

COUNCIL MINUTES

March 18, 2013

Council Chambers

7:00 P.M.

7:00 P.M. - Mr. Ellington called the March 18, 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. Loomis

PLEDGE OF ALLEGIANCE- Mrs. Loomis

CAUCUS- Motion by Mrs. Floyd to excuse Mr. Houdeshell, second by Mr. Cost. Motion passed by acclamation.

MINUTES of March 4, 2013 Motion by Mr. Rath, second by Mrs. Loomis that the minutes of March 4, 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- appointing Stuart Moynihan and Anthony Lewis to the Licking County TIRC (Tax Incentive Review Council) Their term will expire December 31, 2015. - **Received and Filed**

Mayor Hall- appointing Anthony Lewis and Development Director Mark Mauter to the City of Newark TIRC (Tax Incentive Review Council) Their term will expire December 31, 2015. - **Received and Filed**

Motion by Mr. Bubb to accept the appointees, second by Mr. Frost

Motion carried by acclamation.

REPORTS STANDING COMMITTEES

Finance- **Received and Filed**

Service- **Received and Filed**

Economic Development- **Received and Filed**

REPORTS FROM CITY OFFICIALS

Stephen E. Johnson, City Auditor- Operating Report for the period ending February 28, 2013. - **Received and Filed**

COMMUNICATIONS

Ohio Department of Commerce Division of Liquor Control- advised the Newark Police Department that an F2 permit which allows for the sale of beer and liquor at Heritage Hall Senior Center on March 2, 2013. - **Received and Filed**

COMMENTS FROM CITIZENS

William Butcher- 129 W Main St, relayed concerns he received at an OCA meeting regarding handicapped parking in the City of Newark.

Tonya Cooper – 33 N.10th St, she stated she represented Western Ave Community Gardens and 6th St Community Gardens. She thanked City Council for their support and asked for it again this year. She said they have put in new beds and have people already knocking down the door saying they want to come and be a part of this. She said they see this as a way to reach out to the communities and bring members together who wouldn't otherwise know that there is

anything else out there besides sitting at home staring at a T.V. set. It gives them exercise, ability to meet new people, make friends and in addition it gives them an opportunity to grow their own foods and have nutritional things in their diet they might not normally have. With the current state of the economy she believes this is a very worthwhile project and wants to see it continue for the communities. She said they have other people wanting to open gardens but that they really need City Council's support because there are so many things that need done. She thanked them for the land and the chance to beautify their neighborhoods last year and hope to continue to do that. She said they are working on new handicapped accessibilities to their garden. On Western Ave they have beds handicapped people can reach and be involved in. They have some concerns that need addressed and taken care of such as sidewalks, brush that remains after the storm that someone put on the property they currently rent, that needs removed and they need Council support to find out who they can contact to get that off the property. She said there are trees that are falling down that need to be taken down, it's a safety issue. She also stated there is a house next to them that is highly contagious she believes. There are stray cats in there and cats that are dying in there and they smell that. Anyone who comes to the gardens this year that have any health problems may be at risk from the odors from the dying cats. She said they have tried to catch them, they are worse this year; there are approximately 17-18 cats going in and out. She stated the guy next door doesn't take very good care of the property. She said that they have cars of his with broken windows, paint jobs on the property that could contaminate what they are doing in their gardens. She said they would appreciate it if they could come take a look, she welcomed each one of them as well as any comments they may have after the meeting.

Ms. Stare- stated she is very much aware of the two gardens and Skip Shoemaker who is the Captain of the South Side Block watch is very involved in it, they are both wonderful projects. Every year they seem to grow and grow. She advised Ms. Cooper the work she does is appreciated.

ORDINANCES ON FIRST READING

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

13-05 AN ORDINANCE AMENDING ARTICLE 4: DEFINITIONS AND ARTICLE 16: RS SUBURBAN – RL LOW DENSITY – RM MEDIUM DENSITY – RH HIGH DENSITY SINGLE-FAMILY RESIDENCE DISTRICTS OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO.

Referred to Planning Commission

RESOLUTIONS ON SECOND READING

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

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.

**Motion by Mr. Rath to adopt Resolution 13-20, second by Mr. Bubb
Motion passed by a 9-0 vote.**

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

**Motion by Mr. Marmie to adopt Resolution 13-22, second by Mr. Cost
Motion passed by a 9-0 vote.**

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

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)

**Motion by Mr. Frost to adopt Resolution 13-23, second by Mrs. Loomis
Motion passed by a 9-0 vote.**

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

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.

