

## COUNCIL MINUTES

**February 4, 2013**

Council Chambers

7:00 P.M.

7:00 P.M. - Mr. Ellington called the Newark City Council meeting to order

**ROLL CALL-** Mrs. Floyd, Mr. Frost, Mr. Guthrie, Mr. Houdeshell, Mrs. Loomis, Mr. Marmie, Mr. Rath, Mr. Bubb, Mr. Cost. Ms. Stare- absent, 9 of 10 council members present.

**INVOCATION** – Mrs. Floyd

**PLEDGE OF ALLEGIANCE-** Mr. Westbrook

**CAUCUS-** Mrs. Floyd made a motion to excuse Ms. Stare, second by Mr. Marmie

**MINUTES** of January 22, 2013 Motion by Mr. Rath, second by Mr. Cost that the minutes of January 22, 2013 council meeting be approved 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

**Public Service-** Received and Filed

**Capital Improvements-** Received and Filed

### COMMUNICATIONS

**City of Pataskala, Mayor-Steve Butcher & Council President-Dan Hayes:** they support our initiative to restore the Local Government Funds; however, they respectfully request that the City of Newark will consider allowing the County to recalculate the allocation based upon current demographic and economic information.- **Received and Filed**

### PUBLIC HEARING

**13-11 RESOLUTION APPROVING THE RENEWAL APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT. - Referred to Service Committee**

The public hearing was closed upon no objections or comments from the audience or Council regarding this resolution therefore it was referred to the Service Committee for further consideration.

### COMMENTS FROM CITIZENS

**William Butcher-** weather update given. He stated that his nurse complained to him about the streets in Newark being slippery during her travels to her patients.

**Richard Westbrook-** 276 Pierson Blvd, he addressed Council regarding the need for rental registration. He stated he has lived in Licking County for 76 years with the exception of his time in the armed forces. He relayed the changes in Newark's neighborhoods and economy that he has witnessed over those years. He stated that landlords are business people and rentals are businesses that deal with people. He mentioned there have been 80 houses demolished within the last four years with tax dollars, of which, some are owned by landlords that don't reinvest in their business. He thanked Mike DeWine for the funds from the State, but also stated that he didn't think we should count on those funds because he believes there won't be anymore.

He is disappointed in the attitudes which some members of Council have taken regarding such a delicate subject that deals with the lives of men, women and children. He feels as though they shouldn't have to live in some of the conditions that they do.

As a citizen he would like to know who the landlords are and would like them to have guidelines. He stated that we have to have licenses and permits for most things we do in Newark except for renting. He stated rentals are wide open no license, no permit no nothing. He didn't understand why some members of Council were supporting these people and why they thought it was so bad for them to have to pay for a license. He asked why there can't be inspections for this type of business just like any other. He stated that every rental should be safe and have sanitary living conditions. He stated it was time for action, no more excuses. He also stated it was time to put something in motion like the proposal that was put forward. He stated he would fight to keep Newark from becoming a ghetto. He said if he was willing to do his part he was pleading with Council to do theirs. After hearing testimony and viewing pictures in the Advocate from citizens regarding how bad living conditions are around the City he asks Council not to be concerned with the cost of a license for this business. He doesn't think there should be a different code for building a house than renting one. He is ashamed that we let Newark get into this slum-like condition and that it is our fault for not taking action sooner. He would like for us to come together to put something together that will protect those that can't protect themselves.

### **ORDINANCES ON SECOND READING**

**By: Mr. Houdeshell, Mrs. Loomis, Mrs. Floyd, Ms. Stare, Mr. Marmie, Mr. Rath**

**13-01** AN ORDINANCE CHANGING THE NAME OF A PORTION OF GAY STREET IN NEWARK, OHIO; SAID STREET EXTENDING NORTHWARD FROM EAST MAIN STREET, RENAMING SAID STREET TO MERRIDY WAY.

**Motion by Mr. Houdeshell, second by Mrs. Floyd to adopt Ordinance 13-01**

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

**By: Mr. Marmie, Mr. Houdeshell, Mrs. Loomis, Mrs. Floyd, Ms. Stare, Mr. Cost, Mr. Rath**

**13-02** AN ORDINANCE AUTHORIZING AND DIRECTING THE NEWARK CITY SAFETY DIRECTOR TO CERTIFY TO THE LICKING COUNTY AUDITOR, THE SUM OF \$41,737.49 INCURRED BY THE NEWARK CITY PROPERTY MAINTENANCE DEPARTMENT WITH RESPECT TO PROPERTY MAINTAINENCE VIOLATIONS TO BE PLACED AS A LIEN UPON CERTAIN PARCELS OF REAL PROPERTY SITUATED IN THE CITY OF NEWARK, OHIO.

