

COUNCIL MINUTES

February 6, 2012  
Council Chambers  
7:00 p.m.

ROLL CALL

Mr. Bubb, Mr. Cost, Mrs. Floyd, Mr. Frost, Mr. Guthrie, Mr. Houdeshell, Mrs. Loomis, Mr. Marmie, Mr. Rath, Ms. Stare

INVOCATION - Mrs. Floyd

PLEDGE OF ALLEGIANCE - Donna Sears

CAUCUS

**Mr. Ellington** - the charter review committee is looking for applicants. Please send your applications so they can be reviewed and voted on by council. The committee needs to be appointed before the end of March; August 8, 2012, at 4:00 p.m. is the deadline for changes to be submitted to the Licking County Board of Elections.

**Mr. Guthrie** - if we wanted to, this could be extended to November of 2012.

**Mr. Ellington** - yes, if it is voted on by council.

**Mr. Ellington** - we need a council member to replace Mrs. Kennedy on the Temporary Review Committee.

MINUTES

Motion by Mr. Bubb, second by Mr. Rath minutes of the January 17, 2012 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

PUBLIC HEARING

Ordinance No. 11-45

BY: MR. HOUDESHHELL, MS. STARE, MR. MARMIE, MR. RATH

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 26 NORTH WESTMOOR AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF RL (LOW DENSITY SINGLE-FAMILY RESIDENCE DISTRICT), TO GO (GENERAL OFFICE DISTRICT)**

There were no comments made at the public hearing.

**Mr. Ellington** - the planning commission approved this.

Motion by Mrs. Loomis, second by Mr. Houdeshell the ordinance be adopted, 10 yeas

COMMENTS FROM CITIZENS

**William Butcher** - 129 West Main Street, is concerned about the vacant garage behind his apartment building; there are two semi-trucks sitting on the empty lot beside him.

Has already turned in his application to be on the charter review commission

**Daniel Coffman** - 920 West Main Street, applauded the mayor on his quest to bring more professionalism to the city

Formally requested Fourth Ward Councilwoman Rhonda Loomis be censured for alleged conduct unbecoming a public official and demanded council investigate her public comments, both written and verbal and presented a list to council.

**Pete Gibney** - 1335 Krebs Drive, thanked council for the brief explanation of legislation on tonight's agenda

**Donald Athey** - 31 Irving Drive, asked why the city doesn't take better care of alleys. When we have snow, why don't you plow side streets for the elderly people?

ORDINANCE ON 2nd READING

12-2 BY: MR. MARMIE, MR. BUBB, MRS. FLOYD, MR. HOUESHELL, MRS. LOOMIS, MS. STARE, MR. RATH, MR. COST

TO PROVIDE FOR THE ISSUANCE OF \$4,650,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF VARIOUS IMPROVEMENTS, INCLUDING MULTIPLE WATERLINE PROJECTS, SANITARY SEWER SYSTEM IMPROVEMENTS AND MULTIPLE STORM WATER PROJECTS, AND ALL NECESSARY APPURTENANCES THERETO.

Motion by Mr. Marmie, second by Mrs. Floyd to adopt Ordinance No. 12-2 passed by a vote of 10 - 0.

ORDINANCE ON 1st READING

12-3 BY: MR. BUBB, MRS. LOOMIS, MR. HOUESHELL, MRS. FLOYD, MS. STARE, MR. MARMIE, MR. RATH, MR. COST

AN ORDINANCE ANNEXING CERTAIN TERRITORY, GENERALLY DESCRIBED AS BEING APPROXIMATELY .5 ACRES, LOT NUMBER 9966, OLD ORCHARD ESTATES SUBDIVISION, LOCATED IN NEWARK TOWNSHIP, TO THE CITY OF NEWARK, OHIO. (910 Golden Drive)

Held to first reading

RESOLUTION ON 2nd READING

11-108 BY: MR. RATH, MRS. FLOYD, MR. BUBB, MR. MARMIE, MR. HOUESHELL, MS. STARE, MRS. LOOMIS, MR. RATH, MR. COST

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 AGREEMENT ON BEHALF OF THE CITY OF NEWARK FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES (RACCOON CREEK INTERCEPTOR) AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

