

COUNCIL MINUTES

April 2, 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. Floyd

PLEDGE OF ALLEGIANCE - Stephen E. Johnson, Auditor

MINUTES

Motion by Mr. Bubb, second by Mr. Rath minutes of the March 19, 2012 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
Street - Received and filed
Safety - Received and filed
Service - Received and filed
Economic Development - Received and filed

REPORTS CITY OFFICIALS

Mayor Jeff Hall presented a proclamation to the Newark Generals Ice Hockey Team, state champions

Stephen E. Johnson - Auditor, Operating Report for the period ending February 29, 2012. Received and filed

PETITION

Petition requesting the vacation of a portion of South 29th Street south of Steel Avenue. Received, filed, and referred to Street Committee

COMMUNICATIONS

Ohio Division of Liquor Control - application for the issuance of a Class C2 liquor permit for Speedway LLC, dba Speedway 9312, 117 East Main Street. Received and filed
Licking County Commissioners - a resolution entering into contract with the city for reimbursement of legal counsel for indigent defendants. Received and filed
Ohio Division of Liquor Control - application for a Class D5 liquor permit transfer from Tricky Nick's, Inc. and beer garden, 191 South Second Street, to Tricky Nick's LLC, 191 South Second Street. Received and filed
Ohio Division of Liquor Control - application for the transfer of a D5 liquor permit from N & B, Inc., dba Side Street Corral, 380 Seroco Avenue, to N & B LLC, dba Side Street Corral, 380 Seroco Avenue. Received and filed

COMMENTS FROM CITIZENS

William Butcher - 129 West Main Street, the yard behind me hasn't been cleaned up yet
Jody Gardner - 333 South Heather Drive, said she got a permit to place lost dog signs but some of them are disappearing. The sign ordinance doesn't have anything in it specifically for lost people or lost animals. From what I understand the Newark street department took them out of yards and took them to Mr. Marmie's house.

Susan Lutz - 724 Hunters Run, Gahanna, representative of Afghan Rescue of Central Ohio, is in support of Ms. Gardner and hopes to get her in touch with whomever she needs to talk with about changing the sign ordinance. She has not received notification that she is in any violation.

Lesla Best - 205 West Church Street, the county's Community Improvement Corporation (CIC) is off and running. The other government entities have given them money. I don't feel the city needs a CIC because it's redundant. The city could do it on our own, the person who should lead this type of group is the mayor, he's imminently qualified and a hard worker. The city actually pays people to do this and they are located in the department of development. We have people here to do what all of you want done.

Why wasn't this discussed in the economic development committee instead of service committee? Mr. Moynihan wanted it in service committee where there would be fewer problems.

Mr. Marmie - Mrs. Gardner, I do have signs. Any residents you have addresses for that was removed, they can be at the residents' homes but there is still a city right-of-way at each resident's address between the sidewalk and curb. They cannot be placed there. That's probably why they were removed. I asked for the signs to be delivered to my house because I didn't want them going to the service complex where you wouldn't know where they were. In addition I'm trying to find some locations. As long as you have permission of the owners, there should be no problem; it's just a matter of making sure they aren't placed in that right-of-way.

Mrs. Gardner - the city ordinance says they can be removed upon written notification. That was never done, they were just jerked.

Douglas Sassen - Director of Law, signs can be removed, depending on the nature of the violation, either with or without notice to the property owner. It depends on the nature of the violation. With regard to placing these signs anywhere with permission of the landowner, that is not permitted by the law of the City of Newark. These are temporary signs and there are eleven different designations of temporary signs in the Newark Codified Ordinances; there are only two provisions that could possibly address these signs. The first is a post sign in someone's yard and those are flat out prohibited by ordinance. The only other applicable provision would be for a promotional sign, and that requires that there be a permit technically issued by the city for every sign at every residence before it can go up. It is then limited to a period of thirty days and a permit can only be issued for such a sign twice per year.

