

May 7, 2012  
Council Chambers  
7:00 p.m.

## COUNCIL MINUTES

### ROLL CALL

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

INVOCATION - Mrs. Floyd

PLEDGE OF ALLEGIANCE

### MINUTES

Motion by Mrs. Loomis, second by Mr. Rath minutes of the April 16, 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.

### APPOINTMENT

Mayor Jeff Hall requested council confirmation of the re-appointment of Kim Lust, 1991 Londondale Parkway, to the Heath-Newark-Licking County Port Authority Board of Directors. The term runs from June 1, 2012, through May 31, 2016.

A voice vote was taken and the re-appointment of Ms. Lust unanimously confirmed.

### REPORTS STANDING COMMITTEES

Finance - Received and filed  
Economic Development - Received and filed

### PETITION

Petition requesting the renaming of a portion of Gay Street from East Main Street to its northern terminus from Gay Street to Merridy Way. Received and filed, referred to the street committee

### COMMUNICATION

**Jeremy Blake** - South Newark Civic Association, invitation to a service learning workshop at St. John's UCC Church, 285 West National Drive, May 31 at 10:00 a.m. Received and filed

### COMMENTS FROM CITIZENS

**William Butcher** - 129 West Main Street, is concerned about the location of a new downtown fire station

**Marcia Phelps** - Clerk of Courts, 40 West Main Street, hopes an amendment will be offered to Ordinance No. 12-8 to add payroll clarification as requested by the auditor's office. Thanks for your consideration.

**David Greene** - 1791 Olympic Court, the two community gardens are ready for residents to claim and work them. Everyone is invited to come and support their efforts.

**Mary McClain** - 37 Cottage Street, asked council to help her mother's boyfriend who is a patient at Autumn Health Care.

**Linda Kruger** - 914 Sharon Valley Road, used to see Mr. Smeltzer, the gentleman Ms. McClain talked about, at the nursing home but now she is not allowed to see him either

**Mr. Frost** - has talked with the police department; they indicated they had spoken to that individual who said he did not wish to be bothered by the individuals. I think the best bet is to hire an attorney and go through probate court. If you think

something is improper you might want to check with the bar association to see if you could find an attorney to do pro bono for you.

ORDINANCES ON 2nd READING

12-8 BY: MR. BUBB, MRS. FLOYD

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE LICKING COUNTY MUNICIPAL CLERK OF COURTS, BY CHANGING THE NUMBER OF SENIOR DEPUTY CLERKS AND THE DEPUTY CLERKS (full time), AND SETTING COMPENSATION THEREFOR.

Motion by Mr. Bubb, second by Mrs. Floyd to amend by noting on the ordinance what bargaining unit the positions are in. Motion carried by a vote of 10-0.

Motion by Mr. Bubb, second by Mrs. Floyd the ordinance as amended be adopted. Motion passed unanimously.

12-13 BY: MRS. FLOYD, MRS. LOOMIS, MR. MARMIE, MR. COST

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND POSITION AUTHORIZATION TABLES OF THE CITY OF NEWARK BY ELIMINATING THE POSITIONS OF WATER METER READER (3) METER REPAIRMAN (1) AND METER SUPERVISOR (1) IN THE METER SHOP, ELIMINATING THE POSITION OF SEWER MAINTENANCE SUPERVISOR (1) AND CREATING THE POSITIONS OF LINE LOCATION TECHNICIAN (1) WITHIN THE DEPARTMENT OF WATER DISTRIBUTION AND SEWER MAINTENANCE AND WATER METER TECHNICIAN WITHIN THE METER SHOP.

Motion by Mr. Bubb, second by Mrs. Floyd the ordinance be amended to clarify bargaining units of the positions, 10 yeas

**Mr. Bubb** - this summer all water meters are going to be automatically read so this is necessary as they transition from actually reading the meters on the house to reading them downtown.

Motion by Mr. Bubb, second by Mrs. Floyd to adopt amended Ordinance No. 12-13 carried by acclamation.

