

## COUNCIL MINUTES

**November 17, 2014**

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the November 17, 2014 Newark City Council meeting to order

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

**INVOCATION** – Mrs. Floyd

**PLEDGE OF ALLEGIANCE**- President Ellington

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

**MINUTES**- November 3, 2014 Motion by Mr. Johnson, second by Mr. Rath to approve the minutes 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**

### APPOINTMENTS

**Mayor Hall**- is appointing City of Newark Service Director David Rhodes and City of Newark Development Director Mark Mauter to the Newark CIC (Community Improvement Corporation), known as Newark Development Partners. Their term will begin January 1, 2015 and will expire December 31, 2017. **Motion carried by acclamation. No objections**

### REPORTS STANDING COMMITTEES

Finance- **Received and Filed**

Service- **Received and Filed**

Personnel- **Received and Filed**

### REPORTS OF CITY OFFICIALS

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

**Barb Jobes, City Tax Administrator** - Income Tax Collection Reports ending October 31, 2014 **Received and Filed**

### COMMUNICATIONS

**Ohio EPA**- a notice with the final copy of the National Pollutant Discharge Elimination System permit and an invoice for an issuance fee payable to the Ohio EPA. **Received and Filed**

**Paul Moran**- history of Veteran's Day **Received and Filed**

**Ohio Division of Liquor Control**- new liquor permit request for Don & Sue's Pizza **Received and Filed**

### COMMENTS FROM CITIZENS

**Rhonda Loomis**- 870 W Church St, the first part of this is a personal statement for Mr. Guthrie and I am still going to read that and he can read it in the minutes or watch it on the video.

I belong to a club. If I were the only member, it would be fine with me. I lost my daughter 6 years ago this month to a long horrific battle with leukodystrophy. In fact her doctor is here tonight. I extend my heartfelt, best to Lori Guthrie whom I knew through my own little girl, our daughters would be the same age. My husband parked cars this weekend for the event held at the Davis Shea House to help defray costs for Lori's family during this time and the community turnout was amazing, which is what we should always do for our fellow man. So I would say to Mr. Guthrie if he were here: God's Peace fill you, His love sustain you and His healing hands touch little Karis.

With that said it is the City's business that this meeting is all about time to refocus on what is important to taxpayers. I have here I am going to enter into public record one copy of the history of the Sign Fabricator/Clerk Typist position. The difficulty for the Stare Administration was that there were no such position to compare it to or

so was discovered during a city wide wage survey. You have before you a creatively created position. The history I am sharing is in the words of the one holding that position now. What you will read in her own words is that it was created and intentionally bid at a lower rate of pay so that it would not be a job that many if any other City employees applied for. Another bit of history, I applied for it when I was a brand new part time Water office employee who also was brand new to any Union. It was a full time job so regardless of pay, I was interested. I then learned that it was pre-determined who was getting the Sign Fabricator/Clerk Typist position along with a Union lesson that no part time can bid until all full time have had their shot. The Sign Fabricator position was eventually raised to a pay grade 30 from a 27 in 1999, paid retroactively from 1998. Be not mistaken, there is no fear or uncomfortable in asking, demanding and filing for pay increases. All of the records I have in this packet bear witness to that.

I am going to ask you to also please review why the words "Sign Fabricator" are still in the description. For additional information on why I ask that question I submit to each of you the email sent just as I was leaving the 4<sup>th</sup> Ward seat, describing in detail how little sign fabricating is done and why. Again, this is the position holder's words, not mine.

Furthermore, someone is handling the clerical work of impound lot now. Have you spoken with this employee; did this employee receive more money? Do your homework before debating the merits of the Administration's attempt to restructure and make efficiencies in the services I pay for, not based on who will hold the position.

I believe more AFSCME employees would come forth if there weren't such ridiculous anxiety for doing so. I did make up my mind last year, however, that I was done helping any individuals that call on me, whether Union or non-Union. So I am not here for anyone, but I am here as a taxpayer, who happens to have history as an employee, and as part of this particular Union. Last week we witnessed a legislator negotiate for a Union as if he were an Administrator. The some HR experience comment equates to an appointment to an HR position at ODOT District 5 that only lasts as long as the Governor is of the same party affiliation. I would be willing to bet that a Republican who worked for Kasich's campaign is sitting in the position now, perhaps no more or less qualified. Just another ugly side to politics. The personnel committee ended by cutting a newly created Union position's salary by 5 steps, to allegedly appease the Union President. The Union Leader was asked, by the legislator, "would you be opposed to passing this on to full council if" and the rate was cut 5 steps. The Union employee who would have been promoted to that position watched the Council member and their President reduce the pay for a higher responsibility job. The snow season is upon us and yet we argue, file, dismiss, and cost the City money and time and resources. This taxpayer believes you have more important fights to fight than to argue the Administration's request to reorganize with the Law Director's guidance that it meets the CBA. Let the Union do what they will do. House Bill 5 is the most detrimental bill on our State Legislature's table right now. That demands your attention. That demands your unity. If that goes through you will not have to worry about many positions, the City will be hit too hard. That should be your focus. We have 14 less police officers than is allotted and/or have budgeted for. That demands your attention. It is one of the very basics we pay for. The police department is working bare bones in personnel, less of a raise and less time off than their safety peers. How aware are you that if the NPD had not had training on the day Officer Conley got shot, resulting in extra officers available, that situation could have turned out a whole lot differently. Last week while one legislator admonished a cabinet member, this taxpayer was admonishing the legislator for the collusion that was the elephant in the room. Time to get refocused on the issues that affect the taxpayers directly, not positions and position holders. The Administration will handle that. So here are emails for everybody that she

sent me on my way out the door when Mr. Rolletta took over. Then she handed in an item for public record as well. **Rene Levino**- 238 Park Trails Dr, he was there to oppose the River Road Phase II project. His concern was regarding the increased traffic. He feels that it will need to be patrolled by police officers more, the road will need widened and a traffic light added. He is also concerned about the apartment/condo type buildings devaluing the other homes. He doesn't want a bunch of buildings and traffic to contaminate the beautiful rural area.

**President Ellington**- this is my understanding, I know that there are some folks here tonight for the River Road project, tomorrow night at 6:00 at the Planning Commission meeting the Service Director will read his recommendation on the zoning change. He will approve, deny or table the zoning change then the Planning Commission will vote on his recommendation. If he approves or denies the zoning change it will come to Council December 1<sup>st</sup>. We will have a public hearing and then vote on the zoning change. It is not anywhere close to being over yet but the next step is the Planning Commission meeting tomorrow night at 6:00. I would encourage all of you to come and hear that so you will then know a little more about where you are.

**Jean Krumine**-2281 River Rd, I have owned that property for 25 years so I have been a longtime resident. She was there to oppose the River Road Phase II project. She doesn't feel as a community that having apartments in the area is the way they want to go and realizes that there isn't anything that they can do about Phase I that is already under development. Her concern is also the increased traffic. She stated that if they develop all that is being projected there could be 1200 plus cars additional using River Road. She believes that there needs to be road improvements done, traffic signs, berms or turn lanes. She too is concerned about the development decreasing their home values.

**Tom Allen**— 346 High Banks Valley he is a resident of Park Trails and stated other resident of his neighborhood would like to know what the future development of the area is ultimately going to be. He stated that they realize there is going to be development in the area but if there are uses of multifamily, higher density uses then some in their neighborhood may want to use their property in such a manner as well. He stated they would like to see future uses stay single family residences.

**Allison Sergio**- 2928 River Rd, she was asking Council to listen to each of the speakers that they are their constituents and they vote for them. She asked that this development be reconsidered.

## **ORDINANCES ON SECOND READING**

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

**14-37** AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DIVISION OF WATER AND WASTEWATER, BY CREATING THE CLASSIFICATION OF ELECTRO MECHANICAL TECHNICIAN AT THE WATER TREATMENT PLANT, AND SETTING THE COMPENSATION THEREFORE, AND ABOLISHING ONE WATER PLANT OPERATOR POSITION

**Motion by Mrs. Floyd to adopt Ordinance No. 14-37, second by Mr. Cost**

**Mrs. Floyd**- this is a position that the Water Department needs because things have gotten more technical than they have been in the past.

