

COUNCIL MINUTES

December 15, 2014

Council Chambers

7:00 P.M.

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

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

INVOCATION – Mrs. Floyd

PLEDGE OF ALLEGIANCE-President Ellington

CAUCUS

MINUTES- December 1, 2014 Motion by Mr. Rath, second by Mr. Johnson 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**

REPORTS STANDING COMMITTEES

Finance-**Received and Filed**

Service--**Received and Filed**

Capital Improvement--**Received and Filed**

REPORTS OF CITY OFFICIALS

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

Barb Jobes, City Tax Administrator - Income Tax Collection Reports ending November 30, 2014-**Received and Filed**

COMMUNICATIONS

Ohio Division of Liquor Control- new liquor license request for The Grove By The River at 840 Hollander St. **-Received and Filed**

Kristie Miller-suggesting that the city changes our ordinance regarding breed specific legislation. **-Received and Filed**

Paul Moran- concerns regarding the condition of the Mound City Park-**Received and Filed**

COMMENTS FROM CITIZENS

Shane Hickman-133 Van Vhorris Street, stated that his dog has completed the Good Citizen training and that she is a licensed therapy dog. His complaint was that he has had trouble over the last 6 years receiving paperwork from the Animal Control Officer and that he has attempted to give the officer the required paperwork but that he will not accept it. He stated that the Animal Control Officer advised him he was in violation of the exotic animal section of the code. His other complaints about the Animal Control Officer varied from not returning his calls, to not responding to a complaint he called in about another dog and the officer telling him he was going to take his dog and euthanize her. He also stated that he felt harassed by the Animal Control Officer.

Elizabeth Acord, 476 Allston Ave- she gave Council members a packet that included signatures of individuals which she referred to as a petition to remove Toby Wills from his current position and her story which she read along with statements of other Pit Bull owner in attendance that night and those not but who had signed the petition. She stated she was there to share her complaints and put an end to the harassment and abuse that Mr. Wills has put Pit Bull owners through. She stated they feel like they are being discriminated against and treated like criminals for just owning a dog. She stated that a lot of people are afraid to speak up for fear of retaliation by Mr. Wills. She stated that now since the law no longer calls the dogs vicious automatically Mr. Wills is calling them exotic animals. She feels that his discretionary power is allowing him to create

new terms to fit old laws. She stated that it is past time to hire a new Animal Control person. She said Mr. Will's customer skills are insulting, cruel and could be labeled vicious. She stated he hasn't demonstrated control with his discretionary power and that it is getting worse.

President Ellington- I understand a lot of you out here have the same issues so from keeping you from having to repeat that there are a couple things we need to talk about. This City Council would not be the venue to really try a City employee or discuss a City employee. There is a process for that. This employee is a civil servant. There is a complaint form in the Safety Director's office that you need to pick up and get back to the Safety Director because I know that he will look at them and he will take them seriously and we will make sure that he does. The other frustration it seems to me from talking to you folks out there is that you are still frustrated with the Pit Bull legislation in Newark. If you want a venue to discuss that and to try to change the legislation I could ask Mr. Rolletta who is the head of the Safety Committee to have a meeting so you can come in again and express your concerns. We have done this a couple of times and we have voted a couple of different ways but I could ask Mr. Rolletta to have a meeting on December 29th.

Charles Moore 120 N 24th St- he gave Council copies of a DVD he made and stated it was also on You Tube. His statement was that the issue is the Animal Control Officer and the way that he conducts himself. He stated he is the goat guy, he owns two Pygmy goats in the City of Newark and that the Animal Control Officer has advised him he needs to get permits for his exotic pets. His complaint was that the City Ordinances don't mention goats anywhere in the codes and that the Animal Control Officer is interpreting the code according to what he believes to be correct or incorrect. He stated that since there are no provisions he had a phone conversation with the Safety Director regarding the Animal Control Officer requiring him to get a permit for exotic animals. He also stated that he feels harassed and threatened by fines and penalties if he does not get a permit just for having goats. He stated that he did check with officials prior to getting the goats and was told by the Zoning Code Officer Martin Richardson who left him a voice mail message stating there weren't any provisions in the zoning code regarding ownership of goats in the City of Newark. He encouraged those in the audience to not only have things recorded or videotaped but to also go to the Safety Directors office and fill out complaint forms because if there is a legitimate complaint the complaint has to be dealt with.

Ryan Stone, 39 Wing St- he was there to ask that we repeal the Breed Specific Legislation in Newark, specifically 618.15 paragraph 5 subsection C. He wants that language removed from the ordinance. He stated that Pit Bulls are no different than any other dog, when provoked they bite but mostly they are lovable animals. He also does not think that they should have to pass a Good Citizen test unless every other dog has too as well. His complaint about the Animal Control Officer related to an incident that occurred regarding his Black Lab and Pit Bull getting out of his fenced yard and a citation that followed from the Animal Control Officer months after the incident. He stated the incident occurred in April and the citation came in June.