The administration has taken the position these can and should be defined as promotional signs, not temporary signs, thereby providing an avenue for these types of signs to be legal if the proper procedure is followed.

As of Wednesday morning last week no permit has been issued for any of these signs so the reality is if they are defined as temporary signs they are illegal regardless of what the property owner wants or doesn't want. If they are defined as promotional signs they are illegal regardless of what the property owner wants or doesn't want unless the city has issued a permit for each of those signs then it is legal for a grand total of thirty days only. To my knowledge no permit has been issued, at least as of Wednesday of last week.

Mr. Guthrie - my understanding is no permit has been issued and that is a discrepancy that needs to be resolved. Mrs. Gardner, you called me at my home a week before the meeting and I invited you to the meeting. I gave you the time, told you where it was. All of our committee meetings, unless in compliance with the Sunshine Law, there is an executive session, all of our meetings are open meetings.

Mr. Cost - do those restrictions apply to someone putting a sign such as hers in the front window of a business?

Mr. Sassen - those are actually window signs covered by the temporary sign section of the zoning code. It addresses the issue of window signs, there are size restrictions but I don't know about time restrictions.

Mr. Cost - believes most business owners would permit them

Mr. Ellington - Mrs. Gardner could get a permit and put these signs we've decided are promotional signs in individual yards for thirty days.

Mr. Sassen - she has to get a permit for each sign. What the zoning official did indicate to Ms. Gardner was that if she submitted the permit with an attachment for each of the locations where the sign was located that he would make an exception and allow her to file only one permit with that attached exhibit for all the locations. Technically the law requires not only the permit be issued to that sign but that that permit be attached to the sign when it's placed. Mr. Richardson agreed to allow her to complete

only one application as long as it had an attached exhibit with all of the locations on it and that was never received.

Mr. Marmie - apologized and said he was told this wasn't even going to be in committee but will charge the administration on all these other promotional signs out there and they better be pulled immediately.

ORDINANCES ON 2nd READING

12-5 **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.**

Sponsors withdrew their names; therefore, no action was taken

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

AN ORDINANCE AUTHORIZING AND DIRECTING THE NEWARK CITY DIVISION OF WATER AND WASTEWATER, THROUGH THE DIRECTOR OF PUBLIC SERVICE, TO CERTIFY TO THE LICKING COUNTY AUDITOR, THE SUM OF \$17,604.63 FOR COSTS INCURRED BY THE NEWARK CITY DIVISION OF WATER AND WASTEWATER FOR STORMWATER, WATER AND SEWER FEES TO BE PLACED AS A LIEN UPON CERTAIN PARCELS OF REAL PROPERTY.

Motion by Mr. Rath, second by Mr. Bubb the ordinance be amended. In the preamble the amount of \$17,604.63 will be changed to \$15,747.37 and on Exhibit A 269 Quail Creek, Parcel #054-198000-00.000, amount of \$1,857.16 be deleted.

Mr. Rath - the owners paid the full amount due.

Motion to amend passed unanimously.

Motion by Mr. Rath, second by Mr. Bubb the amended ordinance be adopted carried, 10 yeas

12-7 BY: MR. FROST, MR. BUBB, MRS. LOOMIS, MR. MARMIE, MR. HOUESHELL, MRS. FLOYD, MS. STARE, MR. COST, MR. RATH

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO, ENACTING A PROHIBITION ON THE USE OR POSSESSION OF ANALOG, OR SYNTHETIC, CONTROLLED SUBSTANCES.

Motion by Mr. Guthrie, second by Mr. Frost to adopt Ordinance No. 12-7. Motion carried by acclamation.

ORDINANCES ON 1st READING

12-9 BY: MRS. LOOMIS, MS. STARE, MR. MARMIE, MR. RATH

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS LOT 7959 LYNDENWALD ACRES SUBDIVISION (344 Myrtle Avenue), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF NEWARK TOWNSHIP (NEWLY ANNEXED TERRITORY), TO SINGLE FAMILY RESIDENCE RM-MEDIUM DENSITY DISTRICT.

