

COUNCIL MINUTES

January 22, 2013

Council Chambers

7:00 P.M.

7:00 P.M. Mr. Ellington called the January 22, 2013 Newark City Council Meeting to order

ROLL CALL- Mr. Cost, Mrs. Floyd, Mr. Frost, Mr. Guthrie, Mr. Houdeshell, Mrs. Loomis, Mr. Marmie, Mr. Rath, Ms. Stare and Mr. Bubb present.

INVOCATION – Mrs. Loomis

PLEDGE OF ALLEGIANCE- David Greene

CAUCUS

MINUTES of January 7, 2013 Motion by Mr. Frost, second Mr. Cost that the minutes of the January 7, 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.

APPOINTMENTS

REPORTS STANDING COMMITTEES

Finance- **Received and Filed**

Street- **Received and Filed**

Ways & Means Capital Improvements- **Received and Filed**

Public Service- **Received and Filed**

Economic Development- **Received and Filed**

REPORTS CITY OFFICIALS

Stephen Johnson, City Auditor- operating report for the month ending December 31, 2012. - **Received and Filed**

Stephen Johnson, City Auditor- audit of the City of Newark for the year 2011. - **Received and Filed**

PETITION

COMMUNICATIONS

Park National Bank- Statement of Account for the Newark Mem Bldg/Cedar Hill Cemetery Trust- **Received and Filed**

Ohio Division of Liquor Control- transfer of license due to ownership change for Save A Lot at 349 E Main St. - **Received and Filed**

Department of Commerce, Division of Liquor Control- an application has been approved for an F2 permit for The Works Ohio Center for History Art & Technology, Main Museum, 55 S. 1st St. An F2 permit allows for the sale of beer and intoxicating liquor by the glass or container at this location until 1:00 A.M. - **Received and Filed**

COMMENTS FROM CITIZENS

ORDINANCES ON FIRST READING

By: 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.

Held to First Reading

By: Mr. Marmie, 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.

Held to First Reading

RESOLUTIONS ON SECOND READING

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

- 12-100** A RESOLUTION APPROVING THE RENEWAL APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT. Stewart Rd Watson Co., LLC

Motion by Mr. Rath to adopt Resolution 12-100, second by Mr. Bubb

Mr. Rath- explained that both Resolution 12-100 and Resolution 12-101 are renewals of applications that the owners have requested for years.

Motion passed by a 10-0 vote.

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

- 12-101** A RESOLUTION APPROVING THE RENEWAL APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT. 2550 River Rd Amacher Gale Jr., Trustee

Motion by Mr. Rath to adopt Resolution 12-100, second by Mr. Bubb

Motion passed by a 10-0 vote.

RESOLUTIONS ON FIRST READING

By: Mrs. Floyd, Ms. Stare, Mr. Cost, Mrs. Loomis

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

Held to First Reading

By: Mr. Marmie, 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.

Held to First Reading

By: Mr. Marmie, 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)

Held to First Reading

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

- 13-03** A RESOLUTION APPROPRIATING AND DISAPPROPRIATING MONIES FOR THE CURRENT EXPENSES MUNICIPAL CORPORATION. **1)** 153, Compensated Absences Fund, \$20,217.15 (Retirement of David Baughman & Resignation of Michael Mason)-NFD; **2)** 153 Compensated Absences Fund, \$12,830.00. (Retirement of Kathy Stewart- Engineer's Office); **3)** 621 Water Dept Fund, \$35,441.18 (Retirements of Jim Shaw & Jody Kidd); **4)** 228 Income Tax Fund, \$229,474.27 (Carryover Income Tax 2012) Operating Transfer-General Fund; **5)** 100 General Fund, \$34,421.14 Operating Transfer-Capital Improvements; **6)** 623 Water Pressure Zone Project Fund, \$250,000.00 (Howell-Harlech