**Motion passed by a 9-0 vote.**

## **ORDINANCES ON FIRST READING**

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

**14-38** AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE, AND POSITION AUTHORIZATION TABLES OF THE DEPARTMENT OF PUBLIC SERVICE, DIVISION OF STREET MAINTENANCE AND TRAFFIC CONTROL BY COMBINING THE TWO (2) DEPARTMENTS AND CREATING ONE (1) ADDITIONAL CREW LEADER SENIOR, ONE (1) SIGN FABRICATOR/IMPOUND CLERK, ONE (1) ASSISTANT STREET/TRAFFIC SUPERINTENDENT, AND ABOLISH ONE (1) CLERK TYPIST/SIGN FABRICATOR, ONE (1) TRAFFIC CONTROL OPERATIONS MANAGER, AND ONE (1) STREET MAINTENANCE OPERATIONS MANAGER.

**Held for a Second Reading**

## **RESOLUTIONS ON THE SECOND READING**

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

**14-87** A RESOLUTION APPROPRIATING AND DISAPPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (**DISAPPROPRIATION of 221 Street Dept Fund-\$30,000.00: Salaries & Wages; 221, Street Dept Fund-\$30,000.00: Street Maint and Road Salt**)

**Motion by Mr. Blake to adopt Resolution No. 14-87, second by Mrs. Floyd**

**Motion passed by a vote of 9-0.**

## **RESOLUTIONS ON THE FIRST READING**

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

**14-88** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- Expedite (**231 Adult Probation Grant Fund: \$365.00- damaged SCRAM Units; 231 Jail Diversion Grant Fund: \$2,599.11-refund to State; 231 Jail Diversion Grant Fund: \$27,150.00-Counseling Services, 231 Probation Improvement Grant: \$625.00-Incentives for LIFT Court; 100 General Fund: \$55.00 Payment from probation officer**)

**Motion by Mr. Blake to waive the two day reading rule, second by Mrs. Floyd**

**Mr. Blake-** there are some counseling services that the Adult Probation Department wants to enter as soon as possible.

**Motion passed by a vote of 9-0.**

**Motion to adopt by Mr. Blake, second by Mrs. Floyd**

**Motion passed by a vote of 9-0.**

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

**14-89** A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND SERVICE DIRECTOR OF THE CITY OF NEWARK TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE FRANKLIN COUNTY BOARD OF COMMISSIONERS FOR THE FY 2014 URBAN AREA SECURITY INITIATIVE (UASI) AWARD FROM THE COLUMBUS URBAN AREA HOMELAND SECURITY ADVISORY COMMITTEE.- Expedite

**Motion by Mr. Blake to waive the two day reading rule for Resolution No. 14-89, second by Mrs. Floyd**

**Mr. Blake-** Ms. Gilkes asked in Committee that we expedite this so the City can enter into this agreement as soon as possible to get the money for the Police Department.

**Motion passed by a vote of a 9-0.**

**Motion to adopt by Mr. Blake, second by Mrs. Floyd**

**Motion passed by a 9-0.**

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

**14-90 A RESOLUTION APPROPRIATING AND DISAPPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION ( 100 General Fund: \$1,180.10- Reimbursements to DOD from Summer youth Program; Disappropriation 100 General Fund: \$ 8,505.40- Summer youth program completed; Disappropriation 293 AG Demo Grant Fund: \$21,347.39 Final allocation from Licking County for Phase III less than last estimate approved by Council; Disappropriation 232 Transit Fund: \$90,997.11- Closing of Transit; Disappropriation 296 Police Grant Fund: \$120,000.00- closing out Safe Routes to School Program; Disappropriation 260 Revolving Loan Fund: \$25,000.00- CDBG RLF Contingency; Disappropriation 234 Brownfield Clean Up: \$300,000.00- Professional Services and Services General; Disappropriation 265 Housing Development Action Grant Fund: \$106,662.24- Closing of HoDag; Disappropriation 262 Home Revolving Fund: \$114,700.00- Contingency Salaries, Services General, Contingency; 360 LPA Fund: \$234,671.00-Consulting Services paid by ODOT instead of the city)**

**Held for a Second reading**

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

**14-91 A RESOLUTION APPROVING AND RATIFYING AN UPDATED SOLID WASTE MANAGEMENT PLAN**

**Held for a Second Reading**

#### **COMMENTS FROM CITIZENS**

**Paul Moran- 63 S 4<sup>th</sup> St** commented on the sidewalks and area around the Mound City ball park being in bad shape. He asked that brick allies downtown be restored. He stated he would like to see more retail come in downtown and to have a shopping center. He asked that the pavement that the City would use on parking lots be used for streets instead.