**Motion by Mr. Marmie, second by Mr. Bubb to adopt Ordinance 13-02**

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

### **RESOLUTIONS ON SECOND READING**

**By: Mr. Guthrie, Mr. Houdeshell, Mrs. Floyd, Ms. Stare, Mr. Cost, Mrs. Loomis**

**12-95** A RESOLUTION URGING THE OHIO GENERAL ASSEMBLY TO REINSTATE ALL LOCAL GOVERNMENT FUNDING

**Motion by Mrs. Floyd to adopt Resolution 12-95, second by Mr. Cost**

**Mrs. Floyd-** stated that it seems the State has a surplus which she understands there are plans for some of it however she is hopeful that some of the funds will be returned to Local Governments. She further stated that Local Governments' budgets are tight and that most of their services are down to bare bones and we are one of many cities in that situation.

**Motion passed by a 6-3 majority vote.**

**Mrs. Floyd, Mr. Guthrie, Mr. Houdeshell, Mrs. Loomis, Mr. Marmie, Mr. Cost-yeas  
Mr. Frost, Mr. Rath, Mr. Bubb-nays**

**By: Mr. Marmie, Mr. Houdeshell, Mrs. Loomis, Mrs. Floyd, Ms. Stare, Mr. Cost, Mr. Rath**

**13-01** A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR AN AWARD OF FISCAL YEAR 2013-2014 FUNDING UNDER THE OHIO EMS TRAINING AND EQUIPMENT GRANT PROGRAM.

**Motion by Mr. Marmie to adopt Resolution 13-01, second by Mrs. Floyd  
Motion to adopt passed by a 9-0 vote.**

**By: Mr. Marmie, Mr. Houdeshell, Mrs. Floyd, Ms. Stare, Mr. Cost, Mrs. Loomis, Mr. Rath**

**13-02** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES MUNICIPAL CORPORATION.  
**1)** 672, Moull St Storm Sewer Fund, Storm Sewer Lines \$510,000.00; **2)** 665, CSO/Sewer Projects Fund, \$27,000.00. (Moull St Professional Services)

**Motion to adopt Resolution 13-02 by Mr. Marmie, second by Mr. Bubb  
Motion passed by a 9-0 vote.**

**By: Mr. Marmie, Mrs. Floyd, Mrs. Loomis, Mr. Houdeshell, Ms. Stare, Mr. Cost, Mr. Rath**

**13-04** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES MUNICIPAL CORPORATION.  
**1)** 335, Capital Improvements Fund, \$4,400.00 (City Hall upgrades to include flooring needs); **2)** 335, Capital Improvements Fund, \$10,000.00 (Maintenance of public property to include tree removal); **3)** 335, Capital Improvements Fund, \$5,500.00 (Salt spreader for Cemetery-Parks Dept)

**Motion to adopt Resolution 13-04 by Mr. Frost, second by Mr. Cost  
Motion passed by a vote of 9-0.**

**By: Mrs. Loomis, Mr. Houdeshell, Mrs. Floyd, Ms. Stare, Mr. Cost, Mr. Marmie, Mr. Rath**

**13-07** A RESOLUTION EXTENDING THE SUPPORT OF THE CITY OF NEWARK, OHIO ON BEHALF OF THE APPLICATION OF MILLENNIA HOUSING DEVELOPMENT, LTD FOR LOW-INCOME HOUSING TAX CREDITS THROUGH THE OHIO HOUSING FINANCE AGENCY FOR THE PROPOSED REHABILITATION OF LOG POND APARTMENTS IN NEWARK, OHIO .

**Motion to adopt Resolution 13-07 by Mrs. Loomis, second by Mr. Rath**

**Mrs. Loomis-** explained that this is simply a resolution to lend support to Millenia Housing who will get more credit towards their application in turn for Council support.

