

COUNCIL MINUTES

May 20, 2013

Council Chambers

7:00 P.M.

7:00 P.M. - Mr. Ellington called the May 20, 2013 Newark City Council meeting to order.

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

INVOCATION – Mrs. Floyd

PLEDGE OF ALLEGIANCE- Mr. Gilligan

CAUCUS-

Mr. Marmie- stated that he would be evoking Rule #11 tonight in Miscellaneous.

Mr. Rath- stated that he would be making a motion to reconsider Ordinance 13-06 also in Miscellaneous.

MINUTES- of May 6, 2013. Motion by Mr. Rath, second by Mr. Frost that the minutes of May 6, 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**

Economic Development- **Received and Filed**

REPORTS FROM CITY OFFICIALS

Mayor Hall- requests Council's consideration of the Bed Tax Committee's recommended disbursements. They have identified 3 recipients:

Newark Midland Theatre- \$7,500.00

The Works: Ohio Center- \$7,500.00

Licking County Settlers Inc. - \$7,500.00

Mr. Ellington asked for a voice vote for the recommended disbursements from the Bed Tax Committee. Motion carried by acclamation.

City Auditor, Stephen E. Johnson- Operating Report for the period ending April 30, 2013. – **Received and Filed**

COMMUNICATIONS

Civil Air Patrol- offered Council information regarding their program when Mayor Hall presented their Proclamation at the Council meeting of May 6, 2013. - **Received and Filed**

Department of Commerce, Division of Liquor Control- issued an F2 permit to the American Red Cross which allowed the sale of liquor and/or beer at 1058 E Main St on May 10, 2013. - **Received and Filed**

Board of Trustees of the Newark/Granville Community Authority- will hold a public special and fiscal meeting on May 28, 2013 8:30 A.M. at the Granville Exempted Village School District Administration Building, 130 N Granger St, Granville.-Received and Filed

Ohio Municipal League- thanked Mayor Hall and City Council for their support by sending in the municipalities 2013 OML dues. They sent a schedule of meetings and a brochure of their services. - **Received and Filed**

COMMENTS FROM CITIZENS

William Butcher- 129 W Main St, commented on the potholes on Mt. Vernon Rd and the vacant lot beside of him.

Steve Sunkle- 400 Washington St, President of 400 Washington St Tenant Council. He expressed his concerns/complaints regarding the Harvest Management Group and their procedures on varies issues.

Steve Layman- 915 Hawthorn Ln, discussed zoning with Council in reference to recent transactions regarding the rezoning of 303 N 21st Ordinance 13-06. He stated that he doesn't benefit either way from the zoning request that is coming before them again; he thought it may be helpful to give some history or context to what is going on. The Zoning Ordinance was recreated half a dozen years ago. The reason it was done was because the old Zoning Code really wasn't serving the City of Newark or Council very well. There weren't many options, if you rezoned something for business, any business could go in there, and I think there were only 11 different classifications. The Ordinance that we are operating under now has 25 classifications and is a lot more targeted. It makes it harder for developers but the reason for this is that it gives Council more targeted ability to change the use of property. He stated that most of the older parts of the City are filled with spot zoning; it is just the way the City developed.

He said he didn't care how they voted tonight on the rezoning issue however he did say he doesn't feel the neighborhood will be disadvantaged because of an office sitting there. The LO zoning allows only an office to be there, it can't exceed 2500 square feet; there are restrictions on parking and signage. The Ordinance was created to give Council the tools to allow things like this happen.

Jim Amore-647 Evans St, Licking County Computer Society, they are having their computer recycling/waste collection May 31st & June 1st that is a Friday and a Saturday, the hours are 9-4, we are located on Oakwood Ave. We are teamed up with Hollophane, Contour Forming and some other local businesses. We will be accepting anything that has a circuit board except T.V.'s and no microwaves or appliances. On June 21st and June 22nd we are going to have a yard sale of computer items and computers. We are located at 123 S 3rd St. he announced they were taping the meeting and uploading it to live stream, but not live stream because they don't have internet here yet, it takes approximately 6 hours to upload then a day or two to convert it to the type of media The Advocate needs it to be. There is a link on the Advocate's website to this upload that says Council Replay.