Tammy Mitchell, 26 E Channel St- she was upset because her son was sentenced to 10 days in jail for non-confinement of the his two Pit Bulls when she was the one who was accidentally allowed the dogs to get out of the house. She was also upset because her son was denied work release. She stated that the first day that her son went to jail she was harassed by the Animal Control Officer. She stated there was a card left on their door. She also stated that the dogs have their Good Citizen award, they have the insurance, and the dogs are chipped and that there is no more they can do. She stated that the Animal Control Officer is requiring a written paper from the AKC regarding the Good Citizenship of one of the dogs but that according to her testament there is no such paper given. She asked what she was supposed to do if he harasses her again.

President Ellington- advised her she needed to fill out a complaint form in the Safety Director's office and that the Safety Director will follow up with that.

Nicki Arder- she stated she doesn't live in the City limits of Newark, she gave Council members a paper with pictures of different types of dogs relative to Pit Bulls but stated only one pictured was a Pit Bull then asked Council if they could tell her which one it was. She also asked Council to read through the statements she provided that were not true of Pit Bulls.

President Ellington- reminded her it was not a question answer venue but to proceed with her comments.

Nicki Arder- she stated that there is a young lady who is sitting in jail right now and is going to miss Christmas with her daughter even though she nor her dogs have ever been in trouble and that the dogs have not bitten anyone.

Dennis Cauchon, 327 E Broadway Granville- he stated that he is the person responsible for getting Marijuana decriminalized

in Granville. He stated that in 1977 Marijuana was decriminalized but under home rule local governments don't have to follow that. There are still two communities in Licking County the criminalize marijuana possession. Newark is one of them and has it as a third degree misdemeanor and Heath is the other. He encouraged the City of Newark to consider decriminalizing marijuana like the rest of Ohio has long done. He stated that when he was doing research he realized that it was primarily a Newark issued because 55% of those charged in Granville were Newark residents. The two reasons he stated why Newark should consider decriminalizing marijuana was because of the effect that having a criminal record will have on the future of those who are convicted of this crime. He stated that it makes them unable to join the military or other jobs were individuals would have to have a license or back ground check and to receive financial aid for college. He stated that the median age in Granville of those that were arrested on possession charges was 19. He also stated that even to get a job that doesn't require a license if the individuals with the criminal record apply for jobs on line their applications are routed in a different direction because of their background. The other reason he mentioned was the fact that home rule allows individuals convicted of third degree misdemeanors to have their driver's license suspended. He stated that there was a 1992 Federal mandated tucked into a Highway Bill that said that states need to suspend licenses for marijuana offenders unless they have opted out. More than 30 states have opted out and Ohio is in the process. The House has approved it, the Senate has approved it and the House this week is probably going to opt out. Then it has to be sent to the Department of Transportation and it is about a 3 year process to actually change the State law. As a home rule issue however we could do what we want and the majority of Ohio doesn't suspend. He stated that 75% of the people who get their license suspended drive anyways and 42% of them lose their job. I don't think that is the result you want. The fines between Newark and Granville are not that different for marijuana offenders but the long term effect is since Granville made the change.

Victoria Conn- 24 Jefferson St, she was there to support what Dennis said and encourage the City of Newark to consider decriminalizing marijuana offenses for the same economic reasons Dennis stated relative to jobs and transportation to and from their jobs.

Rolland West, 420 N Cedar St he spoke out against marijuana being legalized. He stated that marijuana isn't that bad but after a while it loses its kick and then leads to other types of drug use like cocaine or heroin.

Ryan Stone, 39 Wing St- he stated the marijuana issue relates to the dog issue in the way that we should stop punishing something that is a social issue. He suggested punishing the crime; a dog is vicious if it commits a crime. Let's not label the dog vicious if it hasn't committed a crime.

ORDINANCES ON FIRST READING

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

14-40 AN ORDINANCE TO MAKE AN APPROPRIATION FOR THE EXPENDITURES OF THE CITY OF NEWARK, OHIO DURING THE YEAR ENDING, DECEMBER 31, 2015. GENERAL FUND

Motion by Mr. Blake to waive the two day reading rule on Ordinance 14-40, Second by Mrs. Floyd

Mr. Blake- we need to fund government starting January 1st

Motion passed by a 10-0 vote.

