

COUNCIL MINUTES

April 16, 2012  
Council Chambers  
7:00 p.m.

ROLL CALL

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

INVOCATION - Mrs. Loomis

PLEDGE OF ALLEGIANCE - Cheri Hottinger

MINUTES

Motion by Mr. Rath second by Mrs. Loomis minutes of the April 2, 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  
Street - Received and filed  
Service - Received and filed  
Economic Development - Received and filed  
Ways and Means - Received and filed  
Personnel - Received and filed

REPORTS CITY OFFICIALS

Stephen E. Johnson - Auditor, Operating Report for the period ending March 31, 2012. Received and filed

COMMUNICATIONS

**Ohio Division of Liquor Control** - permit for the issuance of a new Class D5 liquor permit to Bugzy's Bar LLC, 388 West Main Street. Received and filed

**Mike Brooks** - questioned what changes are proposed for the 21st Street bike trails. Received and filed

**Matthew A. Shoemaker** - Vice President of Wallick-Hendy Development Company, LLC, stating his company plans to rehabilitate Newark Village Apartments, 623 Glenbrook Drive. The city has thirty days after receipt of notice to voice any disapproval or objections. Received and filed

COMMENTS FROM CITIZENS

**Mary McClain** - 37 Cottage Street, talked about an alleged problem with who has guardianship of her mother's boyfriend who has been declared incompetent

**Ms. Jody Gardner** - 333 Heather Drive, someone is taking my lost dog signs out of private yards and businesses. This person is taking away my First Amendment right to free speech and this is a serious matter.

**David Greene** - 1791 Olympic Court, the county and city are talking about a bus system but they aren't in favor of a fixed route system. We need a reliable, low cost, dependable system and he urged council members to exercise vision in the need for real transportation for the people of the town.

**Mr. Frost** - advised Ms. McClain to talk to Adult Protective Services

**Mr. Ellington** - suggested Ms. McClain and Mr. Frost talk after council meeting

ORDINANCE ON 2nd READING

12-11 BY: MR. BUBB, MRS. LOOMIS, MRS. FLOYD, MR. HOUDSHELL, MS. STARE, MR. COST, MR. MARMIE, MR. RATH

**AN ORDINANCE TO AMEND CHAPTER 872 OF THE NEWARK CODIFIED ORDINANCE PERTAINING TO TAXICAB LICENSING WITHIN THE CITY OF NEWARK.**

Motion by Mr. Guthrie, second by Mr. Frost the ordinance be adopted, 10 yeas

ORDINANCES ON 1st READING

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

**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.**

Held to first reading

12-13 BY: MR. BUBB, MRS. FLOYD, MRS. LOOMIS, MR. HOUDSHELL, MS. STARE, MR. MARMIE, MR. RATH

**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.**

Held to first reading

12-14 BY: MR. BUBB, MR. HOUDSHELL, MRS. FLOYD, MRS. LOOMIS, MS. STARE, MR. MARMIE, MR. RATH

**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).**

Held to first reading

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

**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.**

Held to first reading

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

**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**

Held to first reading

RESOLUTIONS ON 2nd READING

12-22 BY: MRS. FLOYD, MR. MARMIE, MR. BUBB, MRS. LOOMIS, MR. RATH, MS. STARE, MR. HOUDESHHELL, MR. COST

**A RESOLUTION RECOGNIZING THE NEWARK GENERALS ICE HOCKEY TEAM FOR OBTAINING CHAMPIONSHIP STATUS.**

Motion by Mr. Marmie, second by Mr. Houdeshell to adopt Resolution No. 12-22 passed unanimously.

**Mr. Marmie** - congratulated the gentlemen and their parents for a well done job and their accomplishments for the whole team

**Mayor Hall** - we're very proud of you. You have distinguished yourselves as an extraordinary hockey team. That required a lot of hard work and dedication by the parents as well. You are role models for the young people looking up to you.

12-24 BY: MRS. FLOYD, MR. MARMIE, MR. BUBB, MRS. LOOMIS, MR. RATH, MS. STARE, MR. HOUDESHHELL, MR. COST

**A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO APPLY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE UNDER THE BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM.**

Motion by Mr. Marmie, second by Mr. Cost the resolution be adopted carried by acclamation.