Mrs. Loomis- regarding Mr. Layman's comments, she stated when she first took over on Council there was a gentleman who wanted to take a property out of the Conservation District and turn it into residential. She said the quote from the Planning Commission was that they didn't want to start spot zoning; therefore she was confused by Mr. Layman's comments.

RESOLUTIONS ON SECOND READING

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

13-40 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE OHIO GOVERNOR'S OFFICE OF CRIMINAL JUSTICE SERVICES FOR FISCAL YEAR 2013 EDWARD BYRNE JUSTICE ASSISTANCE GRANT FUNDING.

Motion by Mr. Marmie to adopt Resolution No. 13-40, second by Mr. Houdeshell

Motion passed by a 10-0 vote.

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

13-41 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION
(230 Police Fund: \$28,000.00 Computer Hardware/Software; 232 Transit Fund: \$12,500.00, Payroll Costs; DISAPPROPRIATION 232 Transit Fund: \$12,500.00, Payroll Costs; 100 General Fund \$3,600.00 Cemetery roof repairs; 621 Water Department Fund: \$12,500.00 Software-Annual License Agreement)

Motion to adopt Resolution No. 13-41 by Mr. Marmie, second by Mr. Cost

Motion passed by a 10-0 vote.

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

13-43 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION
(335 Capital Improvements Fund: \$10,000.00 Machinery/Equipment)

Motion by Mr. Frost to adopt Resolution No. 13-43, second by Mr. Marmie

Motion passed by a 10-0 vote.

RESOLUTIONS ON FIRST READING

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

13-44 A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF NEWARK TO PAY BILLS ON BEHALF OF THE TRAFFIC DEPARTMENT SUPERINTENDENT PURSUANT TO SECTION 5705.41 (D), THEN AND NOW CERTIFICATION; AND DECLARING AN EMERGENCY.

Motion by Mr. Marmie to adopt Resolution No. 13-44, second by Mrs. Floyd

Motion passed by a 10-0 vote.

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

13-45 A RESOLUTION APPROPRIATING AND DISAPPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (**100 General Fund: \$750.00- Bldg Grounds, Beautification & Revitalization of downtown; 334 Construction Fund:\$100,000.00- Professional Services, Land Development & Fencing Downtown Fire Station;422 Debt Services Fund: \$66,919.04- Interest Pymt, 100 General Fund: \$3,860.00: Service General, Cemetery Roof; 100 General Fund: \$5,298.56- Police Communication Equipment; 296 Safe Routes to School: \$2,788.80- Overtime, Police for Safe Routes to School events; DISAPPROPRIATION 296 Safe Routes to School: \$2,788.80- Contingency)**

Held to First Reading

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

13-46 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT AN APPLICATION TO THE UNITED STATES DEPARTMENT OF JUSTICE, FOR FISCAL YEAR 2013, COPS HIRING PROGRAM.

Motion by Mr. Marmie to waive the two day reading rule for Resolution No. 13-46, second by Mr. Frost

Mr. Marmie- asked for this to be expedited because the deadline is coming up and this is the last Council meeting that will be conducted prior to that deadline.

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

Motion by Mr. Marmie to adopt Resolution No. 13-46, second by Mrs. Floyd

Motion passed by a vote of 10-0.

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

13-47 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (**295 OCJS-Jag Grant Fund: \$13,928.00-Computer Equipment, video storage & data collection grant April-August 2013; 100 General Fund: \$30,000.00 Summer Employment Program)**

Motion by Mr. Marmie to waive the two day reading rule for Resolution No. 13-47, second by Mr. Bubb

Mr. Marmie- this needs to be expedited because the summer employment program needs to be implemented immediately.

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

Motion by Mr. Marmie to adopt Resolution No. 13-47, second by Mrs. Floyd

Motion to adopt passed by a vote of 10-0.

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

13-48 AMENDED RESOLUTION OF THE COUNCIL OF THE CITY OF NEWARK, LICKING COUNTY, OHIO AND DECLARING AN EMERGENCY

Mr. Marmie made a motion to adopt Resolution No. 13-47, second by Mr. Bubb

Motion to adopt passed by a vote of 10-0.

COMMENTS FROM CITIZENS

William Butcher- advised everyone that People's First will be participating in the Strawberry Festival around the square Friday, Saturday and Sunday and that they will be raffling off a bicycle.

Mark Gilligan- 913 Dietrich Ct, voiced that he was opposed to the rezoning of 303 N 21st St. He stated there are approximately 70 single family homes in the area and the apartments in the adjacent lot. They fear if this is allowed the entire strip of 21st St would become business which would adversely affect one of the busiest thoroughfares in the City. He said he didn't think the City was interested in property acquisition, turn lanes and such that this could potentially create. This is a non-controlled intersection at 21st and Columbia turns are difficult. Most residents avoid left turns at peak times and use Church St and other avenues. He stated the zoning change would create further challenges for the residents. The current lot sits 3-4 feet above the roadway and signage would be allowable at that point left hand turns would become almost impossible and he feared a no left turn would become necessary at that intersection. He said while he did not have any opposition to relocation of successful business in our area, I just feel this stretch on North 21st St isn't an appropriate area for this business. Again we encourage these type of movements among business that enjoy the fruits of our community, which 21st St is, this tight stretch of roadway with Flory park looking like it is ready to flourish, residents are going to want to come and go more.

Jim Foster- 903 Dietrich Ct, he has lived there for 38 years and stated he agrees with what Mr. Gilligan said about the rezoning of 303 N 21st St. Plus he said they weren't taking into consideration the traffic that they get from Newark Catholic students who come down the street trying to beat the light and the school buses that turn up Dietrich then going across to the school. He said he thought that it would be a hazard putting a business there. He also said they weren't taking into consideration the people who live on the side of the building or the back. He suggested a couple of sites where this business could go without coming into residential.

He stated that the grass 935 S 30th St is very high and there is a tree that has been cut down just sitting at 929 S 30th St.

Richard Westbrook- 276 Pierson Blvd, thanked Mr. Cost for his proposal for keeping residential, residential. He thanked the people who supported the rental registration when it came to the Committee. He wanted to especially that the Councilmembers who had the ability and wisdom to see that we have a problem with this and are willing to look into it and see what we can do to solve this problem. He said the ones against it really didn't have any reason for opposing it. He claimed Mrs. Loomis said it would be like taxing landlords, which he thought was a word brought up by Mr. Bailey; he claimed with everything that Mr. Rath said he thought it would cause too much paperwork and then there was Mr. Marmie. Now the Mayor wants to start another Committee. He said another Committee is all we need instead of working on the problem. What he said he didn't understand was why we have people like Mr. Bailey on the Committee. He said he has opposed this ever since it began and told everybody that he would vote against it, yet we put him on it. We are never going to get anything done with people like that on it. No more Committees we need solutions.

Matt McDermott- 1801 Ashford Ln, said he has been a business owner for the last 7 years in Newark and is looking to make an investment in his business and into the community. He wants to give his clients a good location that they can come and do business at. He said he has been looking for a location for a while that would be good for he and his staff. He said he has two people that will work in his office besides himself and there shouldn't be a lot of traffic by either employees or clients. Most clients pay their bills on line and call the office rather than come in.

He stated as a small business he didn't really see that many options out there other than buying a house for a business location. As a business owner he thought it was confusing as he drove around Newark and noticed there were numerous roads and neighborhoods that already have businesses already intermixed and he thought this location was a similar location. He thought because it was a double lot it wouldn't infringe upon neighbors, there would only be 4 or 5 parking spaces in the back with the employees in the front. The only structural changes would be within the interior, primarily ADA requirements. He stated that the next door neighbor didn't mind his business beside of him especially if it was going to be somebody who would landscape and maintain the property. In addition his business wouldn't have traffic after 5:00 or be open on the weekends. Mr. McDermott also said the neighbor in the rear felt the same way and that two or three more cars wouldn't make much difference considering all the people they have coming and going from the apartments.

