

COUNCIL MINUTES

August 6, 2012
Council Chambers
7:00 p.m.

ROLL CALL

INVOCATION - Mrs. Floyd

PLEDGE OF ALLEGIANCE- Director Rhodes

CAUCUS

Motion by Mr. Bubb, second by Mr. Cost to excuse Mr. Houdeshell

Mayor Hall- Proclamation to the Licking County Settlers for being The Great Lakes Summer Collegiate League Champions

Sean West- Settlers General Manager, acknowledged the coaching staff and their deceased founder for their hard work and success. He also thanked the Mayor for his support and recognition.

Mr. Houdeshell comes into attendance.

Motion by Mr. Bubb, second by Mr. Rath, the minutes of the July 16, 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
Streets- Received and filed
Safety- Received and filed
Service- Received and filed
Economic Development- Received and filed
Capital Improvements- Received and filed

REPORTS CITY OFFICIALS

City Auditor, Stephen E Johnson- Operating Report for the month ending June 30, 2012
Received and filed

City Auditor, Stephen E Johnson- Bond rating and interest rate- Received and filed

PETITION

COMMUNICATIONS

Council of St. John's United Church of Christ- a letter supporting the immediate development of an additional dependable and inexpensive fixed bus route with regular stops in Licking County.

Received and filed

Licking County Democratic Club- a letter to Mr. David Greene from the Licking County Democratic Club supporting and urging Mr. Greene to use their letter of support for the immediate development of an additional dependable and inexpensive fixed bus route with regular stops in Licking County as necessary.

Received and filed

American Water Resources of Ohio- a letter informing the council members and administration of the upcoming mailing to Newark residents regarding their responsibility for water and sewer lines running through their property.

Received and filed

Bob Chalfant- a letter advising council members of the Ferrell cat problem in Newark and Licking County. He stated he would like to see a law requiring owners to license their cat(s) and a law requiring spaying or neutering of feline pets.

Received and filed

COMMENTS FROM CITIZENS

Janet Greene- 1791 Olympic Ct, founder of Newark Freedom School and a member of citizens' advisory committee on mobility. She was in attendance tonight representing the Transportation Committee of the Newark Freedom School. Mrs. Greene encouraged all council members to look over the feasibility report that was done. The report is on the Department of Developments page on the City's website under projects. Mrs. Greene got involved in this effort after moving to Newark and realized there wasn't any public transportation. A petition was accepted with a little over 700 signatures as well as letters of support from United Church of Granville, IAFF 109, The Licking County Democratic Club, The Licking County Retired Teachers Association, Licking County Coalition of Care, and NAACP.

Mrs. Greene read the Newark Freedom School's resolution on transportation.

"Transportation is a basic need of people to get to medical services, employment, shopping, school and social services. Current transportation services in Licking County, which include on-demand transportation for the elderly and disabled, are severely inadequate to meet the needs of all our residents. We strongly support the immediate development of an additional dependable and inexpensive fixed route bus system with regularly scheduled stops in Licking County and urge officials to take the necessary action."

She stated that "we" the citizens of Newark need council members to represent them during "the merger" with the County regarding the Transit system. She wants council members to advocate for the citizens of Newark.

William Butcher- 129 W Main St, discussed the need for more fire stations downtown. He would like to have a fire station built on the vacant lot next door to him.

Brad Fightner Jr. - 1410 Surry Downs Rd, he wanted to encourage participation for the JC annual community parade at 2:00 P.M. There will be a chicken BBQ around the square following the parade.

Theresa Mitchell- she came to thank Property Maintenance, Will Hansen, Joe Paul and Bill Spurgeon for getting the house beside her at 250 W Main St demolished. She stated she was appreciative of the demolition even if her water line got busted. She stated the water department temporarily hooked her up to her neighbor's water line until a new one was installed which should be tomorrow (Tuesday). She also thanked Mayor Hall.

Bob Chalfant- 161 S 31st St, he is the resident who sent the letter to council members regarding the cat problem. He stated that the pound is not accepting cats; he stated that he has tried taking some there however they gave him names of rescue agencies instead. Toby Wills came and picked some cats up near Hollar Ln and also informed him that the pound does take cats in. He requested a resolution to the problem such as an expensive way to have the cats spayed and neutered. He believes that if you adopt a cat from the Humane Society the feline should be spayed or neutered. He also encouraged people to have their pets spayed or neutered.

Carl Shumaker- lives above McDonald's downtown and he is a longtime resident of Newark. He relayed his frustrations for the lack of quality dependable transportation, especially for the elderly. He relayed an experience with a local cab company that told him they would be at a Kroger location to pick him up in 15 minutes however he waited for an hour and 15 minutes. He stated that Newark is not active after business hours around the downtown area. He also suggested that the city get another supermarket downtown where the auditorium used to be to compete with LIL Bear. He stated there was a need for a more affordable place to shop and that there weren't enough places to shop for necessities. He stated that it is not affordable for the elderly whom are on a fixed income to pay for transportation. He felt that if we could get a bus system it would put Newark on the map.

Victoria Peterson- 64 Beechwood Rd, stated that she sent an email to all council members

and was hopeful that everyone had an opportunity to look at it. She thanked council members for taking the time to consider the vacation of the alley between Willowood Rd and Beechwood Rd. She stated that she understood fire safety to be the biggest obstacle regarding their request. She agreed that fire safety is important however she stated that there are a lot of dead end street in Newark that don't have cul-de-sacs. She inquired if they were unsafe places to live? She didn't believe so therefore she did not feel their request was unreasonable or unsafe.

Diane Ganz- 55 Willowood Rd, she also wished to make comments regarding Resolution 12-54. She stated that she and her husband also sent an email to council members and she stated that she has spoken to council before on this issue. She stated that they have been bothered with traffic traveling down this narrow and often rutted alley. She stated that the lots are 150 feet deep which means that all buildings are closer to the street than that so they are accessible with fire equipment. She stated that there are only two building on the alley and they are less than 90 feet from a street and only one opens onto the alley. She stated that if the alley was vacated it would continue to be a driveway for two residents on the street due to how half of the alley is paved. The ends would maneuverable. In fact she stated that if council visited the streets in their division they would see that their street is more maneuverable the other alleys around them that have been vacated.

Richard Lee Sturgis- 85 W Church St, he wished to talk about transportation and mobility. Item one, last winter he stated that every handicap ramp on the sidewalks were covered with 4 feet of snow. Second item, he is totally in support of the transportation issue. He stated that on Holiday days he could not get transportation to travel.

Pete Gibney- 1335 Krebs Dr, in reference to Resolution 12-61 & 12-62 he stated that the other night at committee he was not there however he understood there was some contingency about 12-61 being declared an emergency. He stated that he could not see any reason why transferring buses, which were not going to be used for a year according to a newspaper article he referenced, could be an emergency. Regarding 12-62 the selling of surplus personal property, he also questioned this resolution containing the emergency clause as well. He inquired to Mr. Sassen why the fees for demolition of the recent properties aren't being collected instead of applied as a lien. He also discussed the Police Department not receiving their certification. He talked about the article in the newspaper talking about phone companies in Ohio wanting to get rid of land lines. He encouraged council members come up with a resolution and send it to the House of Representatives opposing Senate Bill 271. He asked if Mr. Loomis could address the communication that was referenced earlier this evening regarding sewer lines.

Joe Bending- lives on Willowood and he signed the petition, he thanked council and especially Rhonda Loomis for taking the time to look at their problem regarding vacating the alley.

ORDINANCE ON 1st READING

12-24 By: