

## COUNCIL MINUTES

September 4, 2012  
Council Chambers  
7:00 p.m.

ROLL CALL: Mr. Marmie, Mr. Rath, Ms. Stare, Mr. Bubb, Mr. Cost, Mrs. Floyd, Mr. Frost, Mr. Guthrie, Mrs. Loomis

INVOCATION - Mrs. Floyd

PLEDGE OF ALLEGIANCE- Mr. Pete Gibney

CAUCUS- Motion by Mrs. Floyd, second by Mr. Cost to excuse Mr. Houdeshell.

**Mr. Frost-** clarified that the motion that was made during the Capital Improvements meeting last Monday regarding Resolution 12-68 was not necessary because it is a financial piece of legislation, therefore the emergency clause does not appear in the legislation.

MINUTES of August 20, 2012

Motion by Mr. Rath, second Ms. Stare minutes of the August 20, 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  
Service-Received and Filed  
Economic Development-Received and Filed  
Capital Improvements-Received and Filed  
Personnel-Received and Filed

REPORTS CITY OFFICIALS

**Stephen E Johnson, City Auditor-** Summary of audit for year 2011.-Received and Filed

PETITION

COMMUNICATIONS

**Ohio Environmental Protection Agency-** A public notice was received by the Mayor and Clerk's office advising that a permit was issued by the National Pollutant Discharge Elimination System (NPDES) to First Choice Energy Newark Bulk Plant, located at 90 S Williams St. The receiving stream is the storm sewer of Raccoon Creek/Licking River. -Received and Filed

**Ohio Environmental Protection Agency-** A public notice was received by the Mayor and Clerk's office advising that a permit was issued by the National Pollutant Discharge Elimination System (NPDES) to Trillium Farms Holdings LLC, located at 10513 Croton Rd in Johnstown. This is a Poultry egg production and processing facility. -Received and Filed

**The Legal Aid Society of Columbus-** would like low-income veterans of Licking County to be advised that they may be eligible for legal assistance from

Southeastern Ohio Legal Services, Newark office, regarding simple divorce cases or lawsuits based on credit card debt. -Received and Filed

**Katie Bray Barnett, Esq-** Legislative Attorney for Best Friends Animal Society, submitted a letter of support in repealing Newark's breed discriminatory law and encouraged the City to enact a more progressive reckless owner law. -Received and Filed

[csunbean@aol.com](mailto:csunbean@aol.com)- sent an email to all council members requesting them to forward the email regarding a first ever meeting for Pit-bull victims. -Received and Filed

#### COMMENTS FROM CITIZENS

**Richard Sturgess-** 85 W Church St, commonly known as the towers. He voiced his concern regarding the length of time that it is taking to pave W Church St. Mr. Sturgess stated he is in a wheelchair. Half of the street is done and he stated he thought that it looked pretty good but the length of time that it is taking is a concern. He can't get his chair from one level to the other so to get from W Church St and Main St on one side he has to go to up to 2<sup>nd</sup> cross the street then past the Library. He would like to know why it is taking so long and wondered how long until it was settled.

**Pete Gibney-** 1335 Krebs Dr, voiced his concerns regarding temporary signs including political signs that may be up prior to 30 days before the election and not within the setback requirements. He is requesting that the City remove the signs that are in violation. He inquired whether he is correct regarding the 30 days.

**Law Director, Sassen-** answered Mr. Gibney that he was not correct that the 30 days were removed at the last revision, there are no time restriction on political signs.

**Pete Gibney-** stated that the setback conditions still apply and would like to see them taken care of. He then referred to a newspaper article published in 2010. The article stated Newark was set to get \$420,000 for police hires. He stated that the City hired three people. He asked how the City was going to pay these officers' salaries next year if the Federal Government doesn't give the City more money. He asked whether the money would come out of the street budget. He asked again where the money was going to come from to continue to pay these people. He stated that he brought up at the time that hiring people based on Federal Grants was a bad idea. He stated that it was a bad idea for firefighters and it was a bad idea for police officers because how are we going to finance it once the grants run out?

