

## COUNCIL MINUTES

**November 18, 2013**

Council Chambers

7:00P.M.

**7:00 P.M.** - Mr. Ellington called the November 18, 2013 Newark City Council meeting to order.

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

**Absent-** Mr. Houdeshell

**INVOCATION** – Mrs. Floyd

### **PLEDGE OF ALLEGIANCE**

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

**MINUTES-** November 4, 2013 Motion by Mr. Rath, second by Mr. Bubb that the minutes of November 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.

### **REPORTS STANDING COMMITTEES**

Finance- **Received and Filed**

Service- **Received and Filed**

Ways & Means- **Received and Filed**

### **REPORTS FROM CITY OFFICIALS**

**Stephen E. Jonson, City Auditor-** operating report for the period ending October 31, 2013. **-Received and Filed**

### **COMMUNICATIONS**

**Mayor Hall-** presented a Proclamation claiming November 21, 2013 as The American Cancer Society's Great American Smokeout

**City of Newark Fair Housing-** they will be offering one hour classes at the Newark Public Library regarding Top 10 Consumer Scams from 5:30-6:30 and Ten Tips for Landlords from 7-9 on November 19<sup>th</sup>. **-Received and Filed**

### **COMMENTS FROM CITIZENS**

**William Butcher-** 129 W Main St, he asked what was going to be done with the old school across from him

**James Childers-** 1550 Lemae Ave, stated that he spoke to Eric Mckee about the question he had last Council meeting regarding the speed limit on his road since the part in the City is 25mph and there isn't a sign in the part in the County. He stated Sgt. McKee advised him that the speed limit for the road is 25mph for the entire road, city limits or the county. He also discussed that he was sad to hear Chrispins Auto would probably be shutting down very shortly.

### **ORDINANCES ON SECOND READING**

**By: 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

**Motion by Mr. Rath to adopt Ordinance 13-33, second by Mr. Bubb**

**Mr. Guthrie-** I would like to move to amend Ordinance 13-33. I don't have this in front of you but I talked to the Law Director and he helped me with some language here and he indicated that if Council does adopt this it could be cleaned up a little bit. It has to do with sun setting and with that I will explain if I can get a second.

**Motion by Mr. Guthrie to amend Ordinance 13-33, second by Mrs. Floyd**

**Mr. Ellington-** please state your amendments so we know what we are voting on.

**Mr. Guthrie-** the gist of it is that, this project at least the way I view it is somewhat of a capital project that we are borrowing money for. What I hope to achieve with this is to simply sun set the rate increase when the loan is paid off. Change Section 4 to become Section 5. In Section 4 Rates contained herein until the loan is paid off at which time the rates will revert back to the rates that were in effect at the date of passage herein of.

**Mr. Rath-** inquired about where section 4 is that being changed then once he was shown the section asked Mr. Guthrie to repeat what he had just spoken.

**Mr. Rath-** with the Water Department, this is not a department that buys something or build something then it is done. It is an ongoing never ending process to maintain and upgrade the department. We are talking about reverts rates back to todays' rate. We are talking about doing that 20 years from now. My concern is if we have significant need for a rate increases sometime between now and the next 20 years which considering the inflation cost and the price of goods etc. It could be a very real expectation that we could raise rate again in the next 20 years. If we have one or two rate increases in the next 20 years, now all the sudden 20 years from now they are going to revert back to rates of 2013. That would require legislation to nullify all that 20 years from now, do you all get where I am going at?

**Mr. Marmie-** any subsequent rate increase would basically abolish this. If you look at, just like this rate increase is abolishing the current rate increase that we have. So any rate increase in the future would basically clarify that in that legislation and pretty much abolishes any previous rate increase. If there is another rate increase it would be part of the language.

**Mr. Guthrie-** I would maybe like the Law Director to comment on this if he would. My goal to achieve here is that what would be sun setted would be the rate increase which is required for the purpose of paying off the loan of this particular payment.

**Law Director-** I think that I understand the concept, I hate to go too far field of the rules because I am not certain about this rate increase. Maybe Mr. Rhodes or Mr. Johnson could help me with this, if this particular rate increase is tied dollar for dollar to one particular project and one particular loan. If the answer is yes than I think I can put Mr. Guthrie's amendment into proper language.

**Director Rhodes-** the answer to the question is yes it will be tied to one particular loan. But if we are going to do this what we would ask is let's say the increase is a \$1.00 or \$1.60, that is what it would revert to this particular increase. I talked to the Water Superintendent, we are not opposed to the idea of it, it's not the most opportune thing though and if we get into doing a lot of this it makes budgeting for the Water Department a lot harder in the future. Let's face it in 20 years there is not a single one of us who will be here and if I am still standing here in 20 years somebody kick me. It is something that we can certainly live with.