**Motion by Mr. Marmie to adopt Resolution 13-24, second by Mrs. Floyd
Motion passed by a 9-0 vote.**

RESOLUTIONS ON FIRST 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.

Held to First Reading

By: Mr. Marmie, Mrs., Floyd, Mrs. Loomis, 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)

Held to First Reading

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

13-30 RESOLUTION APPROVING THE APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT.

Held to First Reading

Mr. Rath- asked to defer to Mr. Sassen

Director Sassen- stated that it did not say it on the agenda but he believes 13-30 has the emergency clause on it.

Mr. Ellington- asked if it was something we needed to waive the two day reading rule on. After the Law Director pointed out it was in Section 3, Mr. Ellington also announced that the clause was in Section 3.

Mr. Rath- made a motion to waive the two day reading rule on 13-30.

Mr. Ellington- verified with the Law Director that since the emergency clause is in the legislation whether or not it was necessary to waive the two day reading rule.

Mr. Rath- made a motion to withdraw his motion to waive the two day reading rule and make a motion to adopt Resolution 13-30, second by Mr. Bubb.

Motion passed by a 9-0 vote.

COMMENTS FROM CITIZENS

Paul Moran- 63 N 4th St, said he had concerns that he wanted to bring to Council's attention. He stated on the South 5th St underpass there is concrete falling down onto the sidewalk, there is a pile lying on the side walk on this side of it. On the Wilson Street Bridge the sidewalks on both sides are crumbling into the streets and just deteriorating rapidly. On the retail side of things he wanted to point out there are 12-13 vacant retail store fronts downtown. The last one to go out was Country Cupboard that went out the beginning of this month, on South 3rd St, which is like 5 empty store fronts now on that block. He stated retail seemed to be slipping away from Newark rapidly and we all know about the Meijer situation. The Goodwill store on 21st St is leaving too, they are moving into Newark Township which will be a plus for them because that will be the first time Newark Township will have had a Goodwill Store, 1199 Mt. Vernon Rd. He also said he hasn't seen in the paper where the Meijer Store has been mentioned as being in Lancaster.

William Butcher- 129 W Main St, he asked who owns the vacant lot beside of him, he said he heard it was the Library but he didn't think that was true. He said the building beside him is still vacant and no one has come to look at it and he believes that would fall under the Property Maintenance Department.

Lesia Best- 205 W Church St thanked the Health Commissioner, Joe Ebel, for what he said last Monday about the overwhelming number of health violations in Newark that stem from rental property. His other revelation was that this issue could be curbed if property owners were required to provide trash collection instead of the haphazard, unreliable and broken idea to hold tenants responsible. She stated she didn't think it should be a lengthy, time consuming piece of legislation but feels as though no attempts are being made by Council or the Administration for the better of the entire city.

She stated last year we spent 4-6 weeks discussing a lost dog and the signs that a single incident spurred; or that we focus on the fraction of the population who have been bitten by dogs, but she didn't feel as though enough time was spent on a housing issue that affects people. The way people live, the appearance of our neighborhoods and garbage are not treated seriously enough.

MISCELLANEOUS

Mr. Frost- said that the 6th St gardens were a great thing and he liked it for several reasons, one that it didn't cost a lot of money, two it is improving neighborhoods and areas that would otherwise be less attractive, he thinks it helps bring citizens together, which all that together helps reduce crime and make our community stronger and better. He said he has had a chance to go out there and hoped the City does support that.

He thanked the Law Director and Councilman Cost for Ordinance 13-05 and the work they put in to come up with that legislation. He thought it dealt with the problem and that Councilman Cost did a great job with it.

Mr. Guthrie- he thanked people for their involvement with the Community Gardens and then he asked Director Rhodes if there was anything we could do to help with the clean up there so they are ready to go this spring. He complimented the administration, City employees, their Clerk and Mayor's Assistant and spouse for the Operation Feed luncheon. He said it was very nice and that he was aware the campaign is ongoing and folks were working hard on it, he would appreciate any support we could provide.