12-14 BY: MRS. FLOYD, MR. MARMIE

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION/PAY RANGE AND POSITION AUTHORIZATION TABLES OF THE CITY OF NEWARK, DIVISION OF WATER AND WASTEWATER, DEPARTMENT OF PUBLIC SERVICE BY CREATING THE POSITION OF UTILITY OPERATOR WITH A STRENGTH AUTHORIZATION OF ONE (1) EACH; AND DECREASING THE STRENGTH AUTHORIZATION OF THE WATER TREATMENT PLANT OPERATOR IN THE DEPARTMENT OF WATER TREATMENT BY ONE (1).

Motion by Mr. Bubb, second by Mrs. Floyd to amend Ordinance No. 12-14 by adding which bargaining units the positions are under. Motion passed unanimously.

Motion by Mr. Bubb, second by Mrs. Floyd the ordinance, as amended, be adopted, 10 yeas

12-15 BY: MRS. LOOMIS, MR. BUBB, MR. HOUDESHEL, MRS. FLOYD, MS. STARE, MR. MARMIE, MR. RATH, MR. COST

AN ORDINANCE AMENDING CHAPTER 1024 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO TO ALLOW FOR THE LIMITED USE OF SIDEWALKS WITHIN THE PUBLIC RIGHT OF WAY IN THE DOWNTOWN ZONING DISTRICT AND ESTABLISHING PROCEDURES FOR THE ISSUANCES OF PERMITS FOR SUCH LIMITED USE.

**Mrs. Loomis** - Mr. Rhodes brought this forward because this will offer the city some legal rights and will help restaurants who are going to be putting their patrons out on our city streets.

**Ms. Stare** - it's a great idea, in other cities that already allow this it adds a lot to downtown areas.

Motion by Mrs. Loomis, second by Mr. Cost to adopt Ordinance No. 12-15 carried by a vote of 10 - 0.

ORDINANCE ON 2nd READING

12-16 BY: MR. HOUESHELL, MRS. FLOYD, MS. STARE, MR. RATH, MR. MARMIE

**AN ORDINANCE VACATING A PORTION OF SOUTH 29th STREET AS SHOWN ON THE PLAT OF THE WINTERMUTE ADDITION AT PLAT BOOK 3, PAGE 121, OF THE LICKING COUNTY PLAT RECORDS; SAID PORTION OF STREET IS LOCATED SOUTH OF STEEL AVENUE.**

Motion by Mr. Houdeshell, second by Ms. Stare the ordinance be passed.

**Mr. Frost** - is this the one the fire chief was opposed to then you indicated later he was not opposed to?

**Mr. Houdeshell** - yes, he talked to the people who are going to make some concessions to him so he can get his truck and equipment in there. A gate is going to be installed and he is being given a key to the gate.

Motion to adopt passed unanimously.

RESOLUTIONS ON 2nd READING

12-28 BY: MR. RATH, MRS. FLOYD, MRS. LOOMIS, MS. STARE, MR. MARMIE, MR. HOUESHELL, MR. BUBB

**A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT BIDS AND SELL CERTAIN SURPLUS PERSONAL PROPERTY NOW OWNED BY THE CITY OF NEWARK, OHIO, AND DECLARING THAT SUCH PROPERTY IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE.**

**Mr. Rath** - this is allowing our service director to auction off a multitude of vehicles and a variety of other products, things the city is no longer using.

Motion by Mr. Rath, second by Mrs. Loomis to adopt Resolution No. 12-28, 10 years

12-31 BY: MR. RATH, MR. BUBB, MR. HOUESHELL, MRS. FLOYD, MS. STARE, MRS. LOOMIS, MR. MARMIE

**A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR VARIOUS CONSTRUCTION PROJECTS.**

**Mr. Rath** - this is authorizing the service director to spend money on a variety of maintenance projects throughout the city that are necessary.

Motion by Mr. Rath, second by Mrs. Floyd the resolution be adopted, 10 years

RESOLUTIONS ON 1st READING

12-33 BY: MR. MARMIE, MRS. LOOMIS, MS. STARE, MR. RATH, MRS. FLOYD

**A RESOLUTION DISAPPROPRIATING AND APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION.** (disappropriating \$234,993 from the General Fund; appropriating: \$12,500 from Water Fund, \$12,500 from Sewer Fund, \$180,000 from TIF, \$307,535.85 from the General Fund)

**Mr. Marmie** - we have some TIF funds we need to appropriate and get to different entities that need to be expedited.

Motion by Mr. Marmie, second by Mrs. Floyd to adopt Resolution No. 12-33 carried by a vote of 10 --0.