**Motion to amend passed by a 6 yeas (Mr. Cost, Mrs. Floyd, Mr. Guthrie, Mr. Marmie, Mr. Rath, Ms. Stare) to 3 nays (Mr. Johnson, Mrs. Loomis, Mr. Bubb)**

**Mr. Ellington-** now we will vote on Ordinance 13-33 as amended, is there any discussion on Ordinance 13-33 A?

**Mr. Marmie-** I know some of you may be confused as to why I voted for that and then I am going to say what I am going say but because if we can reduce this, if this passes then I hope that we can reduce it or revert back as soon as possible. I am not going to be in support of this and I am going to give my reasons why. Basically when storm water utility was presented and enacted I was part of that Committee. One of the discussions was for sewer separation in the downtown area and no money as of right now that I see, no money from storm water is being targeted toward that sewer separation project. This project directly correlates to the whole premise of the storm water utility. I don't have a valid solution and I know I would be willing to discuss any options as far as how you do that and how you do it equitably or even if part of it should be the storm water and part of it in sewer because it is both sewer and storm water that is being done in the downtown area. So for that reason I am not going to support an overall rate increase to just the sewer rates especially as significant as they are, 8.5%, 6%, 5.5% and then 3.3% over the next 4 years. Those are significant rate increases for citizens as far as the sewer and our storm water is not going up. In this downtown area I don't know what the break down would be as far as whether they use more sewer as far as sewer rates or storm water. I know as far as units that each property down here has I am sure it is not great since the buildings stand side by side but for that reason I am not going to support this.

**Mr. Guthrie-** I understand Mr. Marmie's reluctance on this I have concerns too. I really have concerns about stacking rate increases which is something that we are doing next year. However at the same time I am pulled both ways because I know how important this project is. The administration has convinced me that it is vital and this revenue is needed and for that reason I will vote for it with this sunset clause in it. I know the sunset clause doesn't seem like a big deal but I think that it is probably something that we should look at maybe even more often on capital type improvements because at least it sends a message to the citizens that we're not simply passing a rate increase that will be built in forever once the purpose of the rate increase is paid off.

**Mr. Marmie-** just one thing that I forgot to mention, the whole premise of the storm water utility goes back to unfunded EPA mandates. That is the reason why we have that utility. What is this that we are doing; it is an unfunded EPA mandate.

**Motion to adopt Ordinance 13-33 A was passed by a 7 yeas (Bubb, Cost, Floyd, Johnson, Guthrie, Rath, Stare) and 2 nays (Marmie, Loomis)**

## **RESOLUTIONS ON SECOND READING**

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

**13-95 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- NON EMERGENCY**

(221 Street/Traffic Fund-\$17,000.00 Traffic Control parts & supplies: Insurance reimbursements for damages repaired to City property; 100 General Fund-\$9,400.00: Donations for Courthouse Foundation)

**Motion by Mr. Marmie to adopt Resolution 13-95, second by Mrs. Floyd**  
**Motion passed by a 9-0 vote**

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

**13-96** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO APPLY FOR, ACCEPT AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENTS ON BEHALF OF THE CITY OF NEWARK FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES (DOWNTOWN SEWER SEPARATION) AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN

**Motion by Mr. Rath to adopt Resolution 13-96, second by Mr. Bubb**

**Mr. Rath-** this is the second part the first part was what we just debating a few minutes ago. This is now authorizing our Service Director to go forward.

**Motion passed by a 9-0 vote.**

#### **RESOLUTIONS ON FIRST READING**

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

**13-97** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR CERTAIN ESSENTIAL SUPPLIES FOR VARIOUS DEPARTMENTS OF THE CITY OF NEWARK, OHIO, FOR 2014.

**Held to First Reading**

**By: Mr. Marmie, Ms. Stare, Mrs. Loomis**

**13-98** A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- NON EMERGENCY (100 General Fund: \$1,744.56-Miscellaneous; 100 General Fund: \$9,000.00- Computer Hardware/Software; 282 Fema Fund: \$1,703.00-Returning funds where expenses occurred; 100 General Fund: \$40,000.00- Vehicles; DISAPPROPRIATION 100 General Fund: \$40,000.00- Salaries; 297 Fire Safety Grant: \$8,001.00- Overtime, 297 Fire Safety Grant: \$8,001.00- Training)

**Held to First Reading**

**By: Mr. Marmie, Ms. Stare, Mrs. Loomis**

**13-99** A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- EMERGENCY (231 CCA 408 Jail Diversion Grant: \$471.77-Refund to State; 100 General Fund: \$27,322.98-2013 CAD integration project DISAPPROPRIATION 100 General Fund: \$27,322.98- Salaries)

**Motion by Mr. Marmie to waive the two day reading rule on Resolution 13-99, second by Mr. Bubb**

**Mr. Marmie-** one of the items need to be expedited because the County is installing the new 911 system and this is for us to be able to communicate more efficiently and the other one is a repayment back to the State of Ohio and they are requiring the payment within 30 days.

