

COUNCIL MINUTES

March 4, 2013

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the March 4, 2013 Newark City Council Meeting to order.

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

INVOCATION – Mrs. Floyd

PLEDGE OF ALLEGIANCE- William Butcher

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

MINUTES of February 19, 2013 Motion by Mr. Rath, second by Mr. Frost that the minutes of February 19, 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

Mayor Hall- Reappointment of Carole Wachtel to The Combined General Health District Board, she is one of the two City of Newark Representatives. This is a five year term which will expire on December 31, 2017.-**Motion by Mrs. Floyd, second by Mr. Cost. Motion carried by acclamation.**

Council- appointment of Jeff Anderson and William Mann to the Community Reinvestment Area Housing Council (CRAHC) upon recommendation of Stuart Moynihan, Economic Development Coordinator-**Motion by Floyd, second by Mr. Frost**

Mr. Guthrie- asked Mr. Ellington whether the CRAHC is relative only to the City of Newark and if the appointees were Newark residents.

Mr. Ellington- confirmed on both accounts.

Motion was carried by acclamation.

REPORTS STANDING COMMITTEES

Finance-**Received and Filed**

Service-**Received and Filed**

Capital Improvements-**Received and Filed**

COMMUNICATIONS

Millennia Housing Development, Inc. - advised that they are the managing member of the Log Pond Apartments on Glenbrook Dr and that they intend to utilize the multifamily funding programs of the Ohio Housing Finance Agency for development of this property. - **Received and Filed**

COMMENTS FROM CITIZENS

William Butcher- 129 W Main St, stated that he is the Vice President of People's First and that the vacant parking lot has been on his mind for quite a few days. He was also concerned about the vacant building across from him; he feels it is a safety concern. Weather update given regarding the expected snow.

ORDINANCES ON SECOND READING

By: Mr. Bubb, Ms. Stare, Mr. Marmie, Mr. Rath

13-03 A ORDINANCE AMENDING THE POSITION CLASSIFICATION AND POSITION AUTHORIZATION TABLES OF THE CITY OF NEWARK BY CREATING THE POSITION OF ZONING OFFICIAL WITH A STRENGTH AUTHORIZATION OF ONE (1) IN THE DIVISION OF ENGINEERING.

Motion by Mr. Bubb to adopt Ordinance 13-03, second by Mr. Marmie

Motion by Mr. Bubb to amend Ordinance 13-03 to 13-03A which was included in the packet, second by Mrs. Floyd

Mr. Bubb- explained that under advisement of the administration the position of Zoning Inspector was left open in the bargaining agreement therefore there wasn't a choice as to how to treat the position.

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

13-03-A A ORDINANCE AMENDING THE POSITION CLASSIFICATION AND POSITION AUTHORIZATION TABLES OF THE CITY OF NEWARK BY CREATING THE POSITION OF ZONING OFFICIAL WITH A STRENGTH AUTHORIZATION OF ONE (1) IN THE DIVISION OF ENGINEERING.

Yeas to amend 13-03(Mr. Frost, Mr. Guthrie, Mrs. Loomis, Mr. Rath, Ms. Stare, Mr. Bubb, Mr. Cost, Mrs. Floyd Nay (Mr. Marmie)

Motion passed by an 8-1 vote.

Mr. Frost- stated that he would be voting no to adopt 13-03A and he explained why his vote was no. He said that one of his biggest concerns was that we are dedicating funds to creating a permanent position. He said he understood that it was to help out with building inspections, however as he has stated before since the City is down on law enforcement he feels that the City needs to fill those vacancies first before funding another permanent position. He said he was aware there have been discussions about hiring police officers, none have been hired yet. He stated the City used to have a neighborhood impact unit but it had to be shut down. He stated that it was a good deterrent to crime. Although citizens had been to Council meetings regarding housing problems however those problems were related to drugs and crime. He stated that he was not opposed to the position the way that it was drafted but he believes that the City should hold off until the funds are available and we know that the police officers are going to be hired.

Mr. Marmie- he wanted to clarify that Mr. Morehead has done a fine job of basically re-organizing his department so that funding this position is actually saving the City money. He stated that he was in complete support of this change.

Mr. Bubb- stated that he too was in support of this; he thought that it was good dialogue between the administration and the bargaining unit. He stated both gave a little and the position allows flexibility to help within Property Maintenance as well as being a good savings in the Engineering department. He stated that he felt it was a win, win situation for the administration and everyone in the City. He stated that the big help is the use of the position to help in Property Maintenance as well.

Mr. Guthrie- wanted to thank everyone for coming together to make the amendment happen. He stated that he appreciates Mr. Frost's comments however he supports this piece of legislation because of the cost savings within that department. He said there is an appropriation in Brian's department to cover the funding of his personnel and that there is a tremendous need for support in Property Maintenance which this will provide a certain degree of that. He stated that he agrees with Mr. Frost that there is a need for more boots on the ground. He said he had similar concerns regarding the Fire Department that he didn't want to get into that evening; his concern is looking ahead at 2014.

