

COUNCIL MINUTES

April 1, 2013

Council Chambers

7:00 P.M.

7:00 P.M. - Mr. Ellington called the April 1, 2013 Newark City Council meeting to order.

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

INVOCATION – Mrs. Floyd

PLEDGE OF ALLEGIANCE- Greg Ketter

CAUCUS- Motion by Mrs. Floyd, second by Mr. Cost to excuse Mr. Houdeshell and Mr. Marmie

MINUTES of March 18, 2013. Motion by Mr. Rath, second by Mr. Frost that the minutes of March 18, 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**

Service- **Received and Files**

Capital Improvements- **Received and Filed**

REPORTS FROM CITY OFFICIALS

Director of Public Service- certifying the Planning Commission's decision that the Right-of-Way Dedication Plat for a portion of Stewart St was approved at the March 12, 2013 meeting. - **Received and Filed**

COMMUNICATIONS

Licking County Municipal Court- 2012 Licking County Municipal Court Annual Report. - **Received and Filed**

COMMENTS FROM CITIZENS

William Butcher- 129 W Main St, would like to know who owns the parking lot next to him and the old insurance building. Weather update given also.

Pete Gibney- 1335 Krebs Dr, discussed Resolution 13-29 that was on the agenda for a second reading. He stated it was on the agenda for \$33,865.00 refund to the State for a CHIP grant. He said he assumed that it was referring to the CHIP grant that was written up about in the paper several times regarding the ineptitude and/or down right negligence on part of whomever it was that was supposed to monitor the contract. He said it was his understanding the person is still employed by the City, not in that capacity but he didn't understand that, he thought maybe there were some union rules preventing them from being let go.

He referred to an article in the newspaper that said the City didn't have a contract with the work contractor. He didn't understand why that would be, or if the City didn't have one why the Community Development Department wouldn't have one. He said that was a suggestion to him as a way to solve those problems in the future. Another suggestion would be, the people that are supposed to monitor these whether they come from the Community Development Department or the Planning Department, or the Code Department be bonded so there isn't this situation where we have to pay the money because somebody didn't do what they were supposed to do. He didn't know if that was possible but thought perhaps Mr. Sassen would know. He said it wasn't right to criticize without offering a suggestion.

Mr. Guthrie- pointed out that Mr. Gibney mentioned the employee in question may have been in the union however Mr. Guthrie advised him that the individual was a non-bargaining position therefore not covered under the contract.

ORDINANCES ON FIRST READING

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

13-08 AN ORDINANCE ACCEPTING THE DEDICATION TO PUBLIC USE OF ADDITIONAL RIGHT-OF-WAY FOR STEWART STREET, LOCATED SOUTH OF WATERWORKS ROAD.

Held to First Reading

RESOLUTIONS ON SECOND READING

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

13-28 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT AN APPLICATION TO THE OHIO DEVELOPMENT SERVICES AGENCY FOR A COMMUNITY HOUSING IMPROVEMENT GRANT AWARD FOR FEDERAL FISCAL YEAR 2013.

Motion by Mr. Bubb, second by Mr. Rath to adopt Resolution 13-28

Motion passed by an 8-0 vote.

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

13-29 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION. (100 General Fund, \$1,255.00-Bldg & Grounds: fence repair at Babe Ruth; 234 Brownfield Fund, \$500,000-S 21st St PCA: Prof Services-\$50,000 & General Services-\$450,000; 100 General Fund, \$33,865.93-Refund to State for CHIP Grant)

Motion by Mr. Bubb to adopt Resolution 13-29, second by Mrs. Floyd

Mr. Bubb- due to a financial change that has occurred, approximately \$175.00 more is owed to the State, he asked that we amend Resolution 13-29 to 13-29A which was in their packets.

Mr. Ellington- confirmed that it was to change the \$33,865.93 by \$175.00

Mr. Bubb- yes, then the dollar amount would go to \$34,040.93

Motion by Mr. Bubb to amend Resolution 13-29 to Resolution 13-29A, second by Mrs. Floyd

Motion to amend passed by an 8-0 vote.

Mr. Guthrie- stated he agreed with most of what Mr. Gibney had to say regarding the \$33,865.93

Mr. Ellington- stated the correct dollar amount now of \$34,040.93

Mr. Guthrie- continued then to state that our options as everybody knows here are slim and none. We have to pay it back so we have to take the action.

Motion by Mr. Bubb to adopt Resolution 13-29A, second by Mrs. Floyd

Motion passed by an 8-0 vote.

RESOLUTIONS ON FIRST READING

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

13-31 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO APPLY FOR FINANCIAL SUPPORT FROM THE STATE OF OHIO 2013 NATUREWORKS GRANT FUND.

Held to First Reading

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

13-32 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION. (153 Comp Abs-\$17,300.00: Retirement Jim Norris, 153 Comp Abs-\$1,700.00: Termination of 2 employees Clerk of Courts, 153 Comp Abs-\$7,500.00: Resignation of Michael Rardon of Adult Probation)

Mr. Bubb motioned to waive the two day reading rule due to some pay outs that need to occur before retirements, second by Mr. Frost

Motion to waive the two day reading rule passed by a vote of 8-0.

Motion by Mr. Bubb, second by Mr. Rath to adopt Resolution 13-32.

Mr. Guthrie- asked the Law Director if the word emergency should be removed at the top of the legislation since we are waiving the 2 day reading rule.

Law Director- explained emergency is there not as a provision but because we started doing 2 separate pieces of financial legislation. One was going to be the one to waive the two day reading rule, one was not. For notification purposes to people on the agenda and on the website when posted just so observers would know that was the piece the two reading rule would be waived on.

Mr. Ellington- said that it was not to declare an emergency like they used to do; it is stating that they are probably going to waive the two day reading rule.

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

13-33 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION. (100 General Fund-\$38,029.20: City Match ODNR, DISAPPROPRIATION 335 Capital Improvements Fund-\$38,029.20: City Match ODNR, 100 General Fund-\$38,029.20: Operating Transfer, 100 General Fund-\$2,264.35: Vehicle Maintenance)

Held to First Reading

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

13-34 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION. (335 Capital Improvements-\$24,000.00: Machinery & Equipment, 335 Capital Improvements-\$2,218.64: Bldg & Grounds, 335 Capital Improvements-\$20,000.00: Computer Hardware/Software, 335 Capital Improvements-\$29,000.00: Lease Automobile)

Held to First Reading

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

13-35 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 VARIOUS CONSTRUCTION PROJECTS.

Held to First Reading

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

13-36 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION. (335 Capital Improvements-\$7,500.00: Communication Equipment)

Motion by Mr. Frost to waive the two day reading rule for Resolution 13-36, second by Mr. Rath

Mr. Frost- stated this is for a bill that has to be paid; it is past due, due to a clerical mistake so we are asking the two day reading rule be waived so that the bill can be paid promptly or as quickly as possible.

Motion to waive the two day reading rule passed by an 8-0 vote.

Motion to adopt Resolution 13-36 by Mr. Frost, second by Mr. Rath

COMMENTS FROM CITIZENS

William Butcher- 129 W Main St, he wanted to make a confession to City Council. He said last Thursday he came down here to file his City taxes and the lady who waited on him told him that he had not filed City Income taxes for the years of 1991-1997. He said he was shocked, sorry and wouldn't do that again.

Lesla Best- 205 W Church St Newark, she said she appreciates the information that she hopes is going to be made available to the public on what goes on in City meetings. She said that it is the responsibility of the City to do this so it is nice to see and she hoped that we don't make it as complicated as possible.

According to the City Charter the Clerk of Council shall keep an accurate record of and complete journal of Council proceedings and other Council records. On the other hand, according to Robert's Rules, minutes are defined as the official record of an organization it is crucial that they are accurate since they are the legal record of the proceedings and the actions of the organization. This is according to Robert's Rules and also according to that not included are the

opinions or the interpretation of the secretary or clerk, judgmental phrases or discussion. Minutes are a record of what was done at the meeting, not what was said at the meeting. So you can't have it both ways, either everything that is said is documented or nothing. Picking and choosing what people are privy to is the function of the media not the government. When you omit certain words or sentences from one because you don't like it or agree with it and then responses and defenses are full and complete, what does that sound like? I will let you pick an unflattering word for that behavior. She said personally she is in favor of free uninhibited speech because what some might think is the very antitheses of being disrespectful or negative and it is what makes people puff up about what they think makes this country great as they frequently do. It is easy to defend free speech when you agree with what is being said, the real challenge is to allow it when it isn't agreed with. So it should be all or nothing. Document all or simply what is done and not said, which means no more comments from anyone in the minutes or from everyone. Frankly, that this even needs to be brought up is terribly depressing.

ADMINISTRATION

MISCELLANEOUS

Mr. Guthrie- called a Safety Committee meeting to look at a piece of legislation regarding the impounding of companion animals that was referred to the Safety Committee. He also mentioned something that he became aware of from officer Arndt of Newark PD. Firearms training is coming up on April 10, 17, and 24. He said he was going to attend one of those sessions, but any members of Council who have an interest in viewing firearms training with Newark Police, he assumed that they could actual go through Bill if they like. Bill Spurgeon said from the audience that he was correct. Officer Arndt wanted him to make sure to welcome everyone to attend and view their firearms training, which from his understanding is very excellent and extensive. He repeated the dates again for the training.