**Motion to waive the two day reading rule on Resolution 13-99 passed by a 9-0 vote**

**Motion by Mr. Marmie to adopt Resolution 13-99, second by Mr. Bubb**

**Motion passed by a vote of 9-0.**

#### **COMMENTS FROM CITIZENS**

**William Butcher- 129 W Main St,** discussed on of the pieces of legislation and provided a weather update.

**Lesia Best- 205 W Church St,** I have a question and I have never done this before but it is to the Democrats on Council. How long are you comfortable with the 1<sup>st</sup> Ward not having a vote on this body? I know it is easier not to think about it and it is only the 1<sup>st</sup> Ward but couldn't you do something about that instead of not having any representation and votes from the 1<sup>st</sup> Ward.

**Mr. Ellington-** actually we are not sure when Mr. Houdeshell is coming back I know that he has been ill, we have talked to his wife, I am not sure exactly when he is returning. It is his seat and he is the elected representative of that. We have 3 more Council meetings.

**Lesia Best-** how many Council meetings has he been to this year?

**Mr. Ellington-** I don't know right off hand

**Lesia Best-** if this was the 5<sup>th</sup> Ward or the 6<sup>th</sup> Ward, think that would happen

**Mr. Ellington-** I believe so

**Lesia Best-** I don't think so

**Mr. Ellington-** ok thank you

**Everett McKee**- 225 Upson Downs Rd, I want to put a plug in for the videos that I have been taking here for a year I am a member of Licking County Computer Society and we are sponsoring the videos that I post on the Newark Advocates website. If you go to the Newark Advocate website, scroll clear down to the bottom of the page you will find Newark City Council replays. That will take you to another page on their website that will host the latest video. You can also see the past videos that I have taken, I usually keep the last two or three videos in there so you can view them in the comfort of your own home or you want to know what somebody said.

#### **MISCELLANEOUS**

**Mayor Hall**- congratulations to Newark Catholic on their win this past weekend and we sure wish them good luck on Friday. They play over in Gahanna and they play Bishop Reedy. We attended a retirement dinner Saturday at the Reese Center for Paddy Kutz who retired from Mental Health America. She has put many, many years of good service in this community and we wish her the best. I welcome the Boy Scouts who came in this evening. They were here about 6:00 and we had some good discussion. They had some requirements they had to do as they reached out to government and I think we satisfied most of those and I appreciate them sitting through.

**Mrs. Floyd**- thanked the Boy Scouts for coming, we are always glad to have you. A couple of reminders, the Courthouse lighting is next Friday November 29<sup>th</sup> and this year we will have fireworks. Next Saturday is what is called Small Business Saturday; it is a time to encourage people to go to not the big box stores but to small businesses like what is downtown. The more we can keep our small businesses in town the better off we are. I encourage people next Saturday to support small businesses. In terms of Mr. Houdeshell I think most of us are concerned about his health, we were concerned before his surgery. I am an eastender and I don't think people forget the east end, I don't think people forget the 1<sup>st</sup> Ward, I truly don't. I would like to thank Mr. McKee for the video you do, I think it is very important. Happy Thanksgiving everyone.

**Mr. Johnson**- I am glad also to see the boy scouts I was one of you a long time ago, long time ago. I went to the National Jamboree at Valley Forge Pennsylvania and it was great fun. My daughter- in- law just returned from a visit to the Philippines. Her brother was in Sabu and he was a bank teller. He doesn't have a bank, he doesn't a job and he doesn't have a home. We are very fortunate to have all of those things in our City. They are suffering greatly and if anybody is interested the Philippine effort really needs to be helped.