Motion by Mr. Blake to adopt Ordinance 14-40, second by Mrs. Floyd

Mr. Blake- I just want to say that this is the first time several of us have gone through the budget process and it was very important for me to make sure there was open dialogue between Council and the administration. I think that what we saw last Monday during committee was good dialogue. I want to say thank you to Council for the meeting last week and I want to say thank you to the Mayor and the Auditor for entertaining questions and having a good dialogue.

Mr. Marmie- I have been on this Council for 14 years and have never voted against a budget until this evening. It is a situation which I was told last year that the deficit spending was going to stop after last year but we are doing it

again this year by taking funds from the Budget Stabilization account. I was told last year that at the end of the year there was any money that we did not need for the budget it would be moved back into the Budget Stabilization fund. There is legislation this evening that is just putting it back into the cash carryover. I think the comment was "other cities have had massive layoffs and just been in dire straits and they have that oh crap moment." Well with this budget and where we are putting ourselves financially we are headed right there. Last year it was asked of Council and there was a majority of Council who voted in support of increasing taxes for roads because they felt it was important that street paving get more funding. Yet with this budget this same Council is saying that it is ok to reduce funds that are going into Capital Improvements towards paving by changing the percentage. You are also going to be told that we are going to use the funds coming from a premium holiday because there is going to be a favorable situation as far as our self-insured health insurance. Council voted for that to try to make up for the problems and because we were behind on the roads. The same thing that everybody in here was saying we need to change these and increase taxes in order to do that. We had something set up and now that is going by the way side. We are going in the wrong direction. For the first time ever the safety forces are below the percentage that they receive of the general fund back prior to the half percent increase. Last year my opinion mattered and I was afforded the opportunity and I actually felt as though folks listened, in particular the administration listened. This year it went on deaf ears. It always comes back to the fact that they say you didn't ask any questions, you didn't come to me. I indicated my concerns last year and then we do the same thing this year. It is deficit spending; we are utilizing funds from the Budget Stabilization fund. We are going in the wrong direction. We are in jeopardy of not only layoffs but massive layoffs in the future. We know what is pending in the legislation at the State level and what could come to all small municipalities if it comes to fruition and it appears it will. We aren't preparing for it at all we are putting ourselves in a worst situation by utilizing the fund that is there for such an occasion. So for the first time in my 14 years on Council I will not support this budget as it is putting the city in great jeopardy. We need to do something and there is nothing on the horizon as far as correcting it for next year and we have even larger pay raises next year. Where are we going to be next year? Even further deficit spending? Where are we going to get the money from? Or are we going to layoff even more people than we would have this year. The longer you wait the higher the price so I can't support this budget.

Mr. Guthrie- first let me say that I think that Mr. Marmie has made a lot of good points. I am going to vote for this but I have really serious concerns. I want to thank Mr. Blake for the comprehensive committee that he held last week and for the excellent questions he asked as Chairman. I don't know what the answer is but the points that Mr. Marmie made are very well taken by me. 2016 is going to be very bleak for our city. I am not sure that the answer is to pass this budget but what I know is if we don't pass this budget we are going to be looking at layoffs of city employees. There are so many things that I am concerned about here. The three premium holiday, the impact that is going to have on the health insurance program, what that is going to do in 2016 as far as health insurance rates on the city and the employees. It is extremely concerning but for me or anyone else to just say I am going to vote against this as concerned as we might be about what is going to happen at the end of next year. I could vote against this because I oppose the fire station but I don't see the logic in me voting against an entire budget because I oppose the fire station. We are going to have close to \$300,000.00 to \$350,000.00 of debt service on that fire station. Right there is 5 or 6 police officers or firefighters that could be paid with the debt service on that new fire station. We are going to have a shiny new fire station but we are going to have a hell of a time manning it. I am worried about our priorities, I am concerned about the premium holidays, and I am concerned about the potential of layoffs. You could argue that we gave what I view as very small pay raises to our city employees that that has put this thing out of balance. That is only one small piece of the pie that has us on a crash course in 2016. The biggest

piece and I know I am a broken record on this; it is what the State of Ohio is doing to the city. I am assuming that Barb Jobs shared this analysis with other members of Council the impact of House Bill 5 which by the way I have spoken out on before and know many members of Council has. Category after category, section after section of that law, loss of revenue, loss of revenue, increased cost, increased administrative burden, revenue loss, problematic for our city, potential revenue loss. I think there are 12 categories in that bill which are categorized as losses of revenue to our city. We are on a major collision course in 2016 and the biggest factor is in my opinion reckless decisions at the State level but we are going to have to deal with them.

