

COUNCIL MINUTES

May 21, 2012
Council Chambers
7:08 p.m.

ROLL CALL

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

INVOCATION - Mrs. Loomis

PLEDGE OF ALLEGIANCE - Mark Mauter, Department of Development Director

CAUCUS

Mr. Cost - has a new grandson, Alex Caleb Daniels, son of Cara and Jesse Daniels of St. Louisville

MINUTES

Motion by Mr. Rath, second by Mr. Houdeshell minutes of the May 7, 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

Service - Received and filed

Economic Development - Received and filed

REPORT CITY OFFICIAL

Stephen E. Johnson - Auditor, Operating Report for the period ending April 30, 2012. Received and filed

COMMENTS FROM CITIZENS

William Butcher - 129 West Main Street, the old garage in back of me is going to be torn down tomorrow morning and that whole area cleaned up. I sure appreciate that.

Mary McClain - 37 Cottage Street, my mom is being evicted and we think that might be because we've been here trying to get help for Walter Smeltzer, Mom's boyfriend who is a patient of Autumn Health Care.

I've tried going to everyone but no one has been able to help us.

Lesla Best - 205 West Church Street, thanks, I'm glad Will Hansen has decided to stay with the Department of Development. He seems to really care and get a lot done.

Thanks to Ms. Loomis and the economic development committee for not changing the sign ordinance

On Resolution 12-39, the city shouldn't bail out negligent property owners who polluted the place. Is the city going to have to match funds?

What ever happened to the solar field and did we put any money into that?

Can you explain to me the grant for 209-217 South 21st Street? I'm concerned we're following the past administration and bailing out negligent property owners without any consequences. The owners polluted this in the first place and now we're going to clean it up for them.

Becky Johnson - 37 Wright Street, presented a petition requesting the street be changed to no outlet and a steel swinging gate be put at the end of the street that is left unlocked so emergency vehicles have easy access and be the only vehicles allowed to open the gate.

My biggest fear is the speeding when drivers come down the hill and I'm afraid someone is going to go through the house, hit and kill my grandchildren. This goes on during weekends and after school.

We'd also like a fence put up at the school end. We've experienced vandalism, kids smoking pot behind the house and I think this would take care of a lot of our problems.

Mr. Ellington - this is going to be discussed by the street committee next Tuesday night.

Angela Mead - 40 Wright Street, explained this is not a new problem, and hasn't been caused by the construction. It has been going on for many years. She described the various methods her family has used trying to prevent people from driving on their property.

This is a safety issue, one that prevents emergency vehicles from getting down the street when needed.

ORDINANCE ON 1st READING

12-18 BY: MR. MARMIE, MRS. FLOYD, MR. HOUESHELL, MS. STARE

AN ORDINANCE AUTHORIZING AND DIRECTING THE NEWARK CITY SAFETY DIRECTOR TO CERTIFY TO THE LICKING COUNTY AUDITOR, THE SUM OF \$56,629.17 INCURRED BY THE NEWARK CITY PROPERTY MAINTENANCE DEPARTMENT WITH RESPECT TO PROPERTY MAINTENANCE VIOLATIONS TO BE PLACED AS A LIEN UPON CERTAIN PARCELS OF REAL PROPERTY SITUATED IN THE CITY OF NEWARK, OHIO AND DECLARING AN EMERGENCY.

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

RESOLUTIONS ON 2nd READING

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

Motion by Mr. Marmie, second by Mrs. Floyd to adopt Resolution No. 12-34 passed unanimously.

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

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

RESOLUTIONS ON 1st READING

12-36 BY: MR. MARMIE, MR. HOUESHELL, MRS. FLOYD, MS. STARE, MR. RATH

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE OHIO GOVERNOR'S OFFICE OF CRIMINAL JUSTICE SERVICES FOR FISCAL YEAR 2012 EDWARD BYRNE JUSTICE ASSISTANCE GRANT FUNDING.

Held to first reading

12-37 BY: MR. MARMIE, MRS. FLOYD, MR. HOUESHELL, MS. STARE, MR. RATH

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION. (appropriated from the General Fund \$20,152.97; from CSO 07

Separation Project \$243,274.94; from Sewer Fund \$43,274.94; from CSO/Sewer Project \$43,274.94)

Motion by Mr. Marmie, second by Mrs. Floyd to adopt Resolution No. 12-37 carried by a vote of 10 - 0.

12-38 BY: MR. MARMIE, MRS. FLOYD, MR. HOUDSHELL, MS. STARE, MR. RATH

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

Motion by Mr. Marmie, second by Mr. Bubb to adopt passed unanimously.

12-39 BY: MR. MARMIE, MRS. FLOYD, MR. HOUDSHELL, MS. STARE, MR. RATH

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT AN APPLICATION TO THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT, FOR ASSISTANCE UNDER THE OHIO JOB READY SITES PROGRAM AND TO ENTER INTO AND ADMINISTER A SUBSEQUENT GRANT AGREEMENT; AND DECLARING AN EMERGENCY.