**Mr. Guthrie**- asked President Ellington if he wanted a hearing on the dog legislation. Mr. Ellington responded yes therefor Mr. Guthrie called for a Safety Committee meeting for next Monday. I am glad that the Mayor mentioned Paddy Kutz. Probably most folks up here have known Paddy for years and years. She has been a wonderful advocate for the importance of caring for mental health in our community. I wanted to touch on Lesa's point regarding Ed Houdeshell. I understand the point but sometimes you have to take a humane position on these kinds of things. This is a case where it is not by anything that Mr. Houdeshell can control that he is not present for these meetings. He is very close to being at the end of his term a new councilmember will be sitting in the 1<sup>st</sup> Ward. I think that every member of Council as Mrs. Floyd mentioned has a genuine concern about the 1<sup>st</sup> Ward. I graduated from Blessed Sacrament Elementary and it has a special place in my feelings. I think as a Council we are doing the right thing, the humane thing by showing concern for Councilman Houdeshell. I want to thank the Computer Society for what they continue to do for us, I think that it is a really good public service. Everybody is hearing about on the news the assassination of President Kennedy. I remember where I was and those of you who are at least my age can remember where you were. Of course, you know we all have heroes in our life. Abe Lincoln, was one was of mine, JFK was one of mine and John J Gilligan, late Governor Gilligan. I thought about him the other night at the Mental Health banquet because he brought our state out of a bankrupt system of caring for people with mental health issues. Some of the things that some of his family told at his memorial this summer was very touching about his commitment and his willing to forgo re-election because he had to do the right thing. It is an important week in our history, the passing of President Kennedy. I hope that all of us really give some thought to his legacy.

**Mrs. Loomis**- thanked the boy scouts for coming; the topics that the Mayor was going over with you were outrageous. I also concur with Mr. Marmie on the CSO, I was sitting in the audience back in the day that was first enacted. We are paying \$6.00 and some change on our bills and my understanding was the same as his; that it was to cover the largest project of all which is the downtown CSO, which is again an EPA mandate that isn't funded and I understand had the reason been that materials have gone up, anyways I concur with Mr. Marmie on that. The 7<sup>th</sup> Newark Police Department Academy Group that I am a part of is getting ready to graduate Thursday. Last week we took a tour of the jail, not just the jail we were in population. So poor sole had the misfortune of being booked at the time we were getting our tours, hopefully he never commits another crime because that had to be embarrassing. Then there came a time when we had to vote for who got tazed and I would like to report for once I won every vote however I declined.

**Mr. Marmie**- he called a Finance Committee meeting. He thanked the boy scouts for coming out. In addition to what occurred for Paddy Kutz and her retirement, Friday night I am going to use the old verbiage, Big Brothers and Big Sisters had their banquet. I unfortunately was not able to attend. I drew the lucky straw or the unlucky straw to take my son to the Newark Catholic football game but my wife attended and said it was a very nice event. They exceeded their goal that evening. They set the bar high this year; a lot of good things come from that program and that auction and event. He wished everybody a Happy Thanksgiving; we have a lot to be thankful for. I am going to comment on Mr. Houdeshell, we have a section in our Charter that deals with that, Article 14.03 which defines a recall. Recall is a process. I am going to state publicly that however if any petition is sent out I would not sign it. For a couple of reasons, first of all Mr. Houdeshell's health is of the upmost importance and anything that could deter that at this point

given the situation and given the fact that a recall could not be done in enough time from the January 1<sup>st</sup> date. Therefore nothing can really be done before the January 1<sup>st</sup> date when the new person assumes that position and I would not want to put Mr. Houdeshell through that process at this point. But there is a place in our Charter if something were to occur where someone is vacant for a long period of time but I don't think that this situation warrants it.

**Mr. Rath**- encouraged everyone to go to the lighting on the 29<sup>th</sup>; it is a great tradition, a great event if you have not been to it before. Amazingly my family and I have only been doing it for the last few years. I don't know why we didn't do it the 20 some years we have been here. It has recently become a family tradition of ours and it is a lot of fun. Saturday is shop small business promotion so shop small, shop local. Congratulations to Newark Catholic, Go Green. I also wanted to talk about the sewer separation project; I am pretty excited about that. It is a next step in a long line of steps of redeveloping and re-Newarking from the downtown area and I am glad that we took the next step tonight. He also called a Service Committee meeting for next Monday.

**Ms. Stare** – thanked the boy scouts for coming and I would also like to draw attention to the ladies from Washington Square. They have been coming to the meetings faithfully just to see what the City of Newark is doing. I give them credit for that, I think that is wonderful. As far as Ed Houdeshell goes, out of respect for Mr. Houdeshell I am happy that things were left the way there were. If it wasn't so close to the end of the year then I think it would have been a different story. Have a wonderful Thanksgiving.

**Mr. Bubb**- called a Personnel Committee meeting for next Monday and thanked the scouts and the parents that donate their time to the Community.

**Mr. Ellington**- thanked everyone for coming. Next Committee meeting is Monday the 25<sup>th</sup> at 5:30 and the next Council meeting is December 2<sup>nd</sup> at 7:00. Don't forget City Hall will be closed next Thursday and Friday for thanksgiving. Happy thanksgiving everyone.

**ADJOURNMENT**- being no further business to discuss Mr. Rath made a motion to adjourn, seconded by Mr. Cost. Meeting adjourned at 7:45PM