

COUNCIL MINUTES

September 2, 2014

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the September 2, 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 – Mr. Johnson

PLEDGE OF ALLEGIANCE

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

Mrs. Floyd- stated that Mr. Guthrie's granddaughter was diagnosed with Leukemia over the weekend and that she is in Children's hospital working on a bone marrow biopsy and he would like you to have her in your thoughts and prayers.

MINUTES- August 18, 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.**

REPORTS STANDING COMMITTEES

Finance- **Received and Filed**

Service-- **Received and Filed**

Capital Improvements- **Received and Filed**

REPORTS OF CITY OFFICIALS

Barb Jobes, City Tax Administrator- Income Revenue Report for the period ending August 15, 2014- **Received & Filed**

COMMUNICATIONS

Mayor Hall- presented a proclamation for Hunger Action Month and for the Licking County River Round Up Day
Ohio Department of Developmental Disabilities- notification that Consumer Support Services, Inc. has applied for the issuance of a license for 4 persons with developmental disabilities at 2809 Bracken Moor Drive and 2101 Sheryl Lynn Drive- **Received & Filed**

Daniel Crawford- a proposed Obama impeachment resolution- **Received & Filed**

Paul Moran- a written statement of his comments during the August 18, 2014 Newark City Council meeting on deteriorating condition of the Wilson St Bridge and the Ohio St Bridge and his safety concerns regarding such. - **Received & Filed**

COMMENTS FROM CITIZENS

William Butcher- 263 Union St, asked what was going to happen with the empty parking lot on West Main St. He stated that he recently moved and would like to have old emergency lights from old police cruisers for his apartment. Weather forecast was also given.

Daniel Crawford- 163 S 2nd St, he encouraged the Mayor to take up the food stamp challenge that has been taken by other Mayors across the Country just to help in the spirit of that.

ORDINANCES ON FIRST READING

By: Mr. Blake, Mr. Cost

14-23 AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$8,100,000 VARIOUS PURPOSE REFUNDING BONDS, AND DECLARING AN EMERGENCY

Motion by Mr. Blake to adopt Ordinance 14-23, second by Mr. Cost

Motion passed by a vote of 8-1 (Mr. Marmie)

By: Mr. Blake, Mr. Cost

14-24 AN ORDINANCE OF DECLARATION OF OFFICIAL INTENT WITH RESPECT TO REIMBURSEMENT OF TEMPORARY ADVANCES MADE FOR CAPITAL EXPENDITURES TO BE MADE FROM SUBSEQUENT BORROWINGS AND DECLARING AN EMERGENCY

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

Motion passed by a vote of 9-0.

RESOLUTIONS ON THE SECOND READING

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

14-63 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (**100 General Fund-\$700.00: Donation for Courthouse fountain; 221 Street Dept Fund-\$70,075.00: DISAPPROPRIATION Funds from two vacant positions in Street Dept; 221 Street Dept Fund-\$70,075.00: for temp services and road salt; 100 General Fund-\$17,864.00: Grant for walking path and disc golf course at Everett Park**)

Motion by Mr. Blake to adopt Resolution 14-63, second by Mr. Marmie

Motion passed by a vote of 9-0

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

14-64 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

Motion by Mr. Blake to adopt Resolution 14-64, second by Mrs. Floyd

Motion passed by a vote of 9-0.

RESOLUTIONS ON THE FIRST READING

By: Mr. Blake, Mr. Cost, Mr. Marmie

14-68 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (**621 Water Fund-\$10,000.00: Reimbursements**)

Motion by Mr. Blake to waive the two day reading rule on Resolution 14-68, second by Mrs. Floyd

Motion passed by a vote of 9-0.

Motion by Mr. Blake to adopt Resolution 14-68, second by Mrs. Floyd

Motion passed by a vote of 9-0.

By: Mr. Blake, Mr. Marmie, Mr. Cost

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.

Held for a Second Reading

By: Mr. Blake, Mr. Marmie, Mr. Cost

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

Held for a Second Reading

By: Mr. Blake, Mr. Marmie, Mr. Cost

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.

Held for a Second Reading

By: Mr. Blake, Mr. Marmie, Mr. Cost

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.

Held for a Second Reading

By: Mr. Marmie, Mr. Cost, Mr. Blake

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

Held for a Second Reading

COMMENTS FROM CITIZENS

Daniel Crawford- If it seems like a call for impeachment is a radical move, that's because it's supposed to be. The Founding Fathers inserted this power as a means of last resort to safeguard the rule of law and to ascertain that the people – via Congress – would be enabled to keep tyranny at bay. Moreover, I realize how I look to be at this again, pleading for City Council to act on behalf of Newark's citizens in asking our Congressman to do what his oath of office commands him to do. Think what you will of me, but my concerns are not with my reputation; as I am more than happy to risk appearing crazy for the sake of defending liberty. Rather, I concern myself with the health of our Republic and the real threat posed against such by permitting the presidency to expand its authority with impunity. Consider, for a moment, the example of President Obama's decision to order the execution of an American citizen without due process in 2011. Anwar al-Awlaki, who was suspected of terrorist behavior, was deemed an enemy of the state and targeted primarily because of his perceived influence in the terrorist realm. While an argument could certainly be made that he posed a threat to Americans both at home and abroad, the fact of the matter is that terrorism is a crime for which suspects have been convicted and imprisoned before. Was the drone strike that killed him necessary? Did it ultimately make a difference in the broader campaign against terrorism?

