\$50,000 Professional Services; 153 Compensated Absences-\$9,610: Payout Scott Fulton & Kevin Saad; 153 Compensated Absences-\$3,300 Payout for Adam Pfannenschmidt & Beth Underwood; 153 Compensated Absences-\$7,600: Payout for Heath Kempton)

Motion by Mrs. Floyd to waive the two day reading rule on Resolution No. 14-71, second by Mr. Marmie

Mrs. Floyd- there are several payouts here and I checked with the Auditor on the other things and they need to be expedited.

Motion passed by a vote of 8-2(Mr. Blake, Mr. Guthrie)

Motion to adopt Resolution No. 14-71 by Mrs. Floyd, second by Mr. Marmie

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

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

14-75 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) A FIVE YEAR CONSOLIDATED PLAN AND A ONE YEAR USE OF FUNDS/ACTION PLAN ALONG WITH AN APPLICATION FOR FY 2015 FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG), AS REQUIRED BY 24 CFR PART 91.220, FOR VARIOUS PROGRAMS RELATED TO HOUSING AND COMMUNITY DEVELOPMENT.

Held for a Second Reading

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

14-76 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION **(100 General Fund-\$6,474.12 Reimbursement for the Summer Youth Program)**

Held for a Second Reading

COMMENTS FROM CITIZENS

Tim Waldren- 167 S 2nd St, he commented on the round a bouts downtown, he stated that downtown is dead and that it didn't matter how much money was sank into it that downtown would not be a business place. He also discussed that he had items stolen from his backyard and that he was unhappy with how the Newark Police Department was handling this matter for him.

Paul Moran-63 N 4th St he mentioned that this Veteran's day will be the 60th anniversary of that holiday and requested the city put up a thank you banner and bunting in front of City Hall and the gazebo to show gratitude to our veterans. He mentioned businesses that the city has lost and that he thought the unemployment figures for the city should be made public. He inquired how long the city can get by on loans and bonds.

Jim Amore- 647 Evans St, computer recycling event is coming up in October, October 3rd and 4th Friday and Saturday from 9-4 held on Oakwood Ave. We accept almost everything that is electronic but no T.V.s. He stated that at the block watch meeting they had for the Hudson Ave area a local business person came to the meeting and brought in a counterfeit \$10.00 bill and how people are bleaching \$5.00 bills and making \$50.00 bills.

ADMINISTRATION

MISCELLANEOUS

Mr. Rath- in regards to Resolution 14-72 about the revitalization of downtown, speaking from someone who has been to almost all of the public meetings and most of the CIC meetings and continues to go to the monthly CIC meetings I am real excited that passed tonight. I am a huge supporter of it. I am excited about the growth that is going on downtown. It is the liveliest dead place I have ever seen in my life. The amount of money and people that are investing into the downtown and I am not talking about us the government I am talking about private individuals investing their own hard earned money into the downtown area. They must see something that some others don't see because they are investing an awful lot of money down there and a lot of time and effort. They are risking their livelihoods and risking their family's fortune. I am excited about it and think it is going to be a great thing and I look forward to that so I am glad it passed. He advised Mr. Amore that he could identify the counterfeit bills by using a black light.

Mr. Rolletta- just to clarify my vote on 14-72, I am in support of the sewer separation project however the public input I received from residents in my Ward was almost entirely negative regarding the round a bouts and change of traffic.

Mr. Blake- I just want to remind folks that this Thursday will be the first meeting of the Newark Youth Council. We will be having 14 teenagers from 6 different institutions sitting amongst these chairs on Thursday. Judge Stansberry is going to come and give an oath of office to each of the teenagers and they are going to select their officers. He called a Finance Committee Meeting.

Mr. Bubb- I wanted to remind everybody that the United Way parade this Sunday at 2:00 starts at the Evans Complex and goes down County Club and ends at the Campus. I hope to see my fellow Council members there. October 5th at 12:30 on the Courthouse Square at the gazebo the dedication of the Jay Barker carillon system will occur. I would also like to recognize the happenings occurring at the Trout Club. Ownership has transferred a few weeks ago. If you have not been by there you need to drive up there, it is getting a complete facelift and is starting to look really nice up there. It is nice to see a venue that was erected in 1963 coming back to life with the golf and the restaurant.

Mrs. Floyd- I too am excited about the way things are going downtown, there is a lot of progress. I go to the Downtown Newark Association meetings almost every month and I think that most of the merchants downtown are really excited about what is going on. I want to mention that there is a block watch meeting at Woodside First Presbyterian next Sunday September 21st at 5:00. I know that they have had some serious problems; you have probably seen them in the paper about the high school students at the Woods and 11th St area when they get out of school in the afternoon. I am sure that will be a major topic of discussion. Finally, I have volunteered for several things and I managed to get on the marketing committee for the United Way week of caring. It has always been a day of caring but next week it is a week of caring. One thing that they want to do this year is collect items that they can use within the community. Monday there is going to be a truck sitting over by the gazebo and they are collecting books that can be used for children, infants to teens. Tuesday they are looking for baby needs and toiletries, Wednesday they are looking for things for animals and on Thursday they are looking for kid's coats and hooded sweatshirts. They need people there with the key for the truck and I have already approached a couple of Council members. I am going to be there from 7-9 AM but they need 2 or 3 people from 3PM-6PM.

Mr. Guthrie- I would like to thank the folks that prayed for my granddaughter. She came home from Children's Hospital today for the second time. She has a long road ahead of her but she is going to make it she is tough. She is 2 years old but she is tough. I do want to reiterate to Mr. Atha what I said to him when I met him at the DNA meeting and that is I appreciate everything he is doing for our downtown and others. I think that there are some

exciting things going on downtown. Little did I know that answering a question was going to generate so much interest. There haven't been many people voting with me on issues lately so I didn't think anybody would get too worked about it. I go a long way back with this downtown and I care very much about it and I do believe that it has a good future. I can remember the day that I asked to meet with Dave Longaberger when I was a County Commissioner. We had lunch at the Natoma and as a result of that lunch he bought the auditorium theatre and he bought the Mid Land Theatre. So I don't in any way feel as though I need to apologize for my commitment to downtown because it goes back 30-35 years. I have said many times that I thought we should have a public square commission. I mentioned that to the Mayor early on when I came back on Council and he came on as our new Mayor. I do want to say that the comments that there has been overwhelming public input and by the way I did attend two of those meeting too, and yes there were a good number of people in attendance at those meetings but those meetings use what I refer to as the ODOT model of getting public input. The project is explained and at the conclusion the explanation then people go around and talk to consultants and other folks about the project. To me as members of City Council, as the people who are elected to represent the people of this city we have an obligation to do a better job vetting. That is one Council member's opinion because we just voted on this project. I don't take exception to anything anybody is doing for downtown, I don't take exception to how anybody else votes on but I did want to make it very clear that I am a big supporter of this downtown. I am sure that the end result of this project will be a very attractive downtown but I will tell you that I have serious concerns about pedestrian safety with round a bouts and I have had lots of input in the last month or two about pedestrian safety including the last week. I am hopeful that we can address all of those concerns. One of our residents called me today and said to me if you think that you have pedestrian safety problems now wait until you see what you have with round a bouts and he said that he has used round a bouts all over the country. I am just one person and I am stating one single opinion and I appreciate everybody else's opinions here on this subject.

Mr. Marmie- The first thing that I want to mention, I don't know Mr. Guthrie your vote on the financial and the reason for the no but anytime that there is a financial and there is one aspect that a Council member disagrees with we should split that out so they are not voting against the entire thing if it is just one item and I am always in support of that and we should always honor that. If there ever is anything in the future for anyone if you just have an issue with one of the items we should split that out for that Council member to vote no on that so that it doesn't appear they are voting no on the entire piece of legislation. My vote on the I guess round a bouts if that is what you want to call since that is what everybody is labeling it, my vote no was basically a financial decision. I think that we need to look at financially what is the best thing as far as our dollars towards any kind of project. I don't think that we should spend additional funds at this point when we are asking tax payers to increase taxes in order to pay for street paving and other types of issues. I realize and recognize that there are possibly some private funds going into this however anytime tax payers dollars are going to be utilized when it comes to paving or road improvements when we are asking our taxpayers to pay more we should make sure we are very frugal with our money. At this point I just don't think we have the funds that we should be making that decision right now. He stated that he too received counterfeit money in the form of a \$50.00 bill. He stated that they threw away the pens that they didn't work but instead you need to check the holograms and water marks. I also want to comment on the Trout Club. It is great news because that was a scary thought out in my neighborhood where I reside of that being a vacant property and start to get overgrown. I have seen golf courses when they go under and get overgrown. It is not a pretty sight compared to what it is now. The Trout Club has a huge tradition within this community. It used to be the place for a lot of individuals from Columbus to go. Granit I don't know who came up with the idea of raising Trout when you are putting pesticides on a golf course, I don't think that we really thought of back then. It is a

great venue. It is a great place. There are class reunions and weddings and I am very grateful it has new ownership. I hope folks do take advantage of it and go out there and eat dinner, golf or swim.

President Ellington- this is a 5 Monday month so there isn't a meeting next Monday September 22nd. The next Committee meeting will be Monday September 29th at 5:30 P.M. and the next City Council meeting will be Monday October 6th at 7:00 P.M.

ADJOURNMENT- 7:47 P.M.