12-25 BY: MR. RATH, MRS. FLOYD, MR. BUBB, MR. MARMIE, MS. STARE, MR. HOUDESHHELL, MR. COST

**A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH NEWARK DEVELOPMENT PARTNERS, A COMMUNITY IMPROVEMENT CORPORATION, AS AN AGENCY AND INSTRUMENTALITY FOR COMMERCIAL DEVELOPMENT IN THE CITY OF NEWARK AND TO ENTER INTO THE CODE OF REGULATIONS FOR NEWARK DEVELOPMENT PARTNERS WITH THE MEMBERS OF THE COMMUNITY IMPROVEMENT CORPORATION.**

**Mr. Rath** - this is the first of several steps leading to a public/private partnership with the chamber of commerce and private citizens and I encourage everyone to support this.

**Mrs. Loomis** - I am in support of the concept of the CIC and love the public/private partnership; my one concern is that we have redundancy in the department of development and that redundancy has to go away. We are setting ourselves up for success with the CIC but we are allowing money to go to a salary or two we no longer need. I am going to support this, however, I will never support a dime coming out of here without the department of development being looked at as far as being restructured.

**Mr. Bubb** - expressed his support. During the past the argument, which was true, has always been there was never enough money to do economic development right. This is a step to keep us on the fast track to make sure economic development happens because now we have the opportunity to inject private funds into this; I encourage everyone to support this.

**Mr. Frost** - I don't think we have redundancy yet and we should wait and see what this can do, it's a great idea and just starting out. I'm supporting this and hope everyone else does.

**Mr. Marmie** - I agree with Mrs. Loomis in that we definitely need to look at the department and making sure we support the CIC. I can see results coming out of this. No one from that department is even here this evening. We need to fund this but also recognize the fact we do have some duplications and inefficiencies and things just aren't getting done. We need to make sure we address those.

I will support the CIC because I think it's the direction we need to go into the future and let go of the past.

**Mr. Guthrie** - asked the law director where Section 10 refers to regular meetings of the directors may be held at such times and places within or without the state of Ohio as may be provided for in the bylaws or resolutions adopted and there is also language regarding compliance with the Sunshine Law. I'm concerned Section

10 and the Sunshine Law may not mesh. Is this saying they can actually conduct business outside the state of Ohio?

**Douglas E. Sassen** - Director of Law, it says they can conduct their meetings and I would assume that means they could conduct business, yes. The Sunshine Law requires that they be given notice of public meetings and the media be notified.

**Mr. Guthrie** - will have concerns about that section for quite a while but will support this. The other area of concern is I hope the chamber accepts at least one of the three recommendations by the Downtown Newark Association for membership.

Motion by Mr. Rath, second by Mr. Bubb to adopt the resolution, 10 yeas

#### RESOLUTIONS ON 1st READING

12-27 BY: MR. MARMIE, MRS. FLOYD, MR. BUBB, MR. HOUESHELL, MRS. LOOMIS, MR. RATH

**A RESOLUTION DISAPPROPRIATING AND APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION.** (\$42,606.85 General Fund; \$2,500 Streets; \$3,110.00 TIF; \$330,000.00 Stormwater Utility; \$2,097 transferred from tuition reimbursement to computers, Fire)

**Mr. Marmie** - we need to expedite this so we can move ahead with the stormwater utility project.

Motion by Mr. Marmie, second by Mrs. Floyd Resolution No. 12-27 be adopted carried by a vote of 10 - 0.

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

**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.**

Held to first reading

12-29 BY: MR. RATH, MR. BUBB, MRS. FLOYD, MRS. LOOMIS, MS. STARE, MR. MARMIE, MR. HOUESHELL

**A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO PURCHASE AGREEMENT(S) FOR THE ACQUISITION OF CERTAIN PROPERTIES WITHIN THE CITY OF NEWARK, OHIO TO FACILITATE THE CONSTRUCTION OF A NEW DOWNTOWN FIRE STATION.**

**Mr. Rath** - we have properties targeted for this, negotiated for and the owners are ready to sell; we'd like to move on it before prices and rates change.

**Mr. Guthrie** - we ought to have a plan that goes beyond replacing this station because we have to look at the big picture as to what we can afford. Logistics and response times are a very important ingredient as to what we can do. I'll be voting for this with a little bit of reluctance because it's not part of a full plan.

Motion by Mr. Rath, second by Mr. Cost to adopt Resolution No. 12-29 passed unanimously.

12-30 BY: MRS. FLOYD, MR. HOUESHELL, MRS. LOOMIS, MS. STARE, MR. MARMIE, MR. RATH, MR. BUBB

**A RESOLUTION AMENDING THE DISTRIBUTION AND USE OF NET EMERGENCY MEDICAL TRANSPORT REVENUE.**

**Mrs. Floyd** - if we're going to do what we want to do in 12-29 we need 12-30 to pass. Basically the resolution is going to provide the money to help us be able to deal with those new stations.

**Mr. Marmie** - I was not in favor of the EMS billing but with the changes being proposed here and the EMS billing has already been legislated, so therefore it is in place, I just want to ensure it still maintains the integrity of being a fee for service and not a tax to the citizens. All these changes meet that criteria so I will be in support of the changes being proposed.

**Mr. Guthrie** - commended the administration for their creativity here and their openness. Folks have been willing to have conversations and there has been some give and take on this; that's a great thing.

Motion by Mrs. Floyd, second by Mr. Frost the resolution be adopted passed by a vote of 10 - 0.

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.**

Held to first reading

12-32 BY: MR. RATH, MRS. FLOYD, MRS. LOOMIS, MS. STARE, MR. MARMIE, MR. HOUESHELL

**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. (widening Country Club Drive)**

Held to first reading

#### COMMENTS FROM CITIZENS

**Cheri Hottinger** - 894 Jonathan Lane, thanked council on behalf of the chamber of commerce. We sincerely look forward to working with each of you as well as the administration on making a difference for downtown Newark and for the City of Newark. It will be a true partnership between public and private; we have nothing but positive things ahead of us. Thank you for supporting it.

**Dan DeLawder** - 635 Howell Drive, thanked everyone for the service they provide to the citizens

Echoed Mrs. Hottinger's appreciation for the action taken this evening. The partnership we now have established will mean just that. It will need input from all members of this organization and I hope you will help us to make better decisions as part of this process. We look forward to moving forward; those of us who are going to help fund it have an absolute responsibility.

We look forward to working with all of you, thank you.

#### MISCELLANEOUS

**Mr. Sassen** - reported there was a terrific presence and financial support from city and county representatives at the spaghetti dinner for the Visually Impaired of Licking County, thank you very much

**Brian Morehead** - Engineer, asked council to reconsider Resolution No. 12-32 because it needs to go to ODOT April 25

**Mayor Jeff Hall** - the clerk of courts had two issues on tonight's agenda. One is funding a position that was already created, which you did. I commend Marcia Phelps, Clerk of Courts, and her team for presenting a very efficient reason to fund that position, collect tax dollars and potentially increase revenue.

Mr. Greene talked about transit. We met with a consulting firm for transit; the focus is to merge the systems in whatever ending fashion that is. There are certain things the county and the city need to do to get their ducks in order. The main mission is to merge them so hopefully that will create efficiencies where it will improve the systems. There

is no need for us to discuss fixed transit routes until that has been established. Right now the focus needs to be on merging the two entities in whatever fashion that is and then looking at that.

Thank you to everyone on council for a unanimous vote on the CIC. As we go into public/private partnership it is an area somewhat new to us so I appreciate the dialogue and openness of discussion in those areas. At the end of the day we're really leveraging our economic development dollars so one day there will be dollars asked for from the city; whatever that amount is, it is leveraging private dollars and other partnership dollars that we could never do on our own.

Economic development needs to go in a different direction and the private drive of it is something we can't really do in city hall as much. How that is going to affect the department of development upstairs I don't know. I'm here at any time to answer questions anybody has as this matures and goes through the steps. Thank you for your vote of confidence.

**Bill Spurgeon** - Director of Public Safety, thanked this legislative body for its commitment and support tonight. On Mayor Hall's team we do prioritize safety and the downtown fire station will be an example of that. We want to enhance operations of the firefighters, the administration, their ability to train but all that means nothing if we don't enhance the safety of the citizens. That's exactly what that facility will do.

**Mrs. Floyd** - I'm glad we passed the CIC, it's really important. We've already had several businesses open in the downtown area recently and the more we can bring new businesses and jobs to Newark that's beneficial to the entire community. I'll do anything I can to support that.

In terms of fixed route buses, I do see a real need but don't think it will be a real fast thing coming but something I would certainly like to see. Communities have had a hard time with it simply because of the cost but we certainly live in a low/moderate income community by and large and there are a lot of people out there with needs in terms of getting jobs and getting to appointments.

**Mr. Guthrie** - I'm real optimistic about the future of downtown and know Park National Bank, the chamber of commerce and downtown association are very committed. It's really exciting to see the downtown coming back as it is and as it will continue to come back.

Encouraged folks to participate in the Charter Review Commission meetings; the second one is tomorrow night at 6:00 p.m. here. Anyone who has ideas but can't come could funnel those through the clerk to share with the commission. They are looking at a lot of items, which is really encouraging. Thank you to the members for their work.

Was real encouraged after reading the article in *THE ADVOCATE* regarding mutual aid. It emphasized the importance of cooperation between the communities of Newark, Heath and Granville and reminds us if we work together with those communities we can do good things for our community.

Sixteen months ago the city purchased a building on Wilson Street using federal funds for about \$320,000; I hope before long we can have some direction whether we're going to have a use for it or put it on the market, what we're going to do with it. If I can be helpful I'd be glad to work with the administration on that.

**Mrs. Loomis** - called an economic development committee meeting for April 30 in regards to the language Mr. Marmie has submitted on sign legislation.

Mrs. Gardner, the signs being removed is the opposite effect of what the media can do to you.

The CIC, I really do have a lot of confidence in what Mayor Hall and his administration are planning to do.

The department of development still remains a sore point for me; I have no doubt about the return of money on the investment for the private side but mentioning the building on Wilson Street, that's one of the things we failed at.

**Mr. Marmie** - called a finance committee meeting for two weeks from this evening

Congratulated the CIC, it will be a great thing for the city of Newark and downtown, the entire city of Newark. I look for great things to come out of it because I do know that an entity such as CIC will be looking for that return on an investment and that's definitely something that is really good to hear about.

There is a meeting coming up to discuss downtown parking. What's changed because we've probably had about six studies on it? Unless something has drastically changed, why are we having a meeting?

Congratulated the hockey team. What a great job and experience for those young men. They represented us well and even went on and did further than the state championship and I congratulate them on that also.

Resolution No. 12-32

Motion by Mr. Rath; second by Mr. Bubb to reconsider Resolution No. 12-32.

BY: MR. RATH, MRS. FLOYD, MRS. LOOMIS, MS. STARE, MR. MARMIE, MR. HOUDESHELL

**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.** (widening Country Club Drive and other improvements)

Motion by Mr. Rath, second by Mr. Bubb to adopt the resolution carried by acclamation.

**Mr. Rath** - service committee will meet Monday, April 30

I'm very excited about the CIC and the public/private partnership. There is no doubt in my mind that is a very positive move for the city and the downtown area and will be including the downtown group association and getting feedback from them as things go on. I'm excited about seeing the future steps come to light for that. You've heard some concerns from council tonight and I'm sure you will address those in your bylaws in the future. I think this is only a very positive thing for the city of Newark.

**Ms. Stare** - ditto to everything everyone said about the CIC

**Mr. Bubb** - on May 5th and 6th the Buckeye Tournament will be coming to Newark. It's a joint collaboration between NASA and the Military Order of the Purple Heart; there will be a lot of people coming and staying in Newark. I would hope some of that bed tax money comes back for more events and development for facilities we have.

Yesterday there was an article in the newspaper regarding staffing and overtime for the fire department; it's an absolute huge savings and we're fortunate right now we have that savings. There is a lot of credit to give out for that but it's one thing to make a Collective Bargaining Agreement for it to pass but it's another thing to make it happen. We're very lucky to have a safety director who understands how to implement a good plan for the fire department, along with the chief. We're very fortunate and that's a compliment to Director Spurgeon.

**Mr. Cost** - the most important thing, from my point of view, on the CIC is that we're able to have good communication between the public and private sector. That's going to be the key to success.

I agree with Mrs. Floyd, a fixed route bus system would be very important for the city; it has to work financially but is something that would really benefit a lot of citizens.

Thank you to Mr. Rhodes and Mr. Spurgeon for the way they have reached out to each of us to share their ideas and how they are going to go about building the fire stations. It's been very well handled.

**Mr. Ellington** - Rhonda, you are correct about the zoning and sign issue belonging in the economic development committee and we're moving them there.

Committee meetings will be April 30; your next city council meeting will be May 7.

ADJOURNMENT

There being no further business to discuss, motion by Mr. Rath, second by Mr. Bubb to adjourn. Motion passed unanimously and the meeting adjourned at 7:58 p.m.