**Mr. Ellington-** asked Mayor Hall to look into the street paving and get back to Mr. Stugess.

**Mayor Hall-** absolutely

#### ORDINANCE ON 2nd READING

12-28 **By:** Mr. Bubb, Ms. Stare, Mr. Marmie, Mrs. Loomis, Mr. Rath, Mrs. Floyd, Mr. Cost

**AN ORDINANCE AMENDING THE POSITION CLASSIFICATION/PAY RANGE AND POSITION AUTHORIZATION TABLES OF THE CITY OF NEWARK, DEPARTMENT OF CITY TREASURER TO ABOLISH TWO (2) FULL TIME POSITIONS OF ACCOUNT CLERK, TREASURER AND ABOLISHING THE POSITION OF ACCOUNT CLERK I AND ACCOUNT CLERK II AND CREATING THE POSITION OF REVENUE CLERK I AND REVENUE CLERK II AND CREATING ONE (1) ADDITIONAL FULL TIME POSITION OF REVENUE CLERK II.**

Motion by Mr. Bubb, second by Mr. Rath to adopt Ordinance 12-28  
Motion passed by a 9-0 vote.

ORDINANCES ON 1st READING

12-30 **By:** Mrs. Floyd, 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 CEMETERY AND PARKS TO ABOLISH ONE (1) FULL TIME POSITION OF EQUIPMENT OPERATOR AND CREATING ONE (1) FULL TIME POSITION OF CEMETERY AND PARKS CREW LEADER**

Held to 1<sup>st</sup> reading

12-31 **By:** Mr. Marmie, Mr. Rath

**AN ORDINANCE VACATING A TWENTY FOOT (20') WIDE ALLEY, AS SHOWN ON THE PLAT OF THE GRANVILLE ROAD ADDITION; SAID PORTION OF ALLEY LYING BETWEEN WILLOWWOOD ROAD AND BEECHWOOD ROAD**

Held to first reading

12-32 **By:** Mrs. Floyd, Ms. Stare, Mr. Marmie, Mr. Rath

**AN ORDINANCE AMENDING THE POSITION CLASSIFICATION/PAY RANGE AND POSITION AUTHORIZATION TABLES OF THE CITY OF NEWARK BY INCREASING THE STRENGTH AUTHORIZATION FOR THE POSITION OF UTILITY OPERATOR - WWTP FROM ONE (1) TO TWO (2) EACH; AND DECREASING THE STRENGTH AUTHORIZATION OF THE WASTEWATER TREATMENT PLANT OPERATIONS TECHNICIAN FROM TWO (2) TO ONE (1)**

Held to first reading

12-33 **By:** Mrs., Loomis, Ms. Stare, Mr. Marmie, Mr. Cost, Mr. Rath

**AN ORDINANCE EXTENDING THE AUTHORITY OF THE TEMPORARY BOARD OF ZONING DISTRICT REVISION**

Held to first reading

RESOLUTIONS ON 2ND READING

12-63 **By:** Mr. Marmie, Mr. Bubb, Ms. Stare, Mrs. Floyd, Mrs. Loomis, Mr. Cost, Mr. Rath

**A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION** (Professional Services \$2,500.00, EMS Billing Refunds \$10,000.00, Temp Services \$11,550.00, Indigent Drivers \$30,000.00 Indigent Drivers Scram \$50,000.00, Indigent Contingency \$20,000.00, Postage \$16,000.00, Gas \$18,000.00 Temporary Services \$6,000.00, Printing/Supplies \$4,000.00)

Motion by Mr. Marmie, second by Mr. Bubb to adopt Resolution No. 12-63

Motion passed by a vote of 9-0.

12-64 **By:** Mrs. Floyd, Mr. Bubb, Ms. Stare, Mrs. Loomis, Mr. Cost, Mr. Marmie, Mr. Rath

**A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION.** (Service Dept-Computer Hardware/Software \$15,000.00 Traffic Dept-Striper (Machinery/Equipment)\$10,000.00 Street Dept- Doors (Building Grounds Maint)\$15,000.00 Street Dept-Alley repairs (concrete Maint)

\$20,000.00 Street Dept- Zero turn mower (Machinery/Equip)\$12,000.00 Street Dept -5 Ton Roller (Machinery/Equip)\$40,000.00)

Motion by Mr. Marmie, second by Mrs. Floyd

Motion passed by a vote of 9-0.

12-65 **By:** Mrs. Floyd, Mr. Bubb, Ms. Stare, Mrs. Loomis, Mr. Marmie, Mr. Cost

**A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO NEGOTIATE AND ENTER INTO CONTRACT, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE DESIGN AND CONSTRUCTION OF THE DOWNTOWN SEWER SEPERATION PROJECT. PURSUANT TO ARTICLE 10.02 (D) OF THE CHARTER OF THE CITY OF NEWARK, THIS CONTRACT FOR PROFESSIONAL SERVICES DOES NOT REQUIRE COMPETITIVE BIDDING.**

**Mr. Rath-** stated that he believed he signed the legislation and he also was the initial sponsor, however he made the motion to adopt Resolution 12-65, second by Mr. Bubb

Motion passed by a vote of 9-0.

