

COUNCIL MINUTES

October 21, 2013

Council Chambers

7:00 P.M.

7:00P.M. - Mr. Ellington called the October 21, 2013 Newark City Council meeting to order

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

Absent- Mr. Houdeshell

INVOCATION – Mrs. Floyd

PLEDGE OF ALLEGIANCE- Mrs. Floyd

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

MINUTES- motion by Mr. Rath, second by Mr. Bubb that the minutes of October 7, 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**

Service- **Received and Filed**

Economic Development- **Received and Filed**

Personnel- **Received and Filed**

REPORTS FROM CITY OFFICIALS

Stephen E Johnson, City Auditor- operating report for the period ending September 30, 2013. - **Received and Filed**

COMMUNICATIONS

Pat Tiberi, Representative of Congress- letter of response to Mr. Ellington regarding his receipt of Newark City Council's Resolution in support of The CDBG Program. - **Received and Filed**

Ohio EPA- public notice of application and/or complaints received and the following draft, proposed and final actions were issued last week to Dominion Homes Inc regarding Cumberland Crossings in Pataskala. - **Received and Filed**

Stephen E Johnson, City Auditor- Capital Asset Threshold and establishment of depreciation schedules- **Received and Filed**

Senator Sherrod Brown, United States Senator- a letter of response to his receipt of Newark City Council's Resolution in support of The CDBG Program.- **Received and Filed**

Bonnie Fox, Manager of Towns Mobile Home Park- a letter of concern regarding Town's Mobile Home Park issue with feral cats and that they are unable to take the felines to the Animal Shelter.- **Received and Filed**

COMMENTS FROM CITIZENS

James Childers- 1550 Lamae Ave, advised Council that Potters Grove had several cars broken into last Sunday. He said the problem that he is having that he discussed with Sgt. Davis was the dispatchers. It is communication and the police force not knowing about block watch and not even knowing when citizens are on patrol or out. He said that he was disturbed that Sgt. Davis said he didn't receive his request for extra patrol and numerous streets. He stated that he then went to the Safety Director's office and gave him his written request for more police patrol of numerous streets. He stated he had to put it in writing so that the officers had a reason to go over there; he felt with the burglaries going on over there was a pretty good reason. That irritated him. Tomorrow night at the meeting he is going to bring a dispatcher and explain things. He stated that he had not been able to get a hold of Sgt. McKee because he had been in training and not returning phone calls. He also stated that Sgt. McKee didn't attend their meeting last week and that irritated a lot of people. He attended the south end's block watch last week. A lot of people thought that he should have been at our watch meeting because we are trying to get ours established and they already have theirs established. He stated there were police in Potters Grove last night when he was out neighbors told him that they had been patrolling the areas over there so I thank them for that. I feel like they may be a little vindictive to me because one of the officers told him that he should have a light on his bike, it is a law and that a car could hit him. I can understand that, when a car is coming down the road in a situation I usually get off the road and get way away I don't know if they have a gun, whether they have been drinking or not or who they are. He stated that the idea is that the alleged criminals don't see him because they take off running. His idea is to corner them enough somewhere and that the police will get there in enough time and catch these criminals because that is what they are sum of the

earth. The problem is in the areas that they are going they can get out easy access off Goosepond Rd they can get to the bike path. They finished the construction way back on Churchhill Downs Rd; he said that it has always been like that since he has been a kid. He didn't know who knows the property. He stated that he knew that it was against the law to not have a light on his bike but he doesn't want them to see him coming. I do thank the police but they hadn't said anything to me before. We are trying to work together on this thing; I am trying to help them. A dispatcher and I had a big argument the other night. Sgt. Davis agreed with mw that the dispatcher should not have been arguing with me and sent a unit because we don't have time to be arguing on the phone just send a unit. He hoped that patrol didn't slow down when the snow comes because he heard that the Sherriff's department used someone's footprints to track them back to an apartment. He thanked Ms. Klein for emailing his statement to Sgt. Davis and the Safety Director because they must have gotten it he saw patrols out there.

Sherry Mason – 140 B South Westmoor Ave, I will make this brief, approximately 5 weeks ago my vehicle was broken into and my GPS was stolen. Last week my vehicle was broken into and her work briefcase was stolen. Fortunately we retrieved the briefcase but from my understanding Newark only has 4 cruisers through the night shift. Obviously if you have a domestic that is going to tie up two cruisers if you got a burglary that is going to tie them up. I would like Newark to consider more cruisers through the night shift. The officer that I talked to Thursday morning when we discovered the briefcase was stolen told us that there are a lot of vehicle break ins in the west side of Newark. Their hands are kind of tied, there is only so much that they can do when they are tied up doing other things. Newark is not a small town, Newark isn't a huge town but 4 cruisers to patrol the entire City is not a whole lot. If you would take into consideration more funding for cruisers for the night shift that would be great.