Referred to Planning Commission

12-10 BY: MRS. LOOMIS, MS. STARE, MR. MARMIE, MR. RATH

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS LOT 9966 OLD ORCHARD ESTATES (910 Golden Drive), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF NEWARK TOWNSHIP (NEWLY ANNEXED TERRITORY), TO SINGLE FAMILY RESIDENCE RL-LOW DENSITY DISTRICT.

Referred to Planning Commission

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

AN ORDINANCE TO AMEND CHAPTER 872 OF THE NEWARK CODIFIED ORDINANCES PERTINENT TO TAXICAB LICENSING WITHIN THE CITY OF NEWARK.

Held to first reading

RESOLUTIONS ON 2nd READING

12-19 BY: MR. MARMIE, MR. BUBB, MRS. LOOMIS, MS. STARE, MRS. FLOYD, MR. HOUESHELL, MR. RATH, MR. COST, MR. FROST

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE DEPARTMENT OF HOMELAND SECURITY, FOR FISCAL YEAR 2012 FIRE ACT GRANT PROGRAMS, IN SUPPORT OF TRAINING PROGRAMS, EQUIPMENT PURCHASES, FUNDING FOR PERSONNEL, FIRE PREVENTION, AND FIRE SAFETY PROGRAMS THROUGHOUT THE CITY.

Motion by Mr. Marmie, second by Mr. Bubb the resolution be adopted, 10 yeas

12-20 BY: MR. MARMIE, MRS. FLOYD, MRS. LOOMIS, MR. HOUESHELL, MS. STARE, MR. RATH, MR. COST

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NEWARK TO ENTER INTO A COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED SUBRECIPIENT AGREEMENT WITH THE HEREINAFTER NAMED ORGANIZATIONS TO CARRY OUT ACTIVITIES INCLUDED WITHIN NEWARK'S FY 2012 COMMUNITY DEVELOPMENT BLOCK GRANT ONE YEAR ACTION PLAN.

Motion by Mr. Marmie, second by Mr. Cost the resolution be adopted passed unanimously.

RESOLUTIONS ON 1st READING

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

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

Mr. Ellington - thought the city wasn't going to adopt resolutions recognizing groups, especially since the mayor presented the team a proclamation tonight.

Mr. Frost - what they did was great. Is there a cost associated with this?

Mr. Marmie - the decision was never made not to do this any further, it was always that we would do resolutions of support for state champions, then it came back if a resolution of support were needed we're still going to do it. We tried to make a rule and it didn't go.

Held to first reading

12-23 BY: MRS. FLOYD, MR. MARMIE, MRS. LOOMIS, MR. RATH, MS. STARE, MR. COST

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION. (\$37,774.54 into Workers' Compensation and \$217.33 into Compensated absences)

Mr. Marmie - we have to do a payout and always try to get the employee's money to him or her as soon as possible.

Motion by Mr. Marmie, second by Mrs. Floyd to adopt Resolution No. 12-23. Motion carried by a vote of 10 - 0.

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

Held to first reading

12-25 BY: MR. RATH, MRS. FLOYD, MS. STARE, 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.

Held to first reading

12-26 BY: MRS. FLOYD, MR. MARMIE, MRS. LOOMIS, MS. STARE, MR. RATH, MR. COST

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF NEWARK TO PAY BILLS ON BEHALF OF DIVISION OF POLICE PURSUANT TO SECTION 5705.41(D), THEN AND NOW CERTIFICATION; AND DECLARING AN EMERGENCY.

Motion by Mr. Marmie, second by Mr. Cost the resolution be adopted, 10 yeas

COMMENTS FROM CITIZENS

Jody Gardner - my intent to attend city council meetings was to make sure the ordinances that I feel is lacking because there is no provision in the ordinance to be able to post these signs for a missing person or a missing animal. I would like to be able to add to the zoning code to encompass the ability to find a missing person or a missing pet; that's what I'm asking council to do.