12-34 BY: MR. MARMIE, MRS. LOOMIS, MS. STARE, MR. RATH, MRS. FLOYD

**A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY OFFICE FOR FISCAL YEAR 2013 OHIO TRAFFIC SAFETY GRANT PROGRAM.**

Held to first reading

12-35 BY: MR. MARMIE, MS. STARE, MR. RATH, MRS. LOOMIS, MRS. FLOYD

**A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE UNITED STATES DEPARTMENT OF JUSTICE BUREAU OF JUSTICE ASSISTANCE FOR FISCAL YEAR 2012 EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG-LE) FUNDING.**

Held to first reading

#### COMMENTS FROM CITIZENS

**Marcia Phelps** - thanked everybody for the support at the last meeting and this one. This will actually clean up our position authorization as far the table of organization for our office.

**Mary McClain** - thanked council for their time and pleaded for help

#### MISCELLANEOUS

**Mr. Frost** - tonight we

**Mr. Marmie** - point of order, shouldn't city officials be first?

**Douglas E. Sassen** - Law Director, tomorrow is VE Day. The Second World War in Europe actually ended on May 7, my mother's birthday, but is officially recorded as May 8 because that was Harry Truman's birthday.

**Mr. Frost** - urged Ms. McClain to get an attorney; council is limited as to what it can do.

**Mr. Guthrie** - thanked David Greene for the work he's done with folks regarding the community gardens and the many other things he does for our community

It would be a good idea for council to hear from the utilities superintendent regarding our water protection program and any potential impact water from fracking could have on our water supply. We need to take a serious look at this issue.

Thanked Mr. Rhodes and the street department for work done off Bryn Mawr where there was an issue with light pillars. The city cleaned them up in the right-of-way.

Welcome to my newest granddaughter, Karis Marley Crosmer; she arrived last Friday morning.

**Mr. Ellington** - congratulations, Mr. Guthrie

**Mr. Houdeshell** - from now on I'll have the chief e-mail everyone alley vacation information. The engineer does all the background work on the petitions and sends that to the chief.

Street committee meeting for next Monday.

**Mrs. Loomis** - economic development committee is meeting May 14 to revisit Ordinance No. 12-17.

A rental registration ad-hoc committee meeting will be held May 17.

Congratulations to Mr. Guthrie

Thank you to safety services Chief Stickradt and Chief Sarver. I had some issues come up in the fourth ward. The people I can count on to get back to me immediately are those two and B. J. Varner, Traffic Superintendent. Thank you to all of you.

**Mr. Marmie** - called a finance committee meeting for Monday, May 14, at 5:30 p.m.

Congratulated Kim Lust on her appointment.

State Farm offers a grant to forty different causes annually called Cause and Effect. Our very own Licking County Red Cross is one of the final one hundred qualifiers of that so please visit State Farm's Facebook page where you can vote up to

ten times per day between April 27 and May 17. The top vote getters will be awarded this \$25,000 grant.

Happy 24th anniversary to Mrs. Loomis

**Mr. Rath** - service committee will meet following the finance committee meeting Monday.

**Ms. Stare** - the income tax revenue increased. Thanks Barb Jobes, Income Administrator, for all the hard work you do.

The ad hoc committee for rental registration is going to be at 5:30 p.m. on May 17.

There will be a trout derby May 12 and May 19 is the Clown Town parade and the kids' fun fest.

Commended the development department for the community report; it was very, very informative and filled with a lot of things. I really appreciate the good work on this.

**Mr. Bubb** - the YES Clubhouse is a true gem and an outstanding educational recreational facility for all of our youth. I recommend everyone take a tour of it.

**Mrs. Floyd** - best wishes to the police department for their CALEA re-certification that's going on right now

Fracking is something we need to keep our eye on so I'm looking forward to Mr. Loomis talking to service committee.

I would like for Mr. Mauter, Development Director, to come to council at some time to give an update on lead, CDBG, and all the other grants the city works on. They have been working with state and federal officials on all these grants.

#### ADJOURNMENT

There being no further business for discussion, motion by Mr. Rath, second by Mrs. Loomis to adjourn. Motion carried by acclamation and the meeting adjourned at 7:57 p.m.