ORDINANCES ON SECOND READING

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

13-32 AN ORDINANCE SETTING COMPENSATION AND STATING POLICY WITH RESPECT TO THE POSITION OF ADULT PROBATION DIRECTOR IN THE ADULT PROBATION DEPARTMENT AND REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE.

Motion by Mr. Bubba to adopt Ordinance 13-32, second by Mrs. Floyd

Mr. Guthrie- I just want to note for Council's benefit and I got this information from the Auditor's office. Scott has received the same raises as everyone else in his category since 2007. It was 1 ½%, 3%, 2 1/2%, 0%, 4%, 5%, 1%, 1%. I just wanted to make sure that everybody was aware of it.

Motion passed by 7 yeas and 2 nays (Mr. Guthrie, Mr. Marmie)

ORDINANCES ON FIRST READING

Mr. Rath, Mrs. Floyd, Ms. Stare, Mr. Cost

13-33 AN ORDINANCE ENACTING AMENDMENTS TO NEWARK'S SEWER USE AND SEWER CHARGES ORDINANCE (91-59); DIRECTING LIMITED PUBLICATION OF THE SEWER USE AND SEWER CHARGES ORDINANCE

Held to First Reading

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

13-34 AN ORDINANCE SETTING COMPENSATION WITH RESPECT TO CERTAIN ELECTED OFFICIALS AND REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH.

Held to First Reading

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

13-35 AN ORDINANCE ADOPTING SECTION 1048.14 OF THE CODIFIED ORDINANCES AUTHORIZING THE ESTABLISHMENT AND CERTIFICATION OF A LIEN UPON REAL ESTATE FOR DELINQUENT WATER CHARGES WITHIN THE CITY OF NEWARK, OHIO.

Held to First Reading

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

13-36 AN ORDINANCE CREATING CHAPTER 1450 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO TO BEGIN THE PROCESS OF DESIGNATING NEWARK, OHIO AS A CERTIFIED LOCAL GOVERNMENT AND THE CREATION OF AN HISTORIC DISTRICT OVERLAY FOR THE PURPOSE OF HISTORIC PRESERVATION

Held to First Reading

RESOLUTIONS ON SECOND READING

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

13-84 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- NON EMERGENCY (265 HODAG Fund-\$4,000.00: Payroll costs, DISAPPROPRIATION Contingency 265 HODAG Fund-\$4,000.00, 232 Transit Fund-\$15,000.00: Payroll Costs, DISAPPROPRIATION Contingency 232 Transit Fund-\$15,000.00, 263 LEAD Grant Fund-\$7,452.66: Refund to HUD, DISAPPROPRIATION Services General 263 LEAD Grant Fund-\$7,452.66: Refund to HUD, 100 General Fund-\$1,000.00: Donation for Courthouse fountain, 334 Construction Note Fund-\$34,617.00: Service Complex upgrades including the impound lot, 100 General Fund-\$1,200.00: donation for Courthouse fountain, 262 Home RLF-\$2,476.00 Payroll expenses, DISAPPROPRIATION Contingency 262 Home RLF- \$2,476.00, 100 General Fund- \$1,469.85: repair of fence, 100 General Fund- \$10,000.00 initial issuance of uniforms and equipment to 2 new officers, DISAPPROPRIATION Salaries 100 General Fund- \$10,000.00, 100 General Fund-\$877.50: Clothing repair/replacement, DISAPPROPRIATION Salaries 100 General Fund-\$877.50)

Motion by Mr. Marmie to adopt Resolution 13-84, second by Mr. Bubb

Motion passed by a vote of 9-0

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

13-88 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- CI NON EMERGENCY (335 Capital Improvement Fund-\$7,836.67: Computer hardware/software for NPD security upgrades)

Motion by Mr. Johnson to adopt Resolution 13-88, second by Mr. Cost

Motion passed by a 9-0 vote

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

13-89 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION WITH REGARD TO RETENTION OF OUTSIDE LEGAL COUNSEL

Motion by Mr. Marmie to adopt Resolution 13-89, second by Mr. Bubb

Motion passed by a vote of 9-0.

RESOLUTIONS ON FIRST READING

By: Mr. Rath, Ms. Stare

13-86 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR UPGRADES TO IMPROVE PUBLIC ACCESS AT THE WATER OFFICE.

Held to First Reading

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

13-90 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- EMERGENCY (930 Inter/Intra Govt Fund: 3rd Quarter JEDD distribution-\$101.02)

Motion by Mr. Marmie to waive the two day reading rule on Resolution 13-90, second by Mrs. Floyd

Mr. Marmie- we only have a certain amount of time to disperse funds, it is legislated as to how quickly we have to do that in order to meet that deadline therefore we need to expedite this.

Motion passed by a 9-0 vote.

Motion by Mr. Marmie to adopt Resolution 13-90, second by Mr. Bubb

Motion passed by a 9-0 vote.

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

13-91 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 FISCAL YEAR 2013 EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG-LE) FUNDING.

Motion by Mr. Marmie to waive the two day reading rule on Resolution 13-91, second by Mr. Bubb

Mr. Marmie- there is a time restraint on the application deadline in order to get this grant

Motion passed by a 9-0 vote.

