

## COUNCIL MINUTES

**June 3, 2013**

Council Chambers

7:00 P.M.

**7:00 P.M.** - Mr. Ellington welcomed everyone to our June 3, 2013 Newark City Council Meeting and called it to order.

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

**INVOCATION** – Mrs. Loomis

**PLEDGE OF ALLEGIANCE-** Mrs. Loomis

**MINUTES- May 20, 2013.** Motion by Mr. Rath second by Mr. Frost that the minutes of May 20, 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**

Safety- **Received and Filed**

Service- **Received and Filed**

Ways & Means- **Received and Filed**

Capital Improvements- **Received and Filed**

### COMMUNICATIONS

**Ohio Environmental Protection Agency (EPA)** - Public Notice received- **Received and Filed**

**Steve Sunkle-** President of the 400 Washington St. Tenant Council, advised Councilmembers of the problems they are experiencing with Harvest Management at Washington Square Apartments. - **Received and Filed**

**Michael Milewsky-** expressed to Council his concerns that the Vicious Dog Ordinance was not amended to coincide with the State's Ordinance and the hardships he has experienced due to this. - **Received and Filed**

**Mr. Michael Brining, Law Enforcement Liaison with the Ohio Department of Public Safety** – recognized the Newark Police for their traffic safety efforts for the 2012 National Mobilizations. Mr. Brining presented Chief Sarver with a new Radar Gun in honor of the Newark Police Department's achievements.

### COMMENTS FROM CITIZENS

**William Butcher-** 129 W Main St, voiced his concern regarding cars speeding up and down Main St in front of where he lives. He said the drivers squeal their tires and play music too loudly. Weather update given.

**Lesa Best-** 205 W Church St, inquired about the overtime for bike patrol on Resolution 13-50. She asked if the \$3,700.00 was all for overtime and whether it was for working parades or other such events because she said she wasn't aware that the City still had bike patrol.

**James Childers-** 1550 Lemae Ave, discussed the loss of recycling sites and suggested other places they could be placed. He also discussed his concerns regarding speeding in the parking lots off of Deo Dr where Kroger is, this is private property therefore it is not certain whether the City has any authority regarding the placement of stops signs within that shopping center. He thanked Mr. Bubb for the job he did at the apartment complex on Glenbrook.

**Mr. Frost-** asked Mr. Childers to clarify the 4 way stop that he was referring to.

## ORDINANCES ON FIRST READING

By: Ms. Stare, Mr. Rath

- 13-15** AN ORDINANCE AMENDING CHAPTER 454 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO, REGARDING THE REGULATION OF PARKING VEHICLES IN THE DOWNTOWN AREA  
**Held to First Reading**

## RESOLUTIONS ON SECOND READING

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**)  
**Motion by Mr. Marmie to adopt Resolution 13-45, second by Mr. Bubb**  
**Motion passed by a 10-0 vote.**

## RESOLUTIONS ON FIRST READING

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

- 13-50** A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (**100 General Fund: \$3,726.00-Service General & Bldg Grounds Maintenance; 295 JAG Fund: Overtime for Bike Patrol**)  
  
**Held to First Reading**

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

- 13-51** A RESOLUTION STRONGLY OPPOSING THE PASSAGE OF HOUSE BILL 5 BEFORE THE 130<sup>TH</sup> OHIO GENERAL ASSEMBLY WHICH PROPOSES UNIFORMITY MEASURES FOR MUNICIPAL INCOME TAX IN THE FORM OF UNFUNDED MANDATES AND A SUBSTANTIAL LOSS OF REVENUE TO MUNICIPALITIES WHILE CREATING NEW BURDENS, BARRIERS AND BUREAUCRACY, AND DECLARING AN EMERGENCY.

**Motion by Mrs. Floyd to adopt Resolution 13-51 second by Mr. Cost**

**Mrs. Floyd-** stated Barb Jobses provided an explanation to them last week at Committees regarding why this piece of legislation is necessary. The emergency clause is on the legislation because House Bill 5 voting is coming up and we need this to go to the various elected officials prior to that.