Mrs. Loomis- called an Economic Development Committee meeting for the 8th to discuss rental licensing. She addressed Pete Gibney. She said she sat with him for 4 years during the whole CHIP 09 fiasco and while she is very well aware that happened during the last administration, she said to Mr. Mauter that it was found out under his administration. She also said that if Director Rhodes found out that in 2010 someone had been stealing; in 2013 that would be dealt with regardless of who was in charge at that time. The information that came from the State of Ohio that got us to this point listed a lot more than the \$34,000.00 we have to pay back now. In total you have had to find funds to pay back over \$120,000.00 of mistakes. Luckily, for the citizens of Newark that only equals \$34,000.00 and not only taken lightly out of the General Fund. She said she wanted to know that in his current administration, during your time here that there wouldn't be any more blind bids. Mortgages are still not being filed in a timely manner, the report she had stated that mortgages had not been filed for 8 months at a time, that outs the City at more jeopardy, more liability. Lump sums were paid out without a break down, change orders well over 10% were done, which they are not supposed to be, electrical specs were the same for every house regardless. The \$175.00 came up and they got an email, she thanked Greg Ketter for straightening out and giving more detail on the \$175.00. Is it a lot, no, does it mean something, absolutely. She said Greg gave great detail of how and what happened. What they found out as well was that he was going to go through a financial audit of both CHIP and NSP1 and she has a feeling NSP1 isn't going to be very pretty for him either. So what she wanted him to think about was because she can't do anything administratively, I've been told that, I understand that, and she has to sit on her hands and be quiet about it. But legislatively when you see anything with NSP1 or the CHIP that may or may not need to be repaid, the person whether she has been moved now to Property Maintenance or what have is dealt with, with some disciplinarian action; no one needs to be afraid because of what happened with Greg Ketter. It is time to do discipline when it is needed. She said she was extremely frustrated with the \$34,000.00 and she is extremely frustrated with the oh well they are knit picking. She really disagrees with that completely. She wanted him to know that she is going to ask about the blind bids, the mortgages filed, she said she was going to keep up on those mortgages. Mr. Russell has a hob and part of that job id filing those mortgages. She said she would like to hear about the final audit of CHIP and NSP. One prior to anything coming to the forefront that says we owe.

Mr. Rath- called Service Committee meeting

Mr. Cost- said that it was a pleasure to attend the swearing in of a new Newark City police office today. It felt good to see that happen.

Mrs. Floyd- agreed with what Mr. Cost just said. She was here too; it was encouraging to see another police officer added to our force. She said she too is unhappy about making the refund on the CHIP grant. She said she doesn't think

anybody up there was happy. She thought it was something that we could put behind us and hopefully move forward at this point. It is something that concerns us all. She provided an update on Ed Houdeshell. Then she said her church, the First Presbyterian Church, down beside the Elk's is starting a series of community round table discussions. They had these last summer and they are going to have the Mayor and she thought Cheri Hottinger on April 17th at 12:00. They are going to have a luncheon that is free but they need to know how many. She said that she would find a phone number if anyone wanted to go. It lasts for about an hour. If you can come, let her know.

Mr. Frost- he commended the administration for getting a new police officer. He said he had met her and she seemed very nice. He thinks she will be a fine addition to the Newark Police Department and he commended Mayor and Director Spurgeon for hiring her.

He said we are not happy about paying the money back for the CHIP grant, he again wanted to stress that it was under a different administration and he thinks the Hall administration is doing a great job.

Finally, in regards to the comments regarding the Clerk and the minutes that she does, he thought she did a fine job, he didn't think she was bias and it would be unrealistic to transcribe everything that is said at these Committee meetings. He said he has never seen anything that she has put in there that she seems to indicate any bias or preference for one side or the other.

Mr. Ellington gave Mr. Mauter an opportunity to respond to what Mrs. Loomis had to say

Director Mauter- addressed Rhonda by saying that he guaranteed her that they are going to oversee things like he said. Previously, one way he thinks that you move forward is to learn from past mistakes. There are past mistakes made and they are well documented in the CHIP report. He said they have gone over those and that they are going to do everything that they can to make sure it doesn't happen again.

Mr. Ellington- in regards to the minutes he reads the minutes, he goes over the minutes so if you have a problem with what is in the minutes it is his fault, it would be himself, not Autumn. He said that he thinks she is doing a great job, that it is much better and much more through especially Committee minutes and Council minutes than they have been. He said that if anybody had a problem with the content of the minutes that they will have to talk to him about it because it is his responsibility.

Next Committee meeting will be April 8th at 5:30, next Newark City Council meeting is April 15th at 7:00.

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.

Adjournment: 7:33 P.M.