Mr. Blake- I think that when we look at this budget or any budget no matter if you are an employer or you run your own business, you have to look at that you have scarce resources both financial and man power, we all know that a majority of this budget goes towards employees' salaries and benefits and a lot of them have had to take on extra duties because of the loss of local government funding from the State and the loss of the Estate tax. According to our Auditor the city has had a reduction of 50% in local government funding, we also used to receive an average of \$800,000.00 to the general fund but we lost that with the estate tax. So we can't just look at decisions this Council has made related to this budget because there have been those external State decisions that have the direct affected our services to our citizens. It is important for all us as Mr. Guthrie mentioned to contact those State officials and to try to get support back for the cities.

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

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

14-41 AN ORDINANCE TO MAKE AN APPROPRIATION FOR THE EXPENDITURES OF THE CITY OF NEWARK, OHIO DURING THE YEAR ENDING, DECEMBER 31, 2015. GRANT FUND

Motion by Mr. Blake to waive the two day reading rule on Ordinance 14-41, Second by Mrs. Floyd

Mr. Blake- it is to provide appropriations for the city come January 1

Motion passed by a 10-0 vote.

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

Motion passed by a vote of 10-0.

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

14-42 AN ORDINANCE TO MAKE AN APPROPRIATION FOR THE EXPENDITURES OF THE CITY OF NEWARK, OHIO DURING THE YEAR ENDING, DECEMBER 31, 2015. ALL OTHERS FUND

Motion by Mr. Blake to waive the two day reading rule on Ordinance 14-42, Second by Mrs. Floyd

Mr. Blake- it is to provide appropriations for the city come January 1

Motion passed by a 10-0 vote.

Motion by Mr. Blake to adopt Ordinance 14-42, second by Mrs. Floyd

Mr. Blake- this being the All Other fund it has a lot interesting projects that occur within it. I want to point out our Utilities Superintendent Roger Loomis. The Water, Storm water and Sewer Maintenance departments all fall under this fund. I sent out a list of various questions to the various departments last week so I could get a better understanding of the departments so I just want to thank Mr. Loomis for taking the time to answer them because I think that it is important to know where certain organizations within city government are going, their goals,

priorities and understand their organizational chart.

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

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

14-43 AN ORDINANCE AMENDING SECTION 890.13 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK PROVIDING FOR THE ALLOCATION OF INCOME TAX REVENUE

Motion by Ms. Hall to waive the two day reading rule on Ordinance 14-43, second by Mrs. Floyd

Ms. Hall- we need to expedite this in order to balance the budget for 2015.

Motion passed by a vote of 10-0.

Motion by Ms. Hall to adopt Ordinance 14-43, second by Mrs. Floyd

Motion by Mrs. Floyd to amend Ordinance 14-43 to reflect the split of income tax revenue between Capital Improvements and the General Fund be 90/10 for only the year 2015, second Mr. Guthrie

Mr. Rath- asked the Law Director if at the end of 2015 there has been nothing else enacted by Council if the formula reverts back to 85/15?

Law Director- If you are talking about Ordinance 14-43 A then yes. There is a new Section 2 on 14-43 A that states if nothing else is enacted by Council with regards to the split between general fund and Capital Improvements before the last day of 2015 then the formula reverts back to 85/15 for fiscal year 2016.

Mr. Guthrie- I absolutely agree with this amendment but I am also fully prepared for next year to be looking at a formula that is worse than this amendment does.

Motion to amend Ordinance 14-43 to Ordinance 14-43 A passed by a vote of 10-0.

Mr. Marmie- once again I believe that we are headed down a slippery slope with changing this formula. We are anticipating that we are going to have premium holidays. We are just a major illness or accident away from us not receiving that premium holiday or any of those premium holidays and once again we would be in dire straits as far as our capital improvements. I listened to the Commissioners when they said that this money that they are receiving from the casinos is not something that they should monkey around with as far as trying to incorporate it into their regular budget. We are doing the same thing with our premium holidays right now. That is not money that should be utilized as far as putting it into our budget anticipating that we are going to have those premium holidays until it actually occurs. I don't think that we should be including them into the budget and that is how they are basically saying we are utilizing the same amount of dollars in our capital improvement fund. I am not in agreement with switching this back. Again I have been on this Council for a number of years and we always said that we have to make sure our capital improvements don't get further and further behind and if we have an opportunity to get ahead we get ahead. This is slipping back to the point where you are just taking care of today instead of looking at tomorrow and you have to look at tomorrow also. No one plans to fail they just fail to plan. So with that I am not going to support this.

Mr. Rath- I am going to support this. I have not been on Council as long as Mr. Marmie has but I have been here for a while and I have seen the capital improvement fluctuate forward and backward. Because I have seen it come back I am willing to take a leap of faith this year. It seems like we always dip into capital improvements to balance the budget or find more money. The original intent was to have this at 85/15 and any premium holidays we got would also supplement the capital improvement budget so we could actually do some paving. Now we are using the premium holidays as a main source of funding rather than additional funding. I am willing to take a leap of faith

this year, next year I won't be.