**Mrs. Loomis-** thanked Barb Jobses for her explanation at Committees and she said it has helped her to explain this to others who have asked her.

**Mr. Rath-** thanked Barb Jobses also and said he asked her to forward her explanation to the other Council members and State Representatives Hottinger, Hayes and Schaffer because it will go to the Ways & Means Committee of the Senate, which Tim Schaffer chairs. It is getting to the right people. When he spoke to them their impressions were that portions of this may pass but the portions that will cost the City of Newark money won't. He stated that if this Bill passes as it is it will crush the City therefore he is in support of this resolution.

**Mr. Guthrie-** said House Bill 5 is like adding insult to injury after what the State Government did to us with the Local Government fund of the inheritance tax. He advised everyone that the State is going to end its year with a 2 billion dollar surplus and there won't be anything in their budget to restore what has been taken away from cities. He said this is historic that a legislature would act in this manner by taking and taking then to add this type of insult to local governments.

**Mr. Frost-** stated he would be supporting this piece of legislation because he does think that it goes too far but stated he thought there should be some type of uniformity in the tax. He thinks the way this Bill is designed or what they are proposing does go too far and it will hurt the City, it will hurt our tax power. At the end of the day he believes they should work towards some uniformity in tax for the municipalities.

**Motion passed 10-0**

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

**13-52** A RESOLUTION APPROPRIATING AND DISAPPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (**929 Inter/Intra Govt Fund: \$71,181.40-JEDZ Income Tax Distribution; 100 General Fund: \$7,000.00 Communications Equipment; DISAPPROPRIATION 100 General Fund: \$7,000.00- Salaries & Wages; 671 Borrowed- Note Funds: \$250,000.00- Land Improvements to Closed Landfill**)

**Motion by Mr. Marmie to waive the two day reading rule on Resolution 13-52, second by Mr. Bubb**

**Mr. Marmie-** there are a few items that need to be expedited in particular the distribution of the JEDZ funds radio of communication equipment for our Police officers and we need to control the erosion because it is something that we get a favorable rate on.

**Motion to waive the two day reading rule passed 10-0**

**Motion by Mr. Marmie to adopt Resolution 13-52, second by Mrs. Floyd**

**Motion passed 10-0.**

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

**13-53** A RESOLUTION APPROPRIATING AND DISAPPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (**335 Capital Improvements Fund: \$22,000.00- Security Equipment**)

**Held to First Reading**

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

**13-54** A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO, TO ENTER INTO A CONTRACT WITHOUT COMPETATIVE BIDDING FOR THE LEASE OF VEHICLES FOR THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY.

**Motion by Mr. Rath to adopt Resolution 13-54 second by Mr. Bubb**

**Mr. Marmie-** he stated that he is in support of getting new vehicles, he is aware of the need however he isn't going to support this legislation because he doesn't believe our debt obligations are where they need to be right now and he doesn't believe in increasing that debt obligation.

**Motion passed 9-1 (Nay vote- Mr. Marmie)**

## **COMMENTS FROM CITIZENS**

**William Butcher-** 129 W Main St, he asked who owns the old insurance building next door to him. He would like to see the Flint Festival come back to Newark.

**James Childers-** 1550 Lemae Ave, suggested that the nonviolent offenders are used to pick up trash along the roadways. Discussed which trash disposal companies are being used the most at this time and which are not. He stated he just wants to clean up the town and make Newark look good.

## **MISCELLANEOUS**

**Mrs. Loomis-** thanked Director Spurgeon and Chief Sarver for their help with a situation in the 4<sup>th</sup> Ward that may be on going but she feels that the citizens are going to be happy with the news she is going to relay to them. She mentioned she was sorry that she was not able to attend the employee lunch due to her full time employment she said she received emails from other City employees stating that they really do enjoy the luncheon. She advised Lesa Best that she doesn't have an explanation for her regarding the overtime for the bike patrol. She congratulated Mr. Childers for being interested and volunteering.