I thought I had done the proper steps. I did go down and fill out a piece of paper in the zoning department. Evidently it's been mishandled or lost.

Roland West - 420 North Cedar Street, asked what could be done about the houses at 422 and 428 North Cedar Street. They are empty; the grass grows up and doesn't get mowed until it's waist high.

There is a pickup truck sitting between the sidewalk and the street on Allston Street and has been there for five months without being moved.

What do I have to do to get something done with these two houses?

How does a property get on the list of national historic sites?

Mr. Ellington - asked Mark Mauter, Department of Development Director, to speak with Mr. West after the meeting

Mr. Butcher - why don't we have a hot wings weekend on the Square like we did last year? I'd like to see some bands from the early '60's there.

MISCELLANEOUS

Bill Spurgeon - Director of Public Safety, property maintenance is a long, frustrating process. When a property is in the process of being sold at sheriff's sale we must wait until the process has been finished. At that point the county will get its money, then the city collects fines we have levied through the property maintenance code.

We are in the fifth step of the process dealing with 127 West Main Street and have exhausted levying fines and will be looking at pursuing charges through the law director's office. We are trying to show you tangible results with all these sites; we're trying to get all these property owners to become more compliant to protect your property.

Joe Paul, Property Maintenance Inspector, is very good at working with people and trying to get them into compliance but if he feels a good faith effort is not occurring then we will go with fines. After the fourth series of fines if we get no movement whatsoever we will pursue misdemeanor charges. We are doing good things with property maintenance. Our intent is to help owners become compliant and have a result driven process.

In a six month period we successfully razed thirteen blighted properties. In March of this year four more unsafe structures were demolished. Those are some of the things we get complaints on, look into them and take action. In August 2011 we returned \$18,165.00 to the public treasury. In March 2012 we returned an additional \$9,300 as a result of the same tax assessments. These figures are over 33% compliance rate and over \$27,000 to the public treasury. We are committed to protecting your property.

Mr. Sasen - with regard to vacant houses in the city, the city can't do anything about that. If that property is still owned by the bank, if it is in a court proceeding or if that court proceeding has not been instituted yet the city doesn't have any jurisdiction to intervene at that point. The only time the city becomes involved on taking possession of property is if it is in a situation where our land bank can acquire that property, but there is a very limited window of opportunity for the land bank to acquire those properties. We have done fifteen or twenty but the fact a house is vacant and in foreclosure, foreclosure pending or awaiting foreclosure the city has no jurisdiction to intervene except on the issue of property maintenance.

Next Tuesday, April 10, at St. Paul's Lutheran Church, beginning at 4:00 p.m. is the annual spaghetti dinner for the visually impaired.

Mayor Hall - we're starting to set up some structures so there will be a systematic path to follow with property maintenance violations. We don't have a right to just move in and take over those properties so we're looking at what we can do so there are no negative ramifications. I've asked Director Spurgeon to put together a list of top priority properties and we want to get result driven where they move into the column called results. It's a very long, slow process.

Mr. West, we're always open for info and addresses; you could have called in with your information, but thank you for letting us know. We'll surely go out and check that property and see what the status is with it and see what we can do.

Mrs. Floyd - congratulations to the Newark Generals

Saturday, April 14, the Central Church of Christ is the place for the Historic Hudson Community Association spaghetti dinner.

The Downtown Newark Association is having the first Final Friday event on April 27, it's a chocolate walk.

Mr. Frost - thanked Director Spurgeon and said he does a fantastic job, is great for the city and I thank him for that.

You might want to check with the sheriff's office, civil division, when it comes to foreclosures.

Newark Lions is a great organization that raises money for the visually impaired and many other things.