Is there now somehow less of an appetite among terrorists to terrorize the innocent in the wake of this American's death? At what point did terrorism become a criminal act exempted from Constitutional protections of due process? If this precedent empowering a president to become a unitary judge, jury, and executioner of Americans *suspected* of terrorism is permitted to stand, then what's to stop any future president from applying this perceived authority in carrying out drone strikes against domestic terrorists like the Timothy McVeighs of tomorrow? Contemplate for a moment just how vague and relative the definition of a terrorist is in weighing whether you are truly comfortable with any president having this power at his or her disposal. As I submitted to you exclusively via email two weeks ago, I now resubmit tonight my slightly edited suggestion for a resolution that could be adopted by City Council or forwarded to the ballot for the citizens of Newark to consider:

A resolution demanding congressional action: to restore the balance of power, and to uphold the rule of law.

Whereas, presidential powers have been expanded beyond the scope designed and intended by the Founding Fathers since the tenure of President Franklin D. Roosevelt. This expansion of powers has involved the usurpation of congressional authority and responsibility to modify the law, as well as gradually undercutting Congress's role in declaring war or authorizing military action. Moreover, the presidency has become an office which presents itself as being above the law; particularly where the rights of citizens suspected of wrongdoing is concerned.

Be it resolved, that the City of Newark, Ohio – recognizing that democracy cannot survive if political power is permitted to be centralized and concentrated into the hands of one person - demands that our representatives in both houses of the United States Congress take immediate action – up to, and including impeachment and removal, if need be - to restore the balance of power, and to uphold the rule of law.

David Greene- 1791 Olympic Ct, advised Council that on September 20, 2014 at the Newark Public Library there would be a town meeting, issues and answers with candidates for the County Commission. It is 2:00 P.M. on Saturday the 20th. Last year I think we had a very positive discussion that included a number of Council people related to the City Council elections that were coming up. People feel very strongly that the County Commissioner Candidates should be addressing concerns from the community. You are all welcome to come.

ADMINISTRATION

MISCELLANEOUS

Mr. Rath- for those of you who saw the ALS challenges on line if you saw mine I have a friend of mine that I promised I would do this to and with the announcement of Marc's granddaughter with the diagnosis of Leukemia it is even more important. September is National Children's Cancer Research awareness month. 720 kids are diagnosed daily with cancer, 250 die daily from children's cancer. Less than 5 cents of every dollar raised for cancer research goes towards children's cancer. I just wanted everybody to realize that and try to make September a great month for Children's Cancer Research.

Mr. Rolletta- I am sad to say that we lost a truly great member of our community Dr. Radar. He dedicated his time and energy to helping causes that he felt would make our community and world a better place to live in and he will be missed by many, many people.

Mr. Blake- I just want to announce that in the south end a new pizza shop has opened, it is Brewsky's pizza. They are extending their business from just the drive thru to now offering pizza, subs and salads. The diversity of our small businesses in our community is going to be our future for employment and other opportunities. I had a sub and salad there the other day and they have good pizza, I would encourage you to go to Brewsky's and try that out. I want to thank the folks with the river round up I went on the preview last week and it was a fun time and I hope everyone gets out and volunteers this Saturday. I think it is a great opportunity for people to get involved and

volunteer their time to make a difference. He also called for a Finance Committee meeting.

Mr. Cost- I would like to thank everybody involved with the organization of The Labor Day parade. There was a lot of hard work put into that and I thought that it was a nice event. We really appreciate that.

Mrs. Floyd- along with the Mayor's proclamation on hunger action month the Downtown Newark Association's Final Friday will be September 26th and it is called "Soups and Sales". They are going to have the Food Pantry truck down by the gazebo during the time from of 4-8 which is typical Final Friday. If you bring in items you will get a couple that is good for discounts at a number of businesses that are downtown and the Sixth Street and Growing Gardens are helping with that. It is something to look forward to and it certainly goes along with the proclamation. Secondly on October 11th Tom Atha is organizing a bluegrass festival which will take place out here on the block in between 4th

and 5th Street. There will be bands from noon to 8:00 P.M. and food trucks and then in the evening several downtown restaurants will have a bluegrass band in their facility from 8:00 P.M. on.

Ms. Hall- asked what the date of the bluegrass event was.

Mrs. Floyd- responded October 11th

Mr. Johnson- I wish that people would dispose of their trash in other ways so we wouldn't even have to do a River Round Up. He called a Street Committee meeting

Mr. Marmie- I just wanted to mention my vote on 14-23. Although I do agree with often renegotiating what we have as far as debt my concern with this one is that although we see a savings over the total number of years the latter part of the agreement I don't know if our budget will be able to handle it at that time it is one of those things that we don't know what is going to lie in the future but yet it is weighted very lightly in the front end and heavily on the back end and I just had some concerns with the future of our budget if a continued trend occurs or if we don't see some kind of significant savings or increased revenue within our budget.

President Ellington- announced that next Monday September the 8th Committees will meet right here at 5:30 and September 17th at 7:00 P.M. City Council will meet.

ADJOURNMENT- 7:30 P.M.

Autumn Klein, Clerk of Council

Don Ellington Council President