waterline project); **7)** 665 CSO Sewer Project Fund, \$1,182,090.00 (Channel-Postal Project)- Appropriation for loan; **8)** General Fund, \$2,140.50 (First certificate updated- Reduce P & F real estate estimate)- Police Pension **9) disappropriated** from the appropriated balance of the P&F Pension Fund, \$2,140.50- Police Pension; **10)** General Fund, \$2,140.50. (First certificate updated- Reduce P & F real estate estimate)- Fire Pension; **11) disappropriated** from the appropriated balance of the P&F Pension Fund, \$2,140.50-Fire Pension; **12)** 661 Sewer Dept Fund, \$200,000.00-Professional Services.

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

Mr. Marmie- explained that the need to waive the two day reading rule was due to payouts to employees and projects that need to be started immediately.

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

Motion by Mr. Marmie to adopt Resolution No. 13-03, second by Mr. Bubb

Mr. Marmie made a motion to amend Section 2 of Resolution 13-03. He explained that there was a miss calculation of the payout, longevity was not figured in. The total amount for the payout should be \$13,145.00. Termination Pay Sick should be \$2,780.00, Termination Pay Vacation should be \$10,030.00, Termination Pay Comp should be \$335.00.

Mrs. Floyd seconded the motion to amend Resolution 13-03.

Motion to amend passed by a 10-0 vote.

Motion to adopt passed by a 10-0 vote.

By: Mr. Marmie, Mrs. Loomis, 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)

Held to First Reading

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

13-06 A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF NEWARK TO PAY BILLS ON BEHALF THE AUDITOR PURSUANT TO SECTION 5705.41 (D), THEN AND NOW CERTIFICATION; AND DECLARING AN EMERGENCY.

Motion by Mr. Marmie to adopt Resolution 13-06, second by Mrs. Floyd

Motion passed by a 10-0 vote.

By: Mrs. Loomis, 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 .

Held to First Reading

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

13-08 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO APPLY FOR FINANCIAL SUPPORT FROM THE STATE OF OHIO 2013 RECREATIONAL TRAILS PROGRAM.

Motion by Mr. Bubb to waive the two day reading rule on Resolution No. 13-08, second by Mr. Frost

Mr. Bubb- stated that the Grant Writer, Barbara Gilkes, requested that the two day reading rule be waived at Committee because the grant is due at the beginning of February.

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

Motion by Mr. Bubb to adopt Resolution No. 13-08, second by Mr. Frost

Motion passed by a 10-0 vote.

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

13-09 A RESOLUTION SUPPORTING AN APPLICATION FOR TRANSPORTATION ALTERNATIVES PROGRAM (TAP) FUNDS FOR THE STATE ROUTE 16-CHERRY VALLEY ROAD INTERCHANGE PROJECT FROM THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT).

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

Mr. Rath- stated that due to constraints imposed on the City by ODOT we need to respond to this quickly. Motion to waive the two day reading rule passed by a 10-0 vote.

Mr. Rath made a motion to adopt Resolution No. 13-09, second by Mr. Bubb

Mr. Guthrie- stated that this resolution is clearly part of the non-binding vote that Council took regarding \$500,000.00 late last year. He asked Mr. Rath whether this was the next step in the process and whether it was further committing the City to the half million dollars.

Mr. Rath- stated that this is a step in the process. Resolution No. 13-09 is an application for funds from the State of Ohio for TAP which is regarding the bike path that would be involved in the interchange.

Mr. Guthrie- asked Mr. Rath if they voted for this piece of legislation if it committed the City to the half million dollars.

Mr. Rath- responded no, that voting in favor of adoption of the resolution meant the City is committed to the project of putting a bike path on that interchange and that we would like to apply for funds from the State to help pay for it.

Motion to adopt Resolution No. 13-09 passed by a 10-0 vote.