MISCELLANEOUS

Law Director- advised Mr. Foster that the grass he mentioned was being mowed this evening when he went home for supper.

Mayor Hall- informed everyone this week is national Salvation Army week and they had a small celebration today to thank volunteers and staff members. He wanted to give them credit for what good work they do in the community. Saturday night was a fundraiser for St. Vincent Haven, they and Salvation Army provide wonderful bedding for the homeless in this community and when the economy heads in the other direction they have expanded because of the large hearts in our community.

He mentioned last week several students received good honors in our community; he encourages them to get their college educations and come back to the community. He also reminded everyone about the Memorial Day Parade which starts at 10:00 A.M. Monday and will start at Everett Park and end at Cedar Hill Cemetery.

Mrs. Loomis- updated everyone on the 100 Plus Women Who Care; she advised them the last recipient was Jasmine's Cause. She addressed Mr. Sunkle and advised him he could contact Legal Aid or Fair Housing but with the media being there tonight it could help get things done a little faster. She said they are limited as legislators as to what they can do but that they were a good venue to bring it to.

She stated she stands with the residents of her Ward; she too resides in Ward 4C where this would go. She told Mr. McDermott that her objection to the rezoning didn't have anything to do with him wanting to be part of the community or supporting the community with his business; it was just that stretch of 21st St. Last time it was at Walker and 21st this time it is at 21st and Columbia. It is difficult there and if you are successful you will see.

Mr. Marmie- called for a Finance Committee meeting for Tuesday May 28th. He explained that he needed to bring up a piece of legislation that didn't meet the guidelines for getting on the agenda even though it was in the office there were a couple of issues. The Probation Department had the sheet down and did what they were supposed to there was just a mishap and it does need to be expedited because they only have a certain period of time to spend these funds. They are moving them from salary dollars that was saved because somebody left and they are paying the next person less so they are moving the savings to buy law enforcement supplies. He invoked Rule 11 with Mrs. Floyd and brought Resolution 13-49 to the table.

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

13-49 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Motion by Mr. Marmie to waive the Two Day Reading Rule on Resolution No. 13-49, second by Mr. Rath

Motion passed by a 9-1 vote (Nay: Mr. Guthrie)

Motion by Mr. Marmie to adopt Resolution No. 13-49, second by Mrs. Floyd

Mr. Guthrie- stated he didn't have any objection to the legislation law he has had a long stating objection to Rule 11, he doesn't think that it complies with the Charter. He said he and Mr. Marmie discussed after his committee meeting that maybe Council should look at rule 11 and the rule which prohibits his committee from taking up items like this because if his committee could take it up we wouldn't be here.

Motion passed by a 9-1 vote (Nay: Mr. Guthrie)

Mr. Rath- said he was going to bring up Ordinance 13-06 for reconsideration but first he wanted to explain. First, in Council two weeks ago there was a motion made and a second to table 13-06. He seconded the motion and Mr. Frost made it, we did that simply because at least he felt he needed more time to consider this. He stated he felt it was just common courtesy to give that Councilmember who needed more time to consider the issue more time, especially if it wasn't a pressing issue that needed to be voted on that night. He was disappointed when the motion failed. That being said he would like to reconsider Ordinance 13-06. He said he took some more time and reconsidered the issue. He said he visited the property, visited the neighborhood and spoke to 4 of the 7 neighbors whose doors he knocked on. He said all the neighbors he spoke to were in favor of it. He said he didn't think the house would sell as a residential home even though it is a very nice house. He thinks as a low volume business it will be an asset to the neighborhood. It is an insurance office a retail store can't go there. There is a reason why we have so many categories in Zoning. The low density office will keep the traffic down.

Mr. Rath made a motion to reconsider Ordinance No 13-06, second by Mr. Frost

Mr. Ellington- explained to the audience what was transpiring and the procedure for reconsideration.

Mr. Frost- explained the events two weeks ago occurred as Mr. Rath stated; he did make a motion to table the Ordinance so they could look at the property and talk to the people involved. He said he has since talked with the potential new owner; he is only talking about three employees, there is already parking for two employees up front and two in the back, he will just need to expand in the rear to add a few spots. There doesn't seem to be any major changes and based on what he told me about only 2-3 clients a day, I wouldn't think there would be a huge problem with traffic. I understand the concerns of the neighbors and sympathize with them about their concerns of what happens if he leaves.

He said he thought that Council would have some ability if someone tried to put something there that didn't meet the spot zoning already in place. This is not a fool proof plan; I acknowledge that. He said he voted no last time because I indicated without additional information I would defer to the Council representative of the Ward, but having looked into it now I am going to change my vote and vote in support of this.

Mr. Guthrie- asked the Law Director a question based on Mr. Rath's earlier comment about the use of the property in the future. He asked whether or not this property could be used as a dentist or doctor's office.

Law Director- stated he would need to consult the Zoning Code to provide an answer. He left the meeting for a few minutes to do so.

Ms. Stare- commented that she was still conflicted as to which way she was going to vote on this issue due to her years of experience in real estate and taking in consideration what the residents stated earlier during comments from citizens.

Motion to reconsider passed by a 6-4 vote.

Nay: Mr. Cost, Mrs. Floyd, Mr. Guthrie, Mrs. Loomis

Yes: Mr. Bubb, Mr. Frost, Mr. Houdeshell, Mr. Marmie, Mr. Rath, Ms. Stare

Motion by Mr. Marmie to adopt Ordinance 13-06, second by Mr. Bubb

Mrs. Loomis- welcome to the 4th Ward, there are residents here speaking against the spot zoning but there are no residents here speaking for the spot zoning. I represent the Ward, I respectfully ask you to appreciate what the Ward representative has said, the people who I talked to had a differing opinion than who Mr. Rath talked to, or perhaps depending on who knocked on the door there was a different opinion or how the case was presented, I would obviously present my case my way and he his way. I am asking you to please not pass 13-06 based on that small stretch of 21st St. There is nothing against his business or him bringing business into Newark, just that particular part of Ward 4C of which I live.

Law Director- provided the answer to Mr. Guthrie's earlier question regarding the types of businesses which are permitted in LO zoning. Medical and related practices are permitted as well as dentists and orthodontists.

Mr. Cost- asked the Law Director if there would be parking restrictions based on the type of business that occupied the property.

Law Director- stated that the Zoning Code has a separate section regarding parking, Section 125, where there is a formula for calculating the number of parking spaces required. Business and professional offices are required to have 1 parking space for every 300 square feet.

Mr. Cost- stated he is as pro-business as anyone on this Council is, I want to see business in Newark, and I want to see business successful. I am also very concerned that we protect residential houses. He said he has had neighbors call him; email him and approach him and they have all thanked him for trying to not have this occur. He said he still has to support the Ward Councilmember in her area.

Mrs. Floyd- said that it seems to her that if we change the zoning once it's changed, it's changed and I think Mr. Guthrie's question was very pertinent. We on Council have had numerous times people complaining about the dentist office that is on 30 something street. They complain they end up having people parking in front of their houses, they can't park and they can't have friends over because there isn't anywhere to park. She said when she looks at that house she sees a residential house.

Mr. Guthrie- thanked Mr. Sassen for providing the zoning information he had requested because he thought that it was a very important piece of information for Council to be aware of. As much as we respect Mr. McDermott, the business that he is in and what he wants to do with that property, I think you almost have to put blinders on to what is going to immediately transpire there because we are rezoning that property for the laundry list of things that Mr. Sassen outlined for them. For instance, at the corner of West Locust there are two properties there that could request rezoning to commercial; they could have side entrances and parking behind their properties. There are properties like that all over the City. He said he has been by there several times and parked behind it to look at it and there is no doubt that it could be a nice insurance agency, but I am trying to look at the picture, the precedence we have set and how we would look at the people at the corner of West Locust and say no yet say yes to the folks a block away. He said he was sorry he wasn't here last week to vote on it but that he would be voting no on it tonight. He stated he respected everyone's opinion on it but he thinks it sets a bad precedence therefore he will be voting no.