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

## **RESOLUTIONS ON FIRST READING**

**By: Mr. Houdeshell, Mrs. Floyd, Ms. Stare, Mr. Cost**

**13-12** 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 HOLLANDER POOL SPRAY PARK.

**Held to First Reading**

**By: Mr. Marmie, Mr. Houdeshell, Mrs. Floyd, Ms. Stare, Mr. Cost**

**13-13** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES MUNICIPAL CORPORATION. 297, Safer Grant Fund, \$6,041.52 (Fiscal Year 2012 Fire Prevention Grant-Home Inspectors)

**Held to First Reading**

**By: Mr. Marmie, Mr. Houdeshell, Mrs. Floyd, Ms. Stare, Mr. Cost**

**13-14** A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF NEWARK TO PAY BILLS ON BEHALF THE WATER DEPARTMENT SUPERINTENDENT PURSUANT TO SECTION 5705.41 (D), THEN AND NOW CERTIFICATION; AND DECLARING AN EMERGENCY.

**Motion by Mr. Marmie to adopt Resolution 13-14, second by Mr. Bubb  
Motion passed by a 9-0 vote**

**By: Mr. Houdeshell, Mr. Marmie, Mrs. Floyd, Ms. Stare, Mr. Cost**

**13-15** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES MUNICIPAL CORPORATION. 221, Street/Traffic Fund, \$2,800.00 Computer Software

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

**Mr. Marmie-** stated that this was something that was supposed to be in last year's budget now and now the bill is due

**Motion to waive the two day reading rule passed by a majority vote of 8-1**

**Mrs. Floyd, Mr. Frost, Mr. Houdeshell, Mrs. Loomis, Mr. Marmie, Mr. Rath, Mr. Bubb, Mr. Cost-yeas  
Mr. Guthrie-nay**

**Motion to adopt Resolution 13-15 by Mr. Marmie, second by Mr. Bubb**

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

**By: Mr. Houdeshell, Mrs. Floyd, Ms. Stare, Mr. Cost, Mr. Marmie**

**13-16** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES MUNICIPAL CORPORATION. 335, Capital Improvement Fund, \$19,000.00 (Request for additional funds for a 5 Ton Roller)

CORPORATION. 335, Capital Improvement Fund, \$19,000.00 (Request for additional funds for a 5 Ton Roller)

**Held to First Reading**

## **COMMENTS FROM CITIZENS**

**Dave McElfresh-** 153 N 39<sup>th</sup> St, stated he thought Resolution 12-95 regarding reinstating Local Government funding was "a no brainer", however there were Councilmembers that voted against it; some just recently stated that we needed more police officers. However, officers, firefighters, and the Street Department have been cut. He stated that we got rid of the Code Department, Health Department and Transit; he feels that we have been cut to the bone due largely in part to the cuts to Local Government funding. He asked if the Councilmembers would explain why they voted against bring funds back to the Local Government.

**William Butcher-** 129 W Main St, asked why we couldn't bring City Council back to T.V.

## **ADMINISTRATION**

### **MISCELLANEOUS**

**Mrs. Floyd-** regarding Local Government funding we are basically letting them know that we would like to have some funding back and she is hopeful that we do. In terms of Council back on T.V. she stated that the equipment Newark High School is using is not compatible with the City's equipment. She too has had citizens tell her they would like to have Council meetings televised. She believes that it was a valuable communication tool with our citizens and that if arrangements can be made it would be wonderful. Finally, she stated that she too has seen a great degeneration of the properties in the area Mr. Westbrook spoke of because she lives in that area. Some property owners take good care of their property while others do not. Some properties are owned by corporations. She stated that they are discussing things and that there are things in the work but government works slowly especially when the change would be drastic.

**Mr. Frost-** answered Mr. McElfresh, he stated it was a tough call for him to vote no and he went back and forth on the issue. He stated the Governor made some tough cuts and he balanced the budget, part of the reason he was able to do that was by cutting funding to Local Government. He stated now the State is at a surplus, not a huge one but he would like to see what he is going to do, they are coming out with a budget. He explained that he felt it was a bit early to ask the State to return money because he doesn't want them to go back into a situation where we are going to have drastic cuts again. In terms of next year if there is still a surplus and they are not returning money then he wouldn't have a problem supporting that.