**Mr. Marmie-** called for a Finance Committee meeting. He committed on Resolution 13-50 regarding the JAG Fund which is a JAG Safety Grant which was administered some time ago this is just an adjustment for the Auditor's office because

there were some numbers that needed adjusted. He said he doesn't think that our bike patrol ever went away and he thinks they are used for different venues and such but he can't say for sure but that he sees them out patrolling. Resolution 13-51 he stated he thinks it is great that we put in writing what we think and put it out there but he also suggested that they get more involved by contacting the elected officials with emails and phone calls. He stated it is important to make clear what we want and don't want in that type of legislation. He encouraged everyone to cheer on Newark Catholic Friday during their State Semi Final game. He congratulated all of the Licking County teams on their success this year.

**Mr. Rath-** called for a Service Committee meeting said he agreed with Mr. Childers about using the inmates to pick up trash along the roadways and has suggested that for 4 years but for one reason or another it hasn't been able to be utilized with a few exceptions. Stated he was at Strawberries on the Square and that it was a good success.

**Ms. Stare-** reminded everyone about the Party on the Roof June 7<sup>th</sup> and she stated that we should commend our Park and Recreation department for all they do.

**Mr. Bubb-** commended Thad Claggett and company for their time and effort in repairing the shelter house for North Newark at Levin Park off Sharon Valley Rd, he stated it was a great addition and looks good. He also thanked the Service Director for his efforts in orchestrating that.

**Mr. Cost-** congratulated Chief Sarver and the Police Department for the rewards that they received. He thanked Mr. Childers for coming in and being willing to help out in the community.

**Mrs. Floyd-** commented on the turn out for the Strawberries on the Square, she congratulated those who were rewarded during the EMS ceremony. She said she agrees with Shirley about the work that the Parks and Recreation Department does. She commented on how wonderful Cedar Hill Cemetery looked during the Memorial Day ceremony and that the Hollander Pool looks wonderful. She stated that she agreed with Mr. Childers that recycling is important and she too will miss the site on Deo Dr but that she will use the one at Flory Park.

**Mr. Frost-** also stated he agreed with Mr. Childers on how important recycling is, he himself recycles and got people at work doing it as well. He advised him if the area he was referring to earlier that could be a 4 way stop but it is on private property but that he would speak to the Law Director and see if there is anything the City can do or whether it is out of our jurisdiction. Regarding the use of prisoners, he said there has been a big push to not send people to prison especially for lower level offenses 4 & 5 because it was costing too much and the prisons were over crowded. Instead they are going to the local jail which is putting stress on the jail because if they still want to do something under the law they can still give them local time at the local jail. He stated that about 20% of the people committing felonies are getting about 100 hours of community service. He congratulated Chief Sarver on the recognition from the Ohio Department of Public Services.

**Mr. Guthrie-** thanked Mr. Childers for volunteering and caring about his community. He thanked all the City Departments he has interacted with week; they have all been very responsive. Hollander Pool looks great, the luncheon was nice. He asked for Council President to get some feedback regarding the **indebtedness of the City** based on Mr. Marmie's earlier statement. The Hollander pool looks very nice.

He said he heard on Channel 4 News tonight all the great talk about the Job & Family Services Grant the entire article was very positive. He wanted to complement the Mayor regarding that.

**Mr. Houdeshell-** said there is a recycling center by the Driver's License Bureau. He said it is used a lot.

**Mr. Ellington-** announced the next Council meeting would be held on Monday June 17<sup>th</sup> at 7:00 P.M. in the same location and that next Monday June 10<sup>th</sup> Newark City Committees will meet at 5:30 P.M.

## **ADJOURNMENT**

Being no further business to discuss Mr. Bubb made a motion to adjourn, second by Mr. Guthrie

Motion carried by acclamation.