Mr. Guthrie - called a safety committee meeting for next week

Encouraged council members to visit the St. Vincent Haven, a shelter for men, on Wilson Street

I support creation of a CIC, there is a lot of good potential but I think there are some outstanding questions; maybe during the next couple of weeks the administration could help us. Section 11 raises some questions to me if we authorize meetings in other locations; I don't think official business should be conducted outside the community. Could the administration bring us some clarification on that?

We need something regarding the cost.

The downtown association asked that they be able to recommend someone and they gave three solid names; he suggested the chamber be contacted to see if they might accept one of them.

Mr. Houdeshell - called a street committee meeting for next week

Congratulations to the Generals; some of those kids aren't even from this county, just think of how much driving those parents have to do and how supportive they are.

Mrs. Loomis - economic development committee is meeting next Monday for a discussion of outside seating at restaurants in the downtown area.

Mrs. Gardner, I commiserate with your issue. Usually when you get a permit you receive a piece of paper when you walk out so the charge of mishandling has me concerned because you would walk out with something in your hand if you go up and apply.

An Amber Alert is available for missing humans.

I give the administration credit; for three months your signs have been there and everywhere. Your message is getting out and they are working with you but there are rules they have to follow.

Thanked Mr. Richardson for helping with two issues in the fourth ward and Joe Paul as well. I like what Director Spurgeon said and believe we have the right people in place.

Lesia, I had that same question on the CIC. Council rules state specifically that anything between the department of community development and economic development committee will serve as a direct link between city council and the Newark Area Chamber of Commerce. I'm not happy that it's not in economic development.

Mr. Butcher, those hot music weekends cost us a lot of money and we can't do them right now; we have to get properties cleaned up.

Mr. Marmie - finance committee will meet next Monday at 5:30 p.m. in council chambers.

Congratulated the Generals on a wonderful season. The gentlemen all showed respect in here and I'm very happy for them and congratulate them.

William, we just can't afford the hot music weekend.

As far as the CIC, some of the things Ms. Best said actually support my supporting it but we pay people to do this and they're not doing it so we have to find a way to get it done. If this is going to get it done then I'm open for it.

I'm in support of the CIC because I think finally we might get some economic development within the city of Newark. As far as duplication between the county and the city I don't feel it is a duplication; I feel they are somewhat going to feed off each other and don't think we're going to be paying for the same thing. They are targeting different areas and probably going to work somewhat together.

I apologize to Mrs. Gardner for what you're going through. I feel as if you were targeted because there are other signs I see every day out there in yards and not being removed. I was not informed as to some of the changes that were made since the last discussions I had with the service director after our last meeting. If this legislation requires something be done immediately I feel as if it needs to be done immediately and not wait for some grand overview of our sign ordinance, which will take months or years.

Mr. Rath - called a service committee meeting

Ms. Stare - thanked Director Spurgeon for talking about property maintenance

The South Newark Civic Association had a wonderful, wonderful clean up job last Saturday, thanks to Jeremy Blake who headed it all up and the association. There were just too many people and organizations to name them all but they did a tremendous job. They did make a big, big difference down there and its not ended yet.

The Southside Block Watch is also very active, too.

William, there will still be Strawberries on the Square, Jazz and Ribs Fest, and the mayor's concerts on the Square.

Mr. Bubb - Mr. West, you can also contact Newark Historical Society regarding registering any structure around here.

Congratulations to the Newark Generals

A few years back when a new zoning ordinance was adopted one of the reasons for allowing additional billboards was because they would be used for Amber Alerts.

Congratulations to our local Purple Hearts, this Wednesday at the Cherry Valley Lodge they are going to be unveiling the new Purple Heart coin

Personnel committee will meet April 9.

Mr. Cost - is encouraged to hear so much talk about teamwork and trying to work things out as a team or a community clean up. Teamwork is a struggle and it's worth it.

Mr. Ellington - invited Mrs. Gardner to the safety committee meeting next Monday; Mr. Guthrie is going to talk about the sign ordinance and it would be a good time for you to come.

The CIC being in service committee and not economic development was just flat out a mistake.

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 8:34 p.m.