**Mr. Guthrie-** thanked Dick Westbrook for speaking out about rental registration; he too has strong feelings about it and thinks that 2013 needs to be the year that this Council adopts rental registration legislation that is balanced and fair. He thanked members of Council for supporting the Local Government funding resolution. He stated that the State's surplus is pretty significant; it is 1.2 billion right now. The State is going through a new process to adopt a 2 year budget. He feels that if something doesn't happen at the beginning of this budget then we will never see an increase to the Local Government again. Since 2008 we have lost \$1,224,000.00 in funds from the State and that is only Local Government funds. With over 1.2 million dollars we could do a lot of things. We could hire Property Maintenance inspectors, we

could hire more police officers and firefighters, there are a lot of things we could do with this money that has been basically taken away from us. He thinks that it is a fantasy to think that we would get it all restored, but if they hear from enough communities and local officials advocating for their communities as this Council did that night then maybe they would make some adjustments. He stated that it seemed crazy that we were spending out of our savings account while they build a surplus on our backs.

**Mr. Houdeshell-** stated that he is for rental registration; he would also like the tenants to be registered.

**Mrs. Loomis-** addressed Mr. Westbrook; she told him that government does work slowly, but that anything worth doing is also worth doing right the first time. She appreciated his comments and patience. She thought that each member of Council has had a discussion about legislation that could be forth coming; maybe it will just be a change in the Property Maintenance Code. Nothing is certain yet but they want to do it right the first time.

She advised the gentlemen that three downtown Newark businesses are coming together to present a wonderful package which would include Buckeye Winery wine, Goumas chocolates, and flowers from John Edward Price.

**Mr. Marmie-** called a Finance Committee meeting; to Mr. Butcher he stated that our streets have been great this year especially compared to years past. He thanked Director Rhodes and the City for the job they have done with the streets so far this year. He addressed Mr. McElfresh by stating that he supported the Local Government funding but he wished to echo what Mr. Guthrie said which was does he think that we will get them all back, no, but he thinks that there are going to be decisions made in the very near future regarding the surplus and he thinks the legislation will support the fact that we think that some of those decisions should be for Local funds. To Mr. Westbrook, regarding rental registration, he stated that everybody has discussed it and there have been some good ideas from a lot of people. He is hopeful that everybody is listening and there will be a compromise made where we, meaning the people who started the acquisition, Council and the administration meet in the middle.

**Mr. Rath-** called for a Service Committee meeting. He addressed Mr. McElfresh's question earlier about why they didn't support the Local Government funding legislation. He stated that he does support bringing local funds back to our City; he would love to see them come back even though he did not support the legislation. He stated that he felt that the legislation was poorly written and frankly a waste of time. He feels that it is going to go up to the State House and no one will read it, it will go unseen. He stated that there is a surplus and probably best there because that is what would help us out if there was a catastrophe like we had at the end of June, beginning of July. He stated that he felt the resolution would have been better written if it had stated that they have made cuts on the backs of our teachers and local governments now we are asking if there are further cuts to the budget please look somewhere else. He feels that teachers and Local Government has done their part and have been cut to the bone. He stated he would have supported something like that, but we would accept any money they may send back. He stated he is anxiously waiting to see some type of proposal regarding rental registration. He stated he was open to suggestion he just wants it to be fair, he would like it to protect the landlords and the renters. He further stated that there are a lot of good landlords in the City of Newark who take care of their property and he doesn't want to see them punished.

**Mr. Bubb-** called a Personnel Committee meeting, and then addressed Mr. McElfresh regarding his no vote. He stated there were two issues for him, one was timing, and that was the major issue. Second, was the wording of all Local Government funds, he didn't care for that wording. He stated the State had a tough job to do balancing the budget and they are working on that then we will see what happens. He stated, on a positive side, this had forced Council and the administration to be good stewards of the public's money, find efficiencies on spending and staffing and that it has been done.

**Mr. Cost-** stated that he is of the opinion that cities do need to get the attention of the State and let them know we have had a lot of money taken away from our budget. Regarding property maintenance, he said there have been good ideas which came out of the discussions and that more people are looking at different ways to solve the problem. He is also looking for something fair and beneficial.

**Mr. Ellington-** advised the audience that the next Committee meeting will be Monday February 11<sup>th</sup> at 5:30 P.M. The next City Council meeting will be Tuesday February 19<sup>th</sup> because Monday the 18<sup>th</sup> is a holiday.

#### **ADJOURNMENT-**

Being no further business to discuss a motion was made by Mr. Rath to adjourn, second by Mrs. Loomis. Motion was carried with acclamation.