**Mr. Rath** - this will secure funding for improvements at the water treatment plant as mandated by the Ohio EPA.

Motion by Mr. Rath, second by Mr. Houdeshell the resolution be adopted, 10 yeas

RESOLUTIONS ON 1st READING

12-4 BY: MR. RATH, MRS. FLOYD, MR. BUBB, MR. HOUESHELL, MR. MARMIE, MS. STARE

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 AGREEMENT ON BEHALF OF THE CITY OF NEWARK FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES (AERATION ENERGY UPGRADE) AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

Held to first reading

12-6 BY: MR. RATH, MRS. FLOYD, MR. BUBB, MR. HOUESHELL, MR. MARMIE, MS. STARE, MR. COST

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 INSTALLATION AND CONSTRUCTION OF THE AERATION SYSTEM UPGRADE AT THE WASTEWATER TREATMENT PLANT.

Held to first reading

12-7 BY: MR. RATH, MRS. FLOYD, MR. HOUESHELL, MR. MARMIE, MS. STARE

A RESOLUTION ENACTED BY THE CITY OF NEWARK OF LICKING COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY, IN THE MATTER OF THE STATED DESCRIBED PROJECT. (resurfacing and related work to 30th Street, West Main Street and Cherry Valley Road)

Held to first reading

12-8 BY: MR. RATH, MRS. FLOYD, MR. HOUESHELL, MR. MARMIE, MS. STARE

FINAL RESOLUTION ENACTED BY THE CITY OF NEWARK, OHIO, HEREINAFTER REFERRED TO AS THE LEGISLATIVE AUTHORITY/LOCAL PUBLIC AGENCY OR "LPA", IN THE MATTER OF THE STATED DESCRIBED PROJECT. (resurfacing 1.55 miles of West Main Street and 1.21 miles of Granville Street)

Held to first reading

12-9 BY: MR. MARMIE, MRS. FLOYD, MR. HOUESHELL, MRS. LOOMIS

A RESOLUTION ENACTED BY THE CITY OF NEWARK, LICKING COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY, IN THE MATTER OF THE STATED DESCRIBED PROJECTS. (Safe Routes to School Projects)

**Mr. Marmie** - in order to meet an application deadline on this, we need to expedite it.

Motion by Mr. Marmie, second by Mrs. Floyd to amend the resolution so additional funding for another project can be applied for:

Under the third WHEREAS add: implementation of Walk to School Day activities and walking school buses to encourage students to walk to and bike to school; and implementation of the Change Gears: Ride a Bike event, jointly organized by the Licking County Health Departments, LCATS, and the City of Newark, to encourage family bike riding and educate school aged children on bicycle safety are activities eligible to receive federal transportation funding.

Section Two: The total cost of the infrastructure projects is estimated to be \$500,000 and the total cost of the non-infrastructure projects is estimated to be \$20,000, of which the LPA, if awarded the funds, further agrees to pay One Hundred Percent (100%) of the cost over and above the maximum amount provided by the State of Ohio, Department of Transportation.

The motion to amend was approved by a vote of 10 - 0.

Motion by Mr. Marmie, second by Mrs. Floyd the resolution as amended be adopted carried unanimously.

12-10 BY: MR. BUBB, MRS. FLOYD, MR. HOUESHELL, MS. STARE, MR. RATH

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION WITH REGARD TO THE RETENTION OF OUTSIDE LEGAL COUNSEL. (Tax Increment Financing District creation)

Held to first reading

12-12 BY: MRS. FLOYD, MR. BUBB, MS. STARE, MR. HOUDESHHELL, MR. MARMIE, MR. RATH

**A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR AN AWARD OF FISCAL YEAR 2012-2013 FUNDING UNDER THE OHIO EMS TRAINING AND EQUIPMENT GRANT PROGRAM.**

Held to first reading

12-13 BY: MR. MARMIE, MRS. FLOYD, MR. HOUDESHHELL, MS. STARE, MR. RATH

**A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION.** (\$27,408.14 from Compensated Absences; \$8,885.25 from OVI Court Grant; \$120,642.08 from General Fund; \$608,103.50 from Clean Ohio Revitalization Grant; \$70,000.00 from Law Enforcement Fund; \$401,613.90 from Income Tax)

**Mr. Marmie** - we have some payouts in the financial legislation and we like to get the individuals paid as soon as possible.