Mr. Marmie - I had requested Section 6 stating the city commits itself to provide the relevant portions of the required local match investment, as indicated in the investment be removed. That has not been done; therefore, I cannot support this. I don't think the city should be responsible.

Mrs. Floyd - I support this because it will clean up a lot of chemicals in the area.

Ms. Stare - this is going to be good for the city because truck traffic will be altered so it won't block 21st Street at the railroad tracks anymore. I support it.

Mr. Cost - is the company involved going to be fiscally responsible at all?

Mr. Mauter - there will be no responsibility on the city of Newark to provide matching funds as long as we don't take any funds.

Mr. Guthrie - is there any binding contract for PSA to purchase the properties at 209 and 217?

Mr. Mauter - there is no binding contract. We have requested a meeting with the plant manager to see what their intentions are.

Mr. Guthrie - what about back property taxes? I was told they are in excess of \$30,000.

Mr. Frost - if we apply for this, and they don't spend the money is the city going to be on the hook for it?

Mr. Mauter - the intent is to see how serious they are about this. Because there is such a tight time schedule it seems it would be in the best interest of the city to move forward with this, get the grant secured, and again there is no out of pocket expense with this, until we would actually move forward and that won't happen unless we actually have a commitment from somebody like PCA.

Mr. Marmie - all I asked before was to remove Section 6 and I never got a response.

Mr. Mauter - the deputy director of the department said it has to be in there.

Mr. Cost - you said there is no out of pocket money for the city unless we move forward. If we move forward then what is that out of pocket money for the city?

Mr. Mauter - we would want PCA to go forward with that loan agreement so that their match would come out of their loan. If they don't go forward and we had already secured the grant I guess we would have the option to return the money or look at other alternatives.

Mr. Guthrie - what would be the ramifications of delaying this for two weeks?

Mr. Rath - if PCA does not move forward with this then are we going to return the grant? Would that prevent us from getting any future grants?

Mrs. Floyd - it's a win-win situation for the city if it's not going to cost us anything. These grants frequently have quick timeframes; I'm okay with that.

Mr. Guthrie - asked if Mr. Moynihan could be called to find out the ramifications of a two week delay of voting on this.

Motion by Mr. Cost, second by Mr. Bubb to take a three minute recess. Motion passed unanimously and council recessed at 7:42 p.m. At 7:45 p.m. council reconvened.

Mr. Mauter - Mr. Moynihan stated there would be a pretty good opportunity of losing the grant because it's on such a strict timeline. They need to have it signed and ready to go on June 7.

Mr. Frost - I have some grave concerns about this. Like Mr. Marmie I'm afraid we'd be on the hook for it.

Mr. Cost - if the money isn't going to be used by the company you're discussing, would you have to come back to us before that money was used or would it be something that was just done? Would we have to approve that?

Mr. Mauter - this is a site specific grant opportunity.

Mr. Bubb - I support what the administration is doing; there are jobs on the line and potential new jobs.

Mr. Houdeshell - I'm supporting it just for the safety issue of getting traffic off those railroad tracks.

Mr. Rath - called for the question

Motion by Mrs. Floyd, second by Mr. Bubb that Resolution No. 12-39 be adopted passed by a vote of 8 yeas, 2 nays (Loomis, Marmie)

12-40 BY: MR. HOUDSHELL, MRS. FLOYD, MS. STARE, MR. MARMIE, MR. RATH

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT AN APPLICATION TO THE OHIO ATTORNEY GENERAL'S OFFICE, TO PARTICIPATE IN THE MOVING OHIO FORWARD GRANT PROGRAM.

Held to first reading

COMMENTS FROM CITIZENS

Mr. Butcher - believes Resolution No. 12-39 should have gone back to committee

People speed on West Main Street all the time and they don't slow down or get out of the way for emergency vehicles.

Darren Walton - 165 Derby Downs, thinks Newark truly and desperately needs a fixed transit system because so many people have to walk everywhere.

MISCELLANEOUS

Bill Spurgeon - Director of Public Safety, 127 West Main Street will be cleaned up, we're entering into contract on it tomorrow

Thank you for adopting Ordinance No. 12-18.

Mayor Hall and I are working on the Wright Street situation.

Chief Steven Sarver - Division of Police, spent today on Wright and Brennan Streets but saw no major traffic violations. At no time were more than two kids loitering before someone picked them up. We will certainly continue to give it more attention. While I was sitting there it would have been possible for any emergency vehicle to travel there.

Mr. Mauter - thanked Ms. Best for her positive remarks about Mr. Hansen who does a tremendous job for the city.

The contract for the solar field proposal expired. There is still an option open for one to go there.

Remediation efforts on the old Newark Processing site are progressing.