Mr. Marmie- said he would go back to some of his original comments, first and foremost is property owner rights. I am a firm believer in property owner rights, I am a firm supporter of business and small businesses in our community. I am going to take you back in time when up on Pierson that was residential, Pierson and 21st St, that was all residential. I was

the only one against that because my Ward was the one being impacted and I spoke for the constituents in my Ward. All during those discussions, 21st St was considered a business corridor; not a residential corridor. To take away property owner's rights to do a Limited Office business in an area that I don't consider spot zoning because it is right next to multifamily housing which is also considered business. Those types of things come into consideration when I look at it. The other end with the dentist office on the corner of Church and 21st St, it has been there for years and it hasn't expanded one way or the other, to be honest, if you are a business you are not going to want to do business unless you are on a corner. You want to be on a corner for easy ingress and egress and that is what the road next to that business does for it. If it's not a business it is liable to be a rental dwelling property and it could end up in a worse situation. I want to do what is right for the property owner and what their wishes are. I think it could be a viable business for the community and I think that we should support this and support any kind of business within our community that has a reasonable request for zoning. This one definitely fits within that definition; therefore I will be supporting this.

Mr. Rath- stated that he was as conflicted about this as he was two weeks ago. The biggest reason for that is not supporting the Ward Council Representative. I understand that is your neighborhood and where you live even though I was voted on Council to represent the 3rd Ward I was also voted on to represent the entire City. I live in Newark and it is part of my community. I still think this would be an improvement to that neighborhood. I appreciate the two gentlemen who came here to speak out against it. I knocked on the door of 7 properties in the closest proximity to that property and talked to 4 people. All 4 people I spoke to were in favor of it and didn't have any problems with it. I do appreciate Mr. Guthrie asking about Low Density Office because I didn't think a doctor's or dentist's office would be considered Low Density and I think you identified a problem. Someone who is going to schedule a client in every 15 minutes for every professional in the building isn't in my mind Low Density. I think that we need to address that problem although not tonight, it isn't regarding this issue but it is something that needs to be addressed. The dentist office on 30 something street is a problem, it is in my Ward and there is nothing we can do about it and he is not very cooperative or sympathetic to the neighbors either. That is a shame and I want to prevent that from happening so we will look at that in the future. I still think this is going to be an asset and I agree with Mr. Marmie about 21st St being a business corridor. I'm very sorry not to be able to support the Ward representative but I am still going to vote for it.

Mr. Guthrie- I hate to take exception to what Mr. Marmie said and he certainly has a right to respond to me. In regards to property owner rights and the issue of 21st St being a business corridor. There are a lot of people there, I think we need to consider the property owner rights of the people who bought residential property there and want to remain in a residential neighborhood as much as we possibly can. We have a pretty major corridor there and I think you can argue that from Moull St north is pretty much a commercial thorough fare, but when we talk just about 21st St and thinking of it as a commercial corridor there are a lot of residents there who aren't going to like hearing us talk like that. There are a lot of fine homes in that area on 21st St, especially between W Main St and Church. To take it one step further as far as property owners rights, why do we have zoning to start with if we are basically going to say you can do with your property as you want, it's your right.

Mr. Frost- said he agreed with Ms. Stare that the people who are buying it will have to take care of it. I talked to the realtor and she said if they want to sell it as residential property they will have to lower the price because they can't get it sold for what they are asking for it. He said he was going to take care of it but there isn't any guarantee, that is what I was saying earlier. With spot zoning, we can't make promises, it sounds like it is a good plan, and it sounds like only three people going there a day so I am going to support this. I think the neighbors in the area seem to be supporting this; I think it is a positive thing. I agree with Mr. Guthrie I don't want to say all of 21st St is business, I agree with a lot of members of Council. Having said that, I will be supporting this.

Mr. Marmie- I never said commercial corridor, I will be clear on that. I never disrespected the people on 21st St, there are many beautiful homes but there is a reason why 21st St is not 25 mph like other residential corridors in the City of Newark. That is where I am coming from on that. When I said property owners rights I did say as long as it was a reasonable request and I was clear on that. Maybe some people did not hear that but I did say those things. I feel sorry that I have to take this Council's time to explain what I already stated.

Mr. Houdeshell- I sat out there the other day and watched traffic on 21st St. There is a tremendous amount of traffic for a residential area. It is a perfect location for this type of business, on a side street with parking in the front and back. If it were in the middle of the block that would be different but on a side street I am going to support this.

Motion passed by a 6-4 vote.

Nay: Mr. Cost, Mrs. Floyd, Mr. Guthrie, Mrs. Loomis

Yes: Mr. Bubb, Mr. Frost, Mr. Houdeshell, Mr. Marmie, Mr. Rath, Ms. Stare

Mr. Rath- one other thing that I wanted to address is a comment made by Mr. Westbrook. He made the comment that when we talked about rental registration that I said that there was too much paperwork. I wanted to make sure that I wasn't miss quoted again. I never said that there would be too much paperwork but according to the rental registration subcommittee I was told that there were more than 8,000 rental units in the City of Newark. According to their proposal each one of those units had to have a self-inspection done with a self-inspection form completed. If you take those 8,000 self-inspection forms which I assume have to be reviewed by somebody in government and it takes 15 minutes to review each one and you multiple 8,000 by 15 that is 2,000 hours that is an entire years' worth of work. You give somebody 2 weeks' vacation that is an entire 12 months' worth of work. That would mean we would have to hire one person and pay that person full time wages and benefits to do nothing but read inspection forms. I didn't say it was too much paperwork, I said it was incredibly labor intensive and we would have to hire an individual to nothing more than just review inspection forms. Please don't miss quote me on that. He then asked everyone to keep the people in Oklahoma in their thoughts and prayers. He also discussed the "face lift" that the 3rd Ward was undergoing with the road construction and asked people to be patient it is short term.

Ms. Stare- she wished everyone a wonderful Memorial Day and to keep in mind everyone who lost their lives in great valor for all of us. Discussed Mayor's Concerts start June 14th and the Party on the Roof is June 7th starting at 6:00 on top of the parking garage on S 3rd St, tickets are \$10.00. She said the Salvation Army does wonderful things for the City of Newark and it is good they are being recognized.

Mrs. Floyd- She congratulated William Butcher for being quoted in a brochure which is a publication Nancy Neely puts out. She thanked the Computer Society for the taping that they do. She said we have been looking for a solution for a long time and she wasn't sure if everyone could this but she hoped that some people could see because the more informed our citizens are about what we do here the better off we are. She advised that Arnett Howard is playing at the Party on the Roof and Strawberries on the Square is next week.

Mr. Frost- addressed Mr. Gilligan, he said to him that he was sure he probably wasn't happy with Council's decision to adopt the Ordinance rezoning 303 N 21st; he thinks they made the right decision. He also stated it wasn't down party lines and as you could see it was kind of adversarial. We are trying to do the best job we can and people are voting on what we feel is best for Newark and that area.

Mr. Guthrie- called a Safety Committee meeting. Thanked the Newark Garden Club for the nice job they did out front of City Hall. He said it was nice that he and the Mayor's paths crossed that weekend at St. Vincent's Haven Event. He commented on the spirit and positive attitudes of the Meijer employees considering their situation.

He expressed his wish that the Property Maintenance Ad Hoc Committee would discuss the issue of people parking their cars in their yard. We continue to see this in our City and there has to be a solution to it. He mentioned St. Joseph holding a mass service at 10 or 10:30.

ADJOURNMENT

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