Mr. Guthrie-as I have said I am going to support this but one thing that I would really like to see happen here and it is something with the administration we need to keep a close eye on the number that were used for worker's comp were I believe higher than what the cost is going to be because the estimate is that we are going to save a couple of thousand next year. I would like to see that couple hundred thousand used for police and fire equipment. I would like us to watch that and see if those numbers are coming in lower and see if we can't identify those funds for police and fire equipment because we know that we are way behind in both of those divisions as far as replacing needed equipment.

Mrs. Floyd- I just want to say I agree with what is being said but I don't think anyone up here wants to cut money to capital improvements. On the other hand as it has been stated earlier most of our budget goes to pay for the salary and benefits for our city employees. That is where most of the general fund budget goes and when you are talking in terms of that we have to do something and as it's been said by several people the loss of the local government funds and the estate tax and what is probably going to happen with House Bill 5. Thank you state legislature. They are creating the problem that we then have to deal with and it makes it very difficult but I will support this.

Motion to adopt Ordinance 14-43 as amended passed by a 9-1(Mr. Marmie) vote

RESOLUTIONS ON THE SECOND READING

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

14-92 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION
(661: Sewer Dept Fund-Vehicles: \$203,106.00)

Motion to adopt Resolution 14-92 by Mr. Blake, second by Mrs. Floyd

Motion passed by a vote of 10-0.

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

14-94 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR CERTAIN ESSENTIAL SUPPLIES FOR VARIOUS DEPARTMENTS OF THE CITY OF NEWARK, OHIO, FOR 2015.

Motion by Mr. Cost to adopt Resolution 14-94, second by Mrs. Floyd

Motion passed by a vote of 10-0.

RESOLUTIONS ON THE FIRST READING

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

14-95 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE A CONTRACT FOR REIMBURSEMENT OF LEGAL REPRESENTATION OF INDIGENT PERSONS FOR CALENDAR YEAR 2015 WITH THE LICKING COUNTY BOARD OF COMMISSIONERS FOR THE CITY OF NEWARK, LICKING COUNTY, OHIO.

Held for a Second Reading

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

14-96 A RESOLUTION AFFIRMING THE BASE RATE FOR THE STORM WATER UTILITY SERVICE CHARGE AS AUTHORIZED BY THE CODIFIED ORDINANCE OF THE CITY OF NEWARK, OHIO. **Held for a Second Reading**

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

14-97 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK OHIO TO EXECUTE AND FILE AN APPLICATION WITH THE MUSKINGUM WATERSHED CONSERVANCY DISTRICT AND TO PROVIDE ALL INFORMATION AND DOCUMENTATION REQUIRED TO BECOME ELIGIBLE FOR POSSIBLE FUNDING ASSISTANCE.

Motion by Mr. Cost to waive the two day reading rule on Resolution 14-94, second by Mrs. Floyd

Mr. Cost- there is a year-end filing deadline

Motion by Mr. Cost to adopt Resolution 14-94, second by Mr. Bubb

Motion passed by a vote of 10-0.

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

14-98 A RESOLUTION ADOPTING THE UPDATED COUNTYWIDE ALL NATURAL HAZARDS MITIGATION PLAN (CANHMP) FOR LICKING COUNTY, OHIO.

Held for a Second Reading

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

14-99 PRELIMINARY LEGISLATION FOR STATE ROUTE16 OFF RAMP AT CHURCH STREET EXIT

Held for a Second Reading

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

14-100 A RESOLUTION APPROPRIATING AND DISAPPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

(231 Probation Grant Fund-\$8,500.00; 954 Law Library-\$3,997.42; **DIAPPROPRIATIONS: 221 Street/Traffic-\$43,899 236 Community Development Fund-\$579,323.00; 958 Fire Damage-\$39,373.67; 100 General Fund \$512,900.00; 250 Police & Fire Pension Fund-\$637.02; 623 Water Project Fund- 2 M; 665 Sewer Project Fund \$11,650,000 152 Budget Stabilization-\$20,000.00; 100 General Fund-\$20,000.00)**

Motion by Mr. Blake to waive the two day reading rule on Resolution 14-100, second by Mrs. Floyd

Mr. Blake- is being expedited to clean up the books at year end and there is a settlement in there.

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

Mr. Marmie-here is another example. We try to maintain our budget stabilization but we are pulling more funds from our budget stabilization \$20,000.00. Yet we are moving tons from other areas in order for our cash carry over. Our rainy day fund is being depleted even further than it was. We are deficit spending even the last day of the year even more so.

Motion by Mr. Blake to adopt Resolution 14-100, second by Mrs. Floyd

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

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

14-101 CONSENT LEGISLATION FOR BUENA VISTA STREET BRIDGE

Motion by Mr. Rath to waive the two day reading rule, second by Mr. Bubb

Mr. Rath- the city engineer asked on behalf of ODOT that this legislation be expedited for ODOT to meet deadlines
Motion to waive the two day reading rule passed by a vote of 10-0

Motion by Mr. Rath to adopt Resolution 14-101, second by Mr. Bubb

Motion to adopt passed by a vote of 10-0.

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

14-102 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR THE DEMOLITION OF 110-114 UNION STREET, AND DECLARING AN EMERGENCY

Motion by Mr. Cost to adopt Resolution 14-102, second by Mr. Bubb

Motion to adopt passed by a vote of 10-0.

COMMENTS FROM CITIZENS

Nancy Welu- 7441 Stewart Rd, whether you love or hate what the people got up and said tonight I applaud everyone for their civic engagement in coming before Council. We do some civic engagement training and it is a hard process for people to come up. They feel very intimidated. Your heart starts beating faster and you get nervous as I am now but I want to applaud whoever is left here, I think they all might have left, because to me this is what this is all about.

On October 20th Council approved an annexation unannounced to me because I haven't been paying a lot of attention, shame on me. It was of 47 acres on Licking Springs owned by Mr. Watson. I became aware of it last week and attended a public hearing at the County commissioners to talk about the annexation. I live in Newton Township and this is in my backyard basically. I know Mr. Marmie is familiar with the area. I am the zoning board of appeals chair so I, our trustee, fiscal officer, our fire chief and their lawyer was there at the hearing to talk about this annexation that Council approved on October 20th. I guess at the meeting the Commissioners delayed the vote due to a highway responsibility ordinance that I think Mr. Sassen has been made aware of or will be involved in writing but we were told that the city has never done a highway responsibility ordinance. Meaning you have to take care of the road. I don't know if it is a shared road with the County or not. The reason that I bring this up tonight is with all this talk about deficit spending and no money for paving. Where is the money going to come from when we are rubber stamping annexations into the city and we are adding more roads to be paved and snow plowed? I am pretty sure the annex will go through because property owner's rights trump just about anything and if Mr. Sassen writes his highway responsible legislation. You don't have to vote for that if you don't want to. I would just caution you when the next annexation comes up to think about the cost of annexation with the limited funds you have already you might to take a second look at the annexations that are going on. I know the city always wants more to go into the city but this time it might not be the wisest thing to do because of funding.

The second thing that I want to speak to is my pet peeve, fair housing. I came before Council on June 2nd and spoke to Council the fair housing program that is ran by Mr. Eager. I have his contract here and in the contract it says under educational programs and activities there is a fair housing educational plan. This effort works in cooperation with the enforcement effort of the program by insuring that residents of the city and members of the housing industry have access to training that will help them understand their rights and responsibility regarding fair housing regulation. In Mr. Eager's contract he is contracted to do 10 training sessions per year. To date Mr. Eager has put on two training sessions to my knowledge and I am going off of his monthly report which I have a copy of if anyone would like to look at it. It is the monthly report that comes into Mr. Mauter's office. The two training sessions that he has done were done in February and he has not documented any other training sessions. He is also contracted to hold monthly sessions January through November the first and third Tuesday of the month from 10-3. He has done this the last 7 out of 11 months. These are things in his contract and he is paid a little over \$1200.00 a

month to do this. So my question to you is why are we paying somebody when they are not doing their job when you are in such a fiscal crisis? Why are we doing that? Because it is in his contract. Well, I don't know a whole lot of people who if they don't show up and do their job they get paid. Especially your hourly workers like myself. I guess I could take sick time or vacation time but if I didn't have those benefits I wouldn't be paid. He has two years left on his contract and I know Mr. Mauter is doing his best to try to stay on top of Mr. Eager. We I spoke in June I talked about the annual report and asked for it in electric format. That was June 2nd and I don't believe that we have that yet as of a few weeks ago. Six months and we can't get a report that is a 2013 report in an electronic format. That is just not right. I know the last time Mr. Marmie said that falls under the administration but I always like to come before Council and let them know how the City's dollars are being spent. This is a small program but the training to me is extremely important especially when you have landlord and tenant training. He also does training for people in the real estate industry so this person in my opinion is not doing his job and collecting a paycheck.