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

13-10 A RESOLUTION ENACTED BY THE CITY OF NEWARTK, LICKING COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE STATED DESCRIBED PROJECT. (Resurfacing of S 30th St @ W Main St southward to St Rt. 79, W Main St @ 34th St westward to Coffman Rd, Cherry Valley Rd @ Reddington Rd northward to St Rt. 16 through Granville Corp limits)

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

Mr. Rath- explained that this was a joint project for Newark with the City of Heath and Village of Granville and in order to keep pace and complete the project all at one time this needs to be passed in a timely manner.

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

Mr. Rath made a motion to adopt Resolution No. 13-10, second by Mr. Bubb

Mr. Rath- explained that this was a joint project for Newark with the City of Heath and Village of Granville to resurface 30th St and Cherry Valley Rd. By doing this project jointly it will save the City about \$100,000.00.

Mr. Cost- stated that there was supposed to be work done on a railroad crossing, he asked if the resurfacing of 30th St would include work to the railroad crossing or would we be in the way of each other. He asked if anything had developed on that.

Mrs. Floyd- stated that she only knows what she read in the newspaper, which said that the railroad would be in charge of the paving so that people in wheelchairs can get across the tracks.

Brian Morehead, City Engineer- further explained that the railroad crossing will have the pads that you drive over replaced; new signals and gates will also be installed through the railroad company, Central Ohio Railroad. Then part of the concrete project the sidewalks will be poured up and across the pads which are also ADA compliant on both sides of the street. This will be done in conjunction with the resurfacing project.

Mr. Houdeshell- asked Mr. Morehead how steep the crossing was going to be. He stated that in a manual wheelchair he could not get up the crossing at this time.

Brian Morehead, City Engineer- stated that the slope would be ADA compliant.

Motion to adopt Resolution No. 13-10 passed by a 10-0 vote.

COMMENTS FROM CITIZENS

William Butcher- 129 W Main St, weather update given. He also inquired as to who owns the empty lot beside of him.

David Greene- 1791 Olympic Ct, updated Council on the Washington Square bedbug complaints that they heard. He stated as a result of them coming to Council and either by Council's efforts or the efforts of others the bedbugs were eradicated.

He raised the question again about a Fixed Route Bus System. He stated that in Council Chambers and along the way, a lot of people from the community have put forward the demand or the need for a Fixed Bus Route System in Newark. With the merging of the transit systems between the City and the County he feels a void has been left. He stated there has been some improvement in the transit system, but by no means, a Fixed Route Bus System. Council was involved in hearing a study done that pointed to a need for such a bus system. Residents have talked at Council meetings, there have been newspaper articles, people within the community have spoken and various organizations have supported it; however it appeared to him that nothing was being done in that regard. He believes that there is much more advocacy from Council and others in the community needed for this. He believes left to itself there will not be a Fixed Route Bus System. He stated that he knew Shirley Stare was a member of the Transit Board; however per conversations that he has had with the Transit Board he stated that there doesn't seem to be any motion in that direction. He encouraged Council to take action to do something about this.

Lesa Best- 205 W Church St, she stated that it wasn't every week that she came to the podium to sing the praises of a City employee, but she felt it was important to acknowledge the invaluable, diligent, quiet work of one such individual. We need to encourage and support these good people because they get over shadowed by substandard employees, negligent management and Council Members, or administration that defends incompetence. Let's destroy that image of the lazy government worker who gets away with murder for years and really get behind the ones that do their job well and are worth the money that they are paid. Will Hansen, is one such employee. She feels as though the City is not supporting Will Hansen, instead she stated that Council and administration is backing a substandard, incompetent, lazy employee to take his place. She stated that she feels the City keeps their lousy employees and wait for them to drop off, which she did not feel was inspirational to other City employees or the citizens of Newark.