Mrs. Floyd- said that she agreed with everyone, we need more police officers, more fire fighters; there are many departments that are down however Property Maintenance is something which has been discussed a lot and by adding a Zoning Inspector that can help out in Property Maintenance is very valuable to the City.

Yeas to adopt 13-03A(Mr. Guthrie, Mrs. Loomis, Mr. Marmie, Mr. Rath, Ms. Stare, Mr. Bubb, Mr. Cost, Mrs. Floyd)

Nay (Mr. Frost)

Motion to adopt Ordinance 13-03A passed by an 8-1 vote.

ORDINANCES ON FIRST READING

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

13-04 AN ORDINANCE OBJECTING TO THE ANNEXATION OF CERTAIN TERRITORY, GENERALLY DESCRIBED AS BEING .284 ACRES, MORE OR LESS, LOCATED IN NEWARK TOWNSHIP, TO THE CITY OF NEWARK, OHIO, AND DECLARING AN EMERGENCY.

Motion by Mr. Rath to adopt Ordinance 13-04, second by Mr. Bubb

Mr. Rath- stated that he did not have any objections to annexing this piece of property into the City. He further explained that this Ordinance came to the Service Committee which no one on the Committee had any objection however he wanted it to be sent to full Council to give the other Councilmembers an opportunity to state their objections if there were any. He clarified that this piece of legislation is unique in the way that if you do not object to annexing the parcel then you need to vote no.

Motion to adopt Ordinance 13-04 failed by a unanimous vote of 8-0, therefore the property will be annexed into the City of Newark.

By: Mr. Rath, Marmie, Ms. Stare

13-06 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 303 NORTH 21ST STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF SINGLE FAMILY RESIDENCE RL- LOW DENSITY DISTRICT, TO LO- LIMITED OFFICE DISTRICT.

Referred to Planning Commission

RESOLUTIONS ON SECOND READING

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

13-17 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES MUNICIPAL CORPORATION.

(100, General Fund, \$40,004.16-Prosecution Services for Pataskala; 100, General Fund, \$7,000.00 Prof. Services; DISAPPROPRIATION 100, General Fund, \$7,000.00 Wages & Salary; 100 General Fund, \$9,526.00- FY 2012 Local Match 10%; 297, Fire Safety Grant, \$95,260.00 for gear, equipment, training)

Motion by Mr. Marmie to adopt Resolution 13-17, second by Mr. Bubb

Motion to adopt Resolution 13-17 passed by a 9-0 vote.

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

13-19 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE DEPARTMENT OF HOMELAND SECURITY, FOR FISCAL YEAR 2013 FIRE ACT GRANT PROGRAMS, IN SUPPORT OF TRAINING PROGRAMS, EQUIPMENT PURCHASES, FUNDING FOR PERSONNEL, FIRE PREVENTION, AND FIRE SAFETY PROGRAMS THROUGHOUT THE CITY.

Motion by Mr. Marmie to adopt Resolution 13-19, second by Mr. Cost

Motion to adopt Resolution 13-19 passed by a 9-0 vote.

RESOLUTIONS ON FIRST READING

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

13-20 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE OFF- SITE DISPOSAL OF BIOSOLIDS FROM NEWARK'S WASTEWATER TREATMENT PLANT.

Held to first reading

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

13-21 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION.

(100 General Fund-\$18,360.00: Service General; 231 Probation Grant Fund-\$14,689.05: Refund to State)

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

Mr. Marmie- explained that the requests are for items that had purchase orders last year however they were inadvertently closed.

Motion to waive the two day reading rule passed by a 9-0 vote.

**Motion by Mr. Marmie to adopt Resolution 13-21, second by Mrs. Floyd
Motion passed by a 9-0 vote.**

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

13-22 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION.
(298 ODNR Grant Fund-\$95,073.00: Contingency; 240 Police Grant Fund-\$2,649.65: Salaries; 221 Street/Traffic Fund- \$59,744.00: Salt & Fuel; 100 General Fund-\$1,000.00: Bldg Grounds Maint)

Held to first reading

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

13-23 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION.
(335 Capital Improvement Fund-\$38,029.20: City Match to ODNR Grant; 335 Capital Improvement Fund-\$2,000.00: Vehicles-Outfitting for Animal Control Van; 335 Capital Improvement Fund- \$7,770.00: Computer Hardware/Software)

Held to first reading

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

13-24 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT SPECIAL SOLICITATION FOR LAW ENFORCEMENT FUNDING.

Held to first reading

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

13-25 A RESOLUTION REGARDING A BUFFER ZONE FOR THE ANNEXATION OF APPROXIMATELY .284 ACRES, MORE OR LESS, LOCATED IN NEWARK TOWNSHIP; AND DECLARING AN EMERGENCY.

Motion by Mr. Rath to adopt Resolution 13-25, second by Mr. Bubb

Mr. Rath- explained that Resolution 13-25 & Resolution 13-26 need to be passed with the emergency clause so that they are effective immediately which also allows the County then to act appropriately on the legislation within the deadline requirements.