Motion by Mr. Marmie, second by Mr. Bubb to adopt Resolution No. 12-13 carried by acclamation.

#### COMMENTS FROM CITIZENS

**Mr. Butcher** - what is the city going to do about the empty parking lot beside my apartment?

**Lesa Best** - 205 West Church Street, agreed the property beside Mr. Butcher's apartment building is a mess, has been for years and should be cleaned up. I complained about it to the last administration.

Thanked Mr. Houdeshell, Ms. Stare, and Mr. Ellington for coming to the ad hoc meeting for rental registration. Everyone is invited to the next meeting on February 16 in council chambers at 5:30 p.m.

Made a public records request for more thorough minutes of the October 31, 2011, service committee meeting. I want everything the gentleman from American Electric Power Company said.

Are two contracts going to be made public? One is the contract between the department of development with Murphy Epsom because it's \$20,000 I'd like to know what the specifics of that contract are. Also the contract between the city and the T. J. Evans Foundation in regards to the property, the house, I'd like them all to be public.

#### MISCELLANEOUS

**Mr. Bubb** - complimented the water department. Two weeks ago they took care of a problem in the west end. It was a very good job.

There are more jobs coming to State Farm.

**Mr. Cost** - called a rules committee meeting for February 27

Congratulated the fire department for the federal grant of \$54,000 they received

Congratulations Mr. Rhodes and Mr. Spurgeon on the progress we're seeing on the tattoo parlor business on South 30th Street

When citizens present concerns and issues to council they aren't given immediate answers; when a concern is expressed directly to a city council member how is that handled?

**Mrs. Floyd** - thanked Mr. Spurgeon, Lew Shumaker, Tim Kelley who helped me with various issues today

Given the concern brought forward by Mr. Coffman, we need some direction on what we need to do.

Commended the mayor on his idea of professionalism and hope we continue that and can work together

The Newark Schools are considering dropping the pay to play rule. One of the ways to keep kids in school is to give them something beyond the classroom and the fact they are considering bringing back some bussing to the high school and trying to bring that graduation rate up is really important.

**Mr. Frost** - Mrs. Loomis, the law director could look at those allegations, it's a bit early to have a committee look at.

**Mr. Guthrie** - thanked Mr. Spurgeon for the progress on the tattoo parlor on Thirtieth Street and is sure residents of that area would like to thank you, too

Congratulated the administration regarding the fire grant

Encouraged everyone to support the Department of Development levy and I have yard signs available

Thanked Mr. Mauter, the mayor and Mr. Rhodes, we have a meeting coming up to discuss the Johnny Clem house. Mr. Mauter's department and safety department have made sure the house is secured. The Licking County Historical Society feels it has significant value to our community because it was the birthplace of Johnny Clem.

We need to get five really good folks on the charter review committee who are willing to commit time to look at things such as becoming a non-partisan city which the majority of Ohio's charter cities have gone that direction. We need to look at city management and other issues. We need to give these people adequate time, even a year if necessary, to review the charter I think it would be wise for us to do that.

**Mr. Houdeshell** - the fire grant is a great thing

On the issue of rental registration, Lesa had a great meeting. In Colorado not only were landlords registered, but the renters were, too. It could benefit both groups.

**Mr. Marmie** - called a finance committee meeting and a joint finance/service committee meeting for February 13

Thanked everyone for supporting the financial legislation; it isn't often we put money back into the general fund that we did.

If anyone has emailed me at NCC-Doug Marmie, I'm not receiving the emails.

Today the governor was very optimistic about Ohio and jobs coming to Ohio, some actually in this region could be occurring, possibly even in manufacturing again. Our infrastructure is poised with transportation, water and interstates ready to go.

**Mr. Rath** - called a service committee meeting for February 13

ADJOURNMENT

There being no further business to discuss, motion by Mr. Marmie, second by Mr. Rath to adjourn. Motion carried by acclamation and the meeting adjourned at 7:44 p.m.