She stated that an article about Property Maintenance in the local paper last Wednesday was brought to her attention. She stated that from personal experience she knows that the local paper is not accurate some of the time; therefore she stated she is taking the article with a grain of salt. Because, why would the Mayor's only quote be denying that the fines were put in place to raise money. She stated that is what she calls an inflammatory denial; it gives a negative impression of Property Maintenance and its' enforcement. She stated that she knows the Mayor would not want that. She stated that his campaign speeches were full of making that department more effective, holding property owners responsible and cleaning up the City. She stated that she knows the Mayor even mentioning this in a denial mode had to be wrong. She provided a definition of a fine. A fine- is a sum imposed as a punishment for an offense. She stated that she thinks City Officials think punishment is not a good thing for a small special group of people and others need to be taught a lesson if they break the rules.

She also said that the article stated Director Spurgeon makes personal calls to property owners and landlords about the state of their property. She said the reason why is because landlords are too busy to care about how their property look. She asked if then the City would have to call all violators. She thinks that if the City only calls certain people that it is unfair. She feels as though it is inappropriate. She stated she knows Mr. Spurgeon was misquoted because if the City calls landlords and property owners then the City must be calling tenants too because they are behind on their rent.

She stated that the Property Maintenance Code was written for this purpose, to provide an Administrative Warning, which was inserted into the code by the people who created the Newark Property Maintenance Code.

She stated that she speaks with Joe Paul and he stated he has a lot of complaints and is always trying to catch up. She stated she understands Newark is in charge of the AG Demo Grant funds for the State, but she inquired whether there was anybody else in the City or County Building Code Department that could do the AG Demo grant inspections besides Joe Paul because he has enough to do here. She also said that Joe Paul told her that Jack Pryor won't help the City of Newark with Building Code issues because he only deals with "new" buildings.

She stated that she knew the Code gives the Code Official a lot of leeway, but the methods that the department has utilized for the past 7 years haven't worked. She stated that there is only a 33% compliance rate. She asked if it wasn't time to try something else. She proposed that if Joe Paul was told or allowed to focus on Newark's housing then maybe in two years we wouldn't have a list of 60 houses that need demolished.

MISCELLANEOUS

Mr. Cost- stated that he had received several phone calls from citizens concerned about the damage that the City endured over the weekend. It was on his mind and he was sure it was on others as well. He said that it was a difficult thing to see and he was hopeful that we would be able to get that resolved so it did not continue.

Mrs. Floyd- thanked the administration for allowing her to represent the City at the Martin Luther King March on Sunday. She stated that they marched from the Trinity AME Church down to the front of City Hall then back to the church where she spoke a bit. She thanked Director Spurgeon for providing officers for the walkers, which were about a hundred, so that they had a safe passage.

Mr. Frost- with regards to Property Maintenance he stated the Mayor was doing a great job, he feels that Director Spurgeon and Director Rhodes are doing a great job also and they're going in the right direction, and that we have to give them some time. He stated that they are making the department more effective so why don't we give them a chance and see what will happen?

He stated that he thinks we need more boots on the ground regarding police officers. He stated that he knows these guys, he works with them and they are doing a great job but they are stretched thin in his opinion. He stated he knows the City is working on getting more officers but if he prioritizes what the City needs, safety forces are at the top of the list.

Mr. Guthrie- stated that late last year Council passed the informal resolution regarding Cherry Valley Rd and he would like to see Council do something similar with the issue of Rental Registration. He stated that if we started going down that road it would be nice to know if we were spinning our wheels. He stated that he has expressed his support for the concept of putting together a rental registration program. He stated that by looking at the legislation from Property Maintenance you can tell there are neighborhoods that need help. Many of the properties are rental properties and many are neglected by the landlords and by tenants, he stated that he realizes that. He stated that it seemed to him that we should be able to address this problem with some form of legislation. He stated that he wished that we could get a consensus from Council in support of doing something there.