David Greene- 1791 Olympic Ct, in these challenging economic times that you are describing in this meeting I think that it is very important that you are fiscally responsible and you take guardianship of the budget. I also think that it is very important to not just do that but to look beyond that in a lot of different ways. One way is to consider what state Newark is in and what conditions exist in the City and to be thinking about other methods or other means of financial support as well as seeking the right distribution of state funds that have been cut back. In line with this I want to make a few comments about improving housing conditions in Newark. The Department of Safety has levied fines against landlords who have not taken care of their property. The number of these fines has increased and Property Maintenance has been working hard to check out complaints and unsafe conditions. It is critical in this regard that Property Maintenance and Fire Departments be adequately staffed highly skilled and well paid. I commend the Fire Fighters Union and its' leadership for working to insure this. My comments here are focused on over all housing conditions in Newark. The Citizens Committee for Housing Rights has raised the question of safe housing many times and I want to focus our attention on buildings near the community gardens in south and central Newark. I understand Newark landlord Lloyd Trickle appeared before City Council several week ago to appeal his case claiming that he was being unjustly targeted by Property Maintenance staff. He also described having gone to jail for violations in the distant past. One of the weaknesses of housing enforcement has been the discretion of City Officials that has allowed Trickle to keep a dilapidated property adjacent to the community garden at Western and 10th St. I understand that he has recently painted a building there but I believe as other people in the community do that it is a fire trap and needs to be demolished. Trickle's old man's tears at City Council should not allow this blight to continue. Recently there have been other complaints about a building Trickle owns on 11th St is poorly maintained, unoccupied and leaking gas. Similarly immediately across the street from the community gardens on South 6th St Steven Inlow owns a building that neighbors report has been unoccupied and boarded up for 18 years. I have only observed 5 of those years so that testimony is by other people in the community. It too gets its occasional repainting but remains a blight on that community and lots of neighbors talk about this when they are around the community garden. Inlow has been fined but I believe personally that he prefers to pay fines periodically to repairing or demolishing the shack on 6th St. In both cases the owners/landlords allow the buildings to be a stain on the community. The fact that they are next to community gardens is an additional insult because the gardens are an effort to make the community stronger and to have productive land and beauty in the neighborhood. Many neighbors and gardeners comment on these and wish they were gone. Most landlords take responsibility for their properties in Newark and Licking County but too much discretion has been given to these two landlords no matter what excuses they give. In the process of fighting for safe housing and against blighted properties the Citizens Committee for Housing Rights has often called for stiffer penalties against landlords who refuse to fix their properties. This has been and will continue to be one of the committee's consistent goals to have rental registration and licensing, a strong Property Maintenance Committee and property maintenance complaints. The response from the city in other people's views and in my view has been too weak. Many of us go to eviction court every two weeks to learn what is going on and to give tenants information rights and the law. Somewhere around 1200 families in the past year have faced evictions and they did not have the benefit of legal counsel for basic information on their rights. There is information for landlords on how to get tenants out of buildings and how to pursue legal action but there is almost nothing for tenants. Tenants are often not represented by legal counsel because they can't afford it

and landlords are almost always represented by legal counsel. Most often people who go to eviction court are evicted and they call it Writ of Restitution which means restoring the property to the owner. The majority of tenants I have seen are working people. They are not people who are just lying around. They are people who are working jobs that pay too little and eventually get caught up in an economic situation. They face consequences which mean their homes are taken. Why don't we deal with slum landlord as harshly? When they refuse to maintain their property and I mean consistently refuse, I would say 18 years is a consistent refusal. There are a number of places including Columbus, Columbus is not Newark and I know there is often an argument presented that Newark is unique. There are more towns that take a more serious approach on landlords that refuse to fix their property.

ADMINISTRATION

Director Spurgeon- I just want to thank our friends who own pets for coming to this body tonight to hear their concerns. I do care how they feel, they deserve process but I think it is important when we are accusing an employee of misdeeds that they deserve process. I would like to enter for the record www.newarkpd.com citizen complaint process spelled out very well and for our friends who lack internet access I have brought 10 copies that I will leave on the bench here tonight.

Director Mauter- I want to thank Nancy for her concern on Fair Housing. She and I have fairly frequent conversations about this via email. It has been a challenging two years for the Eager family. Don and Linda Eager administrate the Fair Housing Program and have done so for many, many years. I would have to double check the numbers for myself on the number of trainings to see how many he has conducted. As far as the twice a month clinics I know Mr. Eager was very consistent about coming through the month of August. After the month of August his wife lost her mother who lived in Arizona then the following month her brother died. They spent a lot of time in Arizona tending to family needs. When this came about I had some conversations with Mr. Eager because I knew he was not going to be able to be here locally to administer the twice a month clinics. I have negotiated a one third reduction in our monthly fee to him that he has agreed to for these last several months of the year.

MISCELLANEOUS

Mrs. Floyd- downtown Newark looks wonderful, Merry Christmas everybody.