**Daniel Crawford- 168 S 2<sup>nd</sup> St**, In January of 2009, those of us who had protested the abuses of executive power under George W. Bush during his eight years at the helm were hopeful that the inauguration of President Obama – a constitutional lawyer and vocal opponent of how the so-called war on terror had been conducted up to that point – would begin at least a gradual return to our constitutional principles. By that spring, it became clear that our hopes were premature. The New York Times reported, on May 20<sup>th</sup>, 2009, that the President was contemplating the long-term benefits for future presidents of utilizing preventive detention to combat terror. Not only was this new administration not going to stop or slow our drift away from representative democracy and the rule of law; they were going to contribute to such. If one can justify preventive detention - that is, imprisoning someone because they are suspected of being a candidate for criminal activity – to address one crime, then why not others? What is to stop the authorities from using preventive detention on a single mother in dire straits who just got laid off by a bank in order to curb the threat of her committing a bank robbery? Or, how about preventatively detaining all spouses enduring a painful breakup so as to bar them from possibly going postal on their former significant others? Is this how justice is supposed to work? We have a terrible knack of taking our liberties for granted. Likewise, we are far too comfortable with ignoring the conduct of our politicians, particularly when same said politicians share the same party identification as we do. This ignorance to the plight of our political system – whether willful or not – is what has made the ongoing rise of authoritarianism possible here, as it had elsewhere throughout history. Remember that an injustice to any is an injustice to all, and we disregard such at our collective peril. These will be my concluding remarks before council on this topic. However, my crusade in defense of our founding principles is far from over, and I implore all to join me in standing up to demand that Congress asserts its responsibility as a check on presidential power and act in accordance with the Constitution to restore the distribution of political power to its proper balance. Going forward, it is crucial that we resist the temptation to portray this as a purely partisan issue with President Obama at the center. President Obama is not the problem, nor was his predecessor, which is why the reasoning for congressional action matters more than the result of either individual's removal from office. If President Obama were to be impeached and removed from office today based on, say, the claim that he intentionally botched or covered up the handling of Benghazi, then that would ultimately do nothing to address

the troublesome usurpation of power by the office he holds. Instead, either he or one of his successors must be removed from office based solely on their willful participation in the concentration of power into the presidency. Additionally, it must be cited in this indictment that this shift of authority from the many to the one has been contrary to the Constitution, the rule of law, and is a threat to our Republic. No, Newark City Council is not going to change anything with the resolution that I've asked it to pass, but we mustn't rest until this imbalance is corrected, because tyranny and democracy cannot coexist. It is incumbent upon all freedom-loving people to defend these principles, for the degradation of popular sovereignty is an intolerable first step on the path to oppression. So, in closing, I humbly ask you to honor your oath to "preserve and defend" our Constitution by taking action on this issue.

#### **ADMINISTRATION**

**Mayor Hall-** I just want to send thoughts and prayers to the O'Neil family. John J. often known as Jack O'Neil past away yesterday. He has been credited with a lot of development both commercial and residential since the early 1950's in Licking County. We have seen that through development with Southgate Corporation, they built the first shopping center in this area. Thoughts and prayers go out to that family.

#### **MISCELLANEOUS**

**Mr. Blake-** called for a Finance Committee meeting and reminded everyone that the Newark Youth Council meets this Thursday at 4:00 P.M. in Council Chambers.

**Mr. Bubb-** reminded everyone about the Courthouse lighting downtown Newark next Friday.

**Mr. Cost-** called for a Service Committee meeting.

**Mrs. Floyd-** wished everyone a Happy Thanksgiving

**Mr. Johnson-** wished everyone a Happy Thanksgiving as well and hopes the snow leaves us

**Mr. Marmie-** Daniel you sent an email and you said that your speech was attached to it and it was not. If you could send that back out.

**President Ellington-** wished everyone a Happy Thanksgiving. Next Committee meeting is Monday November 24<sup>th</sup> at 5:30 P.M. City Hall will be closed next week on Thursday the 27<sup>th</sup> and Friday the 28<sup>th</sup> for the Thanksgiving holiday. The next Council meeting is December 1<sup>st</sup> at 7:00 P.M.

**ADJOURNMENT-** Motion by Mr. Johnson to adjourn second by Mr. Rath 7:35 P.M.