The other item he discussed and directed to Mr. Greene was that he has expressed and does agree a Fixed Route Bus System for the City would be a wonderful thing. At the same time we have to realize that most transit systems, especially Fixed Route Transit Systems exist with a heavy subsidy of Federal and State dollars and those dollars are dwindling tremendously. He stated that if someone could help them come up with a way to put a system together, working with the County Transit, he was open to the idea but it seemed to boil down to math. Money just doesn't seem to be there to have a Fixed Route System without the people voting on some form of a tax levy earmarked for transit. He stated that it is a legitimate concern; he doesn't know what the answer is but the need is there and it is a serious issue.

Mr. Houdeshell- stated that he is for Rental Registration and thinks that landlords should know if renters have damaged previous properties or withheld rent.

Regarding Fixed Route Transit, he too stated that it takes heavy subsidy. He used the example of Columbus, even with the funds from COTA they still lost two million dollars then they doubled their rate and the riders dropped. In his opinion Fixed Route was a nice idea but he doesn't think it will work.

Mrs. Loomis- stated that she was glad to hear that Washington Square has eradicated of the bedbugs. Regarding the Fixed Route Busing, she stated that she did read the feasibility study which touched on the funding. She said Mr. Guthrie touched on it also, it is a good idea, but the funding is just not there. She feels that it is another one of those things where we have to keep looking and figuring it out. She also understood what Mr. Greene stated earlier about the need for an advocate from Council on behalf of the citizens at the County with respect to transit. She then thanked Director Spurgeon for his help with an issue in her ward last Thursday and Friday, she appreciated his time. She discussed Resolution 13-10 and that she thinks it is fantastic the City is saving \$100,000 and we are paving and it finally includes the railroad crossing that they have been talking about for a long time.

She informed everyone that One Hundred Plus Women Who Care met again for a fourth time and they've raised over \$18,000.00. All four of those times that they met the donations have gone to a youth program in Newark.

To Lesa Best she stated that she agreed with her praise of Will Hansen, that Will Hansen did a very good job and was a huge loss to the City. She stated that Ms. Best was very animated that night and that she got lost in what Ms. Best was trying to say.

Mr. Marmie- called for a Finance Committee meeting. He stated that he thinks that there are a lot of good ideas being expressed and he likes that people are willing to discuss them and pursue the end means and how to get there. He appreciates all the ideas that people are bringing forward. He wanted to echo what Mr. Frost said, that our safety forces

are a primary concern for the citizens, making sure that we have solid safety forces. Then our citizens are protected and feel protected.

He also stated that like Mrs. Loomis he got lost in Ms. Bests' presentation, he didn't know who these people were and who those other people were. He also stated that in some businesses 33% is fabulous especially when you start at zero. In his business 33% success ratio is actually a great ratio. He stated that he feels proud that our City has gone from 0 to 33% in a short period of time. He believes that they will do better in the future given more resources and more time to take care of some of the problems that they face and he supports them in their endeavor.

Mr. Rath- thanked Brian Morehead for the paving of Cherry Valley Rd in addition to 30th St and being able to coordinate with the railroad to have the railroad crossing paved and ADA compliant. He said that it was nice to have that being done because he had talked about it for his three years on Council. He stated that they have discussed paving the rest of Cherry Valley Rd past Reddington and up to West Main St past the Market Basket. He stated that the area looks bad there. He knew Mr. Morehead said he planned to look at that area and he wanted to encourage him to do so. He thinks a traffic light at Tamarack Rd would be awesome.

Regarding the bedbugs being eradicated at Washington Square, that was great and it was an excellent illustration of when citizens come to Council when they have an issue, they state their complaint in a logical normal way, they get heard and receive results from that. He stated that it is Local Government at its' best. He congratulated the ladies from Washington Square that came to Council and got up and discussed their problem. He called a Service Committee meeting.

Mr. Bubb- compliment Jeff Rath for stewarding legislation 13-10 through and he thought that he had really paid attention to the residents in his Ward.

ADJOURNMENT- that concluding the business for the January 22, 2013 Newark City Council meeting, motion by Mr. Rath to adjourn, second by Mrs. Loomis.

Adjournment 7:54 P.M.