Mr. Guthrie- I want to thank Nancy for the point she made regarding annexation. I think that it sort of points to the fact that we and when I say we I include myself, that maybe we are not doing the homework that we need to do on these kinds of issues. With the financial situation that is approaching in 2016 if there is ever a time that we need to do the homework it is over this next year. I think those are really good points. We annex land we have to take care of it. If we don't have the resources and if the annexation doesn't generate the resources than I think it is more than about growing. I think that was a very good that was made. Speaking to doing our homework, this premium holiday issue, I think that Council should consider either voluntarily or pass a piece of legislation to have a Council member or two on the insurance review committee so we are directly plugged in. When we are using this revenue to balance out budget we should have a good grasp of what is going on with the insurance, premiums the whole bit. I think that we should consider that. The only other thing that I wanted to say was that this past week, obviously our community loses people every week that are a great value to our community. Two folks that I happen to think a great deal of, one was Barb Bowling whose funeral was last Saturday at Christ United Methodist Church. Barb was one of these people who everything she did was about somebody else. In my life time I haven't ran into many people who are so committed to everyone else but themselves as Barb Bowling was. I actually believe that she was instrumental in starting the first food bank in Licking County. I never crossed paths with her when she wasn't talking about an issue that impacted people other than her own family. She will really be missed. It was a tragic loss to Christ United Methodist Church and the Food Pantry and to all of her family and friends. The second individual is Virginia Ballard; Ginny was a dear friend of mine for 40 years. Ginny was an employee of the Veterans Services office in Licking County for many years. She served on the City's Board of Zoning Appeals Board. She was a wonderful person and very committed to our community. Virginia was buried today; her funeral was at St. Francis. Both of these lovely ladies will be missed.

Ms. Hall- I would like to wish everyone a Happy Holiday and to be safe.

Mr. Marmie- Mr. Ellington graciously called the Safety committee meeting and we don't normally have meetings on that day because there is never a finance meeting because you can't do anything financial. So you can thank Mr. Ellington for meetings that night in between holidays.

Just want to caution, we are now at a point where we have changed from having an unappropriated balance to using our budget stabilization as an unappropriated balance. We need to make sure that we do not do that going into the future. It occurred this year I hope that it doesn't occur in 2015. We have other things like debt services although we are relieving some debt coming up in 2015. I know the situation where we are as far as vehicles for the City. We have to be cautious because that is usually some additional debt. Make sure you are well aware of the formula and how that is figured out and calculated. The more debt that we have the less money that goes into capital improvements because it comes off of the top. The other thing that you want to be aware of because this year there was a renegotiation of a debt, what we did was renegotiate a debt, yes overall there is a savings however that savings is going to be seen in current years and in future years those payments are going to increase exponentially. We are paying less now but later payments we are going to be paying more. That doesn't bode well when we are trying to budget on an annual basis. Steady even payments are usually better when you are trying to budget especially in a situation like what local municipalities are in. I want to wish everybody a very Merry Christmas; I am going to say a very Merry Christmas. I kind of got a chuckle today because I received a Christmas card that on the front in print said Merry Christmas but when I opened it up written in hand writing was Happy Holidays. I thought to myself that person just offended both groups. Merry Christmas and Happy Holidays.

Mr. Rath- as far as the dog issue goes a lot of people know that it is one of the issues that I have strong feelings on. I didn't initiate that at all, I haven't talked to any of those people at all but I am very interested to see what our committee meeting will be like. Merry Christmas and Happy New Year.

Mr. Rolletta- called for the Safety Committee meeting

Mr. Blake- we have had a lot of issues tonight and I just want to reiterate that whether you agree or disagree this is a civic engagement and that is why we are here. We are here to listen and to be respectful of all opinions. We heard that tonight from dog issues to marijuana to financial issues to fair housing, we had a whole gamut tonight. I want to point out somebody who comes on any given Monday and records these proceedings and puts them up on You Tube. Everett I want to publicly thank you for doing that this year. You are not paid or elected but you come here every other Monday and record the proceedings of this Council and put them up on You Tube so I want to say thank you for the work that you did this year. It is very much appreciated. The Newark Youth Council meets this Thursday at 4:00 in Council Chambers and I want to thank Council members Cost and Rolletta for attending the South Newark Christmas party last week.

President Ellington- Everett I want to add my thanks to I think you come every Monday. Merry Christmas and Happy Holidays. There is no meeting next Monday the 22nd. City Hall will be closed December 24 & 25th for Christmas. We appreciate you all coming, it is your City Council so we appreciate you coming and giving us your opinion.

ADJOURNMENT- Motion by Mr. Bubb, second by Mr. Cost to adjourn 9:02 P.M.