Motion by Mr. Marmie to adopt Resolution 13-91, second by Mr. Bubb

Motion passed by a 9-0 vote.

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

13-92 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- NON EMERGENCY
(100 General Fund: Reimbursement of Jeff Hotchkiss& Greg Vickers for fuel costs associated with the Summer Youth Program-Mobile Beautification Patrol-\$5073.78; 100 General Fund: Donations for Courthouse Fountain-\$1,100.00; 237 CHIP Grant: Appropriate funds that were previously appropriated in 2012)

Held to First Reading

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

13-93 A RESOLUTION SUPPORTING THE NEWARK DEVELOPMENT PARTNERS AND THE HISTORICAL DISTRICT OF NEWARK IN ITS EFFORTS TO OBTAIN OHIO STATE HISTORIC PRESERVATION TAX CREDITS FOR THE REDEVELOPMENT OF PROPERTIES LOCATED AT 36-38 SOUTH 3RD STREET OWNED BY ARGYLE PROPERTIES LLC

Held to First Reading

COMMENTS FROM CITIZENS

Paul G. Moran- 63 N. 4th St, I wanted to thank the City for dealing with the matter of graffiti on the building at 295 Wilson St, for getting that addressed, now there is graffiti on the second building, on the side and the back. There is a sand pile there also that has pillow sheets and clothing items there on the City property. Second, when is the construction going to begin for the downtown fire station? I am curious when the first shovel is going to start digging in to the earth. I haven't heard anything in the paper or here about the new downtown fire station. Third, I want to mention the alley beside PNC bank, 60 W Church St, it is in deplorable condition and gets worse every day and needs to be resurfaced as soon as possible. It is in terrible shape, walk down it and check it out for yourselves.

MISCELLANEOUS

Mrs. Floyd- we don't know much else about Ed Houdeshell at this point but we are signing a card tonight which as soon as I get an address I will send. As soon as we know more we will send flowers. I will let you know when that is. Secondly I want to remind everybody that Safe Trick or Treat is October 31st on the square. I have mentioned before it is a really fun time. For anybody who has young kids or grandkids it is a great place to bring them because it truly is a safe place, the square is blocked off and there are lots of activities and treats. Finally, I would like to thank the Advocate who is working in cooperation with the City on Everett Park. Make a difference day next Saturday they are going to clean that up; I regret that I will be out of town to watch my granddaughter in Roanoke in a theatre presentation. I just think the Advocate is doing a wonderful thing. I grew up using Everett Park, they used to have activities there and I think that it would be great to see that come back. Parks are really important to a community.

Mr. Guthrie- just a couple of things that I want to mention, I don't know if the Advocate has covered this or not. We have a couple of long standing businesses in the community. One is the Roll-A-Way and I found this out because I went to a grandchild's birthday event there. They have been operating there by the same family for 60 years. I think we could probably all remember going there one time or another in our childhood. I thought that maybe sometime we should recognize them. Also, Ulla Rizzo at the Draft House. Ulla has now been running that place for 40 years.

Mrs. Loomis- stated that the bridge on W Church St is ahead of schedule.

Mr. Marmie- called for a Finance Committee meeting, and then he addressed Mr. Childers, I really do appreciate what you are doing as far as the block watch. If a police officer indicates that you need a light on your and you know that it is against the law and you are out trying to deter people from breaking the law, I would imagine it does create some contention with the police department. The other thing is that you indicated that you want to be seen by them. The whole idea of a block watch is to be a deterrent not to catch. I would hope that you don't corner anybody because someone who is cornered usually tries to defend themselves. That isn't anything that we want our block watch participants involved in. I would recommend that you do have a light on there and you let anybody and everybody see you so they know you are out there patrolling so you will be a deterrent instead of you catching anybody because it is better to deter than to try to catch someone.

Mr. Rath- called a Service Committee meeting; two weeks ago I spoke about the Street Department and how they responded to a traffic issue on River Road and I misspoke, I apologize for that. My whole intent was to give credit where credit was due so I am correcting myself this week. It was the Traffic Department which is a totally separate department and the person that spoke to the resident of River Road extensively and got them in touch with the Newark Police Department and got signs out there was Lew Shumaker.

Ms. Stare- I want to echo what Carol said about beggars' night, it is always really great on the square and that will be October 31st from 5:30-7:00. Secondly, I want to mention the fountain dedication. I don't know how any of you have seen the new fountain on the square but it will be dedicated Thursday October 31st at noon. I would also like to thank the Parks and Recreation Department for working to get that fixed.

Mr. Ellington- I want to thank everyone for coming and sharing their thoughts as well as listening to us. Have a safe Halloween on the 31st. Our next Committee meeting is on the 28th and the next Council meeting will be November 4th at 7:00 P.M.

ADJOURNMENT

Motion to adjourn by Mr. Cost, second by Mr. Rath, motion carried by acclamation. Adjournment 7:33 P.M.