To Lesa Best he stated he has a lot of respect for many of the points she makes and that in a lot of ways she provides a conscious to the city on issues like rental registration and property maintenance. But to imply they don't do anything, speaking for himself, he knows that there are other Councilmembers have done things and there are others who like to be quietly effective with what they do. As an example regarding her insinuation, basically implying they did nothing concerning the bedbug problem, he stated he talked to an attorney at Ohio Legal Rights about the HUD related issues there, he communicated a couple of times with the Health Commissioner, and he is just one member of Council, he said he was sure other members did similar things. He said that sometime they may not come into Council Chambers and say all the things they did in the last two weeks but they have an obligation as members of Council to try to advocate for their community. Sometimes they are not as vocal as others but he wanted to point out there are things going on things they were doing, more folks than himself.

Mrs. Loomis – called for an Economic Development Committee meeting for March 25th. She addressed Lesa Best's statement where she said just because you don't agree with it doesn't mean it is bad. She claimed ditto. She stated that they gathered information. For instance the ADHOC group allowed rental registration and the deplorable housing in Newark to be brought to the fore front and now what that has done is they are all going to have a chance as a committee on March 25th is going to finally hash out the proposal her ADHOC group birthed. She stated it may not move as fast or that she may not get the answer she wants but nonetheless, Kent Mallet did a three part series from the tenant point of view, landlord point of view, and the administration point of view. She further stated that it has been on the fore front and that it did get more publicity than the dog. She said the dog got public; she has yet to bring the news stations in to Council. She said that she appreciates citizens having the right to do what she has done, she appreciated that it has been brought to the fore front and she appreciates that the Hall Administration started in 2012 to take care of some of the blight, whether she likes it being torn down or not 46 houses were torn down between August and December.

Mr. Marmie- called a Finance Committee meeting. He stated there has been a lot said already about what Ms. Best had to say. First, what Mr. Ebel actually stated was that it should be a public utility not the property owners responsibility, he said that in most municipalities it is a utility. As far as garbage, since he has been on Council garbage has come with legislation and discussion at least three if not four times and every time there is never a good plan to get it implemented or even the one time the ADHOC said they didn't really see where they could change anything. It has been discussed; garbage is an issue, he thinks they will always listen to any kind of ideas as far as improving that situation. He said he was in a meeting with the Mayor before they came to Council Chambers and it was just a casual conversation, they were talking about garbage and how "big gulp" cups are everywhere. He said the Mayor indicated how he would like to get more signs about garbage, where you can trash.

The rental registration is coming to this committee. He said he spent numerous hours talking to different people. Nancy Welu and he met on a Saturday and spent 3 hours talking about the issue, what was good about it, how they could work it, and where the concerns are. He said he wasn't shooting it down, he said he pointed out areas that needed to be answered as far as how it could be implemented. He doesn't know if there are any issues on that particular subject. He said there are a lot of different things that go on as far as Council is concerned about what they do, what they can do

and what they can't do. We can always utilize our voices but they can't overstep their bounds of their branch of the Government. He said there are three branches of Government and that there is a reason, it is for checks and balances. We are not the Administration, if we over step our bounds and act as if we are the Administration and we try to implement the legislation that we enact then we are over stepping our bounds. That doesn't mean that we can't give an opinion to the Administration but it is just that, an opinion. We can't enforce it either; we are not the judicial side. We have to know where our bounds are, what we can do and what we should do and it is a fine line at times. He said it is very difficult for him at times because he just wants to help. He said that he wants to jump in, share information, but that he always has to step back. When he is dealing with the Directors, he said he gives his opinion, what he might do, but they are the Directors, he is the legislator. The Directors are directed by the Mayor not by Council, we have to give them the authority. He advised Ms. Best that he didn't like her implications about people lying and those types of things. He also advised her that he didn't like the comment she made about him at the Committee meeting last Monday. He said her ideas were good and that he appreciated her coming forward and that he agreed with Mr. Guthrie that she does keep them in check, he asks "did I think of that". He said that he takes what she says into consideration and doesn't throw it out just because of the manner it is presented in. He hopes that they can all still work together; he thinks rental registration is coming forward. He thinks there are great ideas in the legislation and he thinks no matter what happens, he thinks they are good ideas and a step in the right direction. He said they have talked about garbage three or four times and he thinks there will be a time when it does pass. It has taken those 3 or 4 times to modify it or just tweek it or something has changed in our modern society. He thinks that this is what this Council is about, they can't fix everything but if they can just improve the thing that are under their control then that's what their goal is.