The city won a \$500,000 Safe Routes to School Grant with no matching monies required, which will help fund a bridge over the Log Pond Run Diversion Ditch and means school children will have a safe passage to the school there. That's just one of many projects to be done as a result of winning the grant.

Mr. Frost - thanked Chief Sarver for dealing with a speeding problem on Moul Street

Thanked Service Director Rhodes for his help with a trash issue

Received a petition from residents of Surrey, Hilltop and Brookside Drives about the possibility of having those streets repaved.

At some point it might be good to hear from our city engineer on how we're keeping up with road maintenance.

I agree with the gentleman who was talking about transit

Mr. Guthrie - thanked the state legislature and governor for passing a texting ban

I supported the amendment to the sign ordinance only because I felt the sixty day amendment was acceptable.

Resolution No. 12-39 was a difficult vote because you had to weigh the potential for job creation but Ms Stare's comments about getting traffic off the street made my choice easier. Here is a property that's going to be cleaned up and owes thousands and thousands of dollars in back taxes. Those should be cleared up by the property owner.

St. Vincent de Paul Haven had a fundraiser honoring Herb and Pat Murphy.

Asked if the fixed route for buses is going to be referred to a council committee

Mayor Hall - there is the mobility committee that meets regularly. At this point we are concentrating on merging the city and county systems in an efficient manner so it frees up dollars for fixed routes, lower fares, wherever the most important issue is. Being mayor of Newark I'm concerned about what we're going to gain.

Mr. Houdeshell - called a street committee meeting

Mrs. Loomis - commended Mr. Walton on coming to council

Voted no on Resolution No. 12-39 because back taxes are over \$30,000; the next council meeting is two weeks from now. I don't like the emergency clause or having it pushed through.

Thanked Mr. Marmie for helping her with information on streets

At the last economic development committee meeting I had told Mrs. Gardner we would revisit the sign ordinance, not knowing it is a zoning issue and would have to follow guidelines for changing the zoning code. It isn't just a simple change to make with a great deal of cost involved. We will not be revisiting the issue.

A lot has been said about safety tonight. Mrs. Johnson brought a lot of pictures and in one in particular it is quite evident a non-injury accident has taken place. Chief Sarver had a quiet day on Wright Street but is that the norm? Director Spurgeon has reached out to the school. Something really has to be done. I appreciate the time and effort the police department has put into it

Congratulations, Mr. Cost, on your new grandson.

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

If there was an e-mail sent out stating speeding on Moull Street is going to be taken care of I would like to see that.

I feel as though Resolution No. 12-39 was just pushed through; I questioned the emergency clause being on it. In any situation like that we can't afford to pay matching funds for a grant like that. PCA should have been contacted and some type of commitment made prior to. If it was that important Mr. Moynihan should have been here; I've never seen any grant we had to give money back that was a benefit to the city.

If we could afford it I would love to do a fixed route for transit. Large metropolitan areas spend a huge percentage of their budgets on it. It's very difficult to run and operate and is seldom self-efficient.

Mr. Rath - service committee is meeting May 29.

Invited everyone to attend the Party on the Roof

Congratulations to Mr. Cost on being a grandfather again

If the emergency clause is in legislation then there needs to be a paragraph in there stating why it affects the health, safety and welfare of our citizens. I agree with Mr. Gibney that we use it too often.

Mr. Walton, nice job. Thank you for speaking with us. I agree we need a fixed route system in Newark and Licking County; it would be very beneficial to many people. Once we go to a merged system we will be able to have an opinion but I don't believe we will have a say as to whether there is a fixed route system or not.

Ms. Stare - don't forget May 25 is another Final Friday in downtown Newark with Strawberries on the Square the following weekend.

I do sit on the Licking County Transit Board and am aware of the merger. A fixed route may be feasible but we have to take care of first things first and get the merger taken care of before we work on that.

Mr. Bubb - called a personnel committee meeting

Complimented the administration for getting paving started early this year

Cedar Hill Cemetery is looking really good.

Encouraged council members to participate in the Relay for Life June 2; the city is going to have a team this year

Mr. Ellington - because of Memorial Day all the committees are meeting Tuesday, May 29.

Mr. Cost - also thanked Mr. Walton for coming forward. A fixed route system would be a plus for the city of Newark and I would be in total support of having that happen.

Thanked the Wright Street neighbors for coming in and presenting. Mrs. Loomis should be given a lot of credit for the time she spends with her constituents.

I appreciate Chief Sarver taking the time to see what that situation is. Thank you for the attention you gave to the Moull Street residents who are having a speeding problem there.

Mrs. Floyd - Saturday night's program at The Midland Theatre drew patrons from Canada and all over the United States. The week before was Newark's Got Talent Show and William Butcher danced the Zumba on stage.

ADJOURNMENT

There being no further business to discuss, motion by Mr. Rath, second by Mr. Bubb to adjourn. Motion carried unanimously and the meeting adjourned at 8:30 p.m.