Motion to adopt Resolution 13-25 passed by a 9-0 vote.

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

13-26 A RESOLUTION ADOPTING A STATEMENT INDICATING WHAT SERVICES, IF ANY, THE CITY OF NEWARK, OHIO WILL PROVIDE FOR APPROXIMATELY .284 ACRES, MORE OR LESS, LOCATED IN NEWARK TOWNSHIP, A TERRITORY PROPOSED FOR REGULAR ANNEXATION, AND DECLARING AN EMERGENCY.

**Motion to adopt Resolution 13-26 by Mr. Rath, second by Mr. Bubb
Motion to adopt passed by a 9-0 vote.**

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

13-27 A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF NEWARK TO PAY BILLS ON BEHALF THE JUDICIAL DEPARTMENT PURSUANT TO SECTION 5705.41 (D), THEN AND NOW CERTIFICATION; AND DECLARING AN EMERGENCY.

**Motion by Mr. Marmie to adopt Resolution 13-27, second by Mr. Bubb
Motion to adopt passed by a 9-0 vote.**

COMMENTS FROM CITIZENS

Melissa Martin- 540 Huron Dr W Heath thanked City Council on behalf of People First of Licking County, and the Board of Developmental Disabilities for the merge of City Transit and Earthworks.

Beverly Hagger- 340 Eastern Ave, there also to thank the ladies and gentlemen of City Council. She stated that she and other fellow lady tenants were there when they had a bedbug problem at the Washington Square Plaza. She thanked them for taking an interest in their situation.

ADMINISTRATION

MISCELLANEOUS

Mayor Hall- wished the best of luck to Newark Catholic and Newark High School basketball teams on their post season games. He discussed Meijer closing and the fact that he only knew an hour or two prior to the media putting it out. He informed everyone that he did a joint letter with the President of the Chamber of Commerce to reach out to Meijer executives to sit down and discuss the situation with them. He clarified that he didn't want folks to be overly optimistic about that, he hated like others to see them go, especially since there are 187 individuals employed there. He stated that the store indicated there was improvement that needed to be done to the store and the parking lot as well as an expansion to the store in order to survive there however it was not feasible at their current location.

Mr. Frost- said that there is a Facebook page where you can support keeping the store open, he didn't know if it would really help though.

Mr. Guthrie- thanked the Mayor for discussing the closing of the Meijer store with him and he felt as if the Mayor and his team had done all they could do. He relayed an encounter he had just that morning with an employee who informed him that he just found out that he was losing his job. He offered his condolences to the employees losing their lively hood and hoped that they landed on their feet. He then discussed the opening of the renovated Miller Library and encouraged others if they had not been there to check it out. He stated that it was a really fine facility, very impressive. He stated that his thoughts and prayers were with Ed Houdeshell. He also wanted to discuss the safety forces issue that was brought up earlier. He stated the legislation that Council passed to send on to the State Legislators regarding Local Government funding being cut is a good example of why we can't do the things we need to do to improve our safety forces.

Mrs. Loomis- thanked Mayor Hall for reaching out to Meijer. She stated that she had a couple of constituents contact her and adamantly request the Mayor contact Meijer which he did immediately. She relayed that she has a niece who works there and too would be losing her job and was shocked by the news. She stated she was at the Miller Library's Re-grand opening and that she went back that day when it wasn't as busy. She stated that it is a wonderful facility. She thanked Ms. Martin in the audience for coming and saying what she did about transit. She explained that she understood how important transit could be when you have a child with developmental disabilities. She also congratulated Nancy Welu on her new grandson.

Mr. Marmie- called for a Finance Committee Meeting and a joint Finance Economic Development Committee Meeting. He stated that he stands by his position which is that safety forces are the number one priority and that government exists. He stated that he would support any piece of legislation that comes before them that makes sure we have adequate safety forces for the citizens of the City of Newark both in police and fire. He said that nothing should stand above that as more of a priority in the City. He stated that we should do everything we can to support our men and women in the safety forces and that anything in that regard will be heard from him and other members of this Council.

Mr. Rath- asked everyone to keep Roger Hall, who is in the hospital, in their thoughts and prayers; he is an auctioneer that has done a lot of the City's auctions. He called for a Service Committee Meeting.

Mr. Bubb- thanked Scott Hayes and approximately 60 people within his crew that volunteered to cleaned up trash around downtown Newark that weekend. He said he is an outstanding person to this community and wanted to give him a big thank you.

Mrs. Floyd- wished Newark Catholic and Newark High School good luck on their tournaments. She also stated that the Newark Generals ice hockey team is working on their next State Championship and she hopes that we can honor them like we did last year.

She commented that it was nice of the individuals who came there that night to thank them that it is not something they usually got. She also expressed her regret that Meijer is going out of business and said she also had constituents call her regarding that issue. She reminded everyone that there is a neighborhood watch in the 7th Ward. She said they have been very active. She thanked Director Rhodes and Director Spurgeon for their involvement with issues in her ward.

ADJOURNMENT

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