Mr. Rath- called Service Committee meeting, he gave praise to Autumn and Jennifer, Mayor Hall's Assistant, Mayor Hall, Mr. Bubb, Mrs. Loomis and himself for participating in the fund raiser for Big Brothers and Big Sisters. He advised every one of the information he received from Mr. Ebel regarding dog bites which he asked for last Committee meeting. He sent his results from the last few years and he thought it was interesting to know that 5.4% of all the dog bites in this city were from Pitt Bulls. He said Pitt Bulls were 5th on the list. First one the list was Labs. He stated he was coming back with more legislation and if we wanted breeds specific legislation than it would regard Labrador Retrievers or we could put Pitt Bulls in with the other dogs where they should be. He said their bite rate and injury rate isn't any higher according to the statistics.

He stated that he found it interesting that someone could come up to the podium and state his opinion with absolutely no resolution that they could be questioned about it yet won't bother to ask him his opinion. He said he and Mr. Greene have sat down and talked about rental registration and what his opinions are about that, he appreciates that and felt they had a good conversation on that, he looks forward to it in the future. But he stated he didn't think he had a conversation about rental registration with anyone else other than people who may have been sitting on Council. He said his opinion must be very well known if it was so openly stated.

Ms. Stare- thanked the Mayor and his wonderful marzetti and the people who helped, it was really great. Then on the bright side of life she wanted to tell us that the Parks Advisory Committee met last week and they have almost everything in place for this coming year. Trout Derby-May 11, Party on the Roof- June 7, the Mayor's Concert and who will be playing are all lined up, Jazz and Ribs Fest July 13. She stated they have some very nice people, who represent the Citizens Advisory Committee, Jeff Quackenbush of Newark High School is one of them. He and some Newark High School students are going to clean Horns Hill Park. The Licking Memorial Health Systems will hold a community service on March 30th to clean and beautify the square.

She also stated she wanted to pass that along because we do have some happy wonderful happening in Newark and some wonderful citizens that pitch in and some wonderful things just like the Community Gardens, she said it is a fine, fine place to live. She stated that we have to look at the positives things as well as the negatives.

Mr. Bubb- thanked everyone who participated in the Bowling for Big Brothers and Big Sisters, the City of Newark raised over \$1,300.00 as a donation and he thought it was a good effort from everyone.

Mr. Cost- he said he thought that he could speak for everyone when he said they all appreciate when a citizen takes the time and effort to come up here and address them. He said what he thinks we have to work towards is staying on the issue and the goals opposed to having it be personal and negative comments and an us versus them kind of feeling. He said that whether you were sitting up here or out there they are all there because they care about Newark. We all want to see Newark be a better place to live. He thinks that we should stay a little more focused on the issue and goals we are on.

Mrs. Floyd- congratulated the Community Gardens, she said she went to the dinner they had last fall when they harvested their food. She said unfortunately she had to work at the Midland so she didn't get to eat but she heard about it and it sounded really good. She said they do a wonderful job and that it was nice to see so many people involved. She stated that she agrees with Lesa in terms of trash collection. She said she lives in a neighborhood that is almost all rental property, most of her Ward is rental property and she thinks it would be very beneficial if the owner of the property paid for the trash collection. She stated that she sees tenants next door to her come and go, sometimes trash is collected and sometimes not, she said she has had to call Property Maintenance on houses right next door to her. She said if she could recall from talking to other people she thinks that we could change one word in the Property Maintenance Code and totally turn that situation around and it is something she would like them to at least look into because trash is a major issue, it something that all you have to do is drive around town and you can see it. She said she lives in an area where she gets all the trash people throw out their car window and frequently empty their ashtrays in front of her house. She thinks it is something that would give a better look to Newark. She said they are all working on making downtown and coming into downtown look wonderful but if we have trash everywhere it doesn't solve the problem and she thinks it is something we could work toward and maybe at the same time if we could get owners to have responsibility for that we could also get them to tell the people who live there to move their trash cans back because sometimes they stay out all the time.

She congratulated Newark Catholic and Newark High School on their basketball tournaments, neither one went as far as they had hoped but they did quite well.

Mr. Ellington- clarified that citizens comments are just that citizens comments whether they are positive or negative, we welcome citizen's comments as long as they are kept to generality. If it gets personal we are not going to allow that to happen.

ADJOURNMENT

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

Adjournment 7:47 P.M.