RESOLUTIONS ON 1st READING

12-66 **By:** Mr. Marmie, Mrs. Floyd, Ms. Stare

**A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING AS NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.**

Held to first reading

Mr. Ellington- inquired with Mr. Johnson whether they needed to waive the two day reading rule

Mr. Johnson- stated that 12-66 did not require that motion.

12-67 **By:** Mr. Marmie, Mrs. Floyd, Ms. Stare, Mr. Rath

**A RESOLUTION APPROPRIATING AND DISAPPROPRIATING MONIES FOR CURRENT EXPENSES** (Human Resources/Professional Services- \$18,000, Parks & Cemetery/Prepaid Vaults- \$7,000, CSO/Sewer Projects- \$525,000, Safety Grant Fund- \$50,600, Police/Compensated Absences-\$16,500, **DISAPPROPRIATION** Water Projects- \$300,000)

Held to first reading

12-68 **By:** Mrs. Floyd, Ms. Stare, Mr. Marmie, Mr. Rath

**A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION** (Capital Improvements Fund- HVAC and Fire Alarm System needed \$4,000)

**Mr. Frost-** stated that this resolution pertains to the safety and welfare of the community therefore he made a motion to waive the two day reading rule, second by Mr. Rath.

Motion to waive the two day reading rule passed by a vote of 9-0.

Motion to adopt Resolution 12-68 by Mr. Frost, second by Mrs. Loomis

**Mr. Cost-** inquired whether the system is for City Hall.

**Mr. Ellington-** confirmed that it was.

Motion to adopt Resolution No. 12-68 passed by a vote of 9-0.

12-69 By: Mr. Rath, Mrs. Floyd, Ms. Stare, Mr. Marmie

**A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT APPLICATIONS TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENTS PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED**

Held to first reading

12-70 By: Mr. Marmie, Mrs. Floyd, Ms. Stare, Mr. Rath

**A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION** (Municipal Court/Judgment-\$4,349.66, Water Pressure Zone Project Fund/Principal payment of note-\$2,100,000, Garfield & McKinley Fund/Principal payment of note-\$350,000, Moull St Storm Sewer/Principal payment of note-\$1,000,000)

Motion by Mr. Marmie to waive the two day reading rule, second by Mr. Frost.

**Mr. Marmie-** stated that some of these items are time critical due to the Ratings that we will receive on our bonds and notes and the other is for a judgment that needs to be paid as quickly as possible.

Motion by Mr. Marmie to adopt, second by Mrs. Floyd  
Motion to adopt passed with a 9-0 vote.

COMMENTS FROM CITIZENS

**Pete Gibney-** 1335 Krebs Dr. He asked for an explanation as to why tax levies are being certified to the County Auditor without being voted on?

**Tim Waldren-** would like council members to inform people not to drop off any more cats at his house for him to take cats out to a farm.

**Mr. Ellington-** inquired if he is asking us not to publish his address.

**Tim Waldren-** confirmed that is what he was asking.

MISCELLANEOUS

**Mr. Marmie-** called for a Finance Committee meeting. To answer Mr. Gibney's previous question concerning the police officers hired with grant funds, Mr. Marmie stated that he agreed with Mr. Gibney. Mr. Marmie stated that they have been monitoring it in the budget, the police department is well aware of that. He also stated the City knows that certain salary dollars will have to be paid back; it was incremental over years and depended on how many officers the City hired. Basically they did some shifting temporarily knowing that we would have to move them back into these payroll dollars. No additional dollars will go towards Safety forces over what they have. They usually get a percentage of the General Fund based on what they received previously and the ½ percent that is levied for them. They know they have to be within their budget with those salaries. He further stated that the City has been able to do some additional things with the Safety forces because of that. Actually, even though they hired new police offices the City didn't increase our numbers these officers took the place of those lost through attrition. Therefore we got the grant funds and paid them with those funds.

**Mr. Rath-** called for a Service Committee meeting

**Mrs. Loomis-** called for an Economic Development Committee for the Rental Registration Ad Hoc committee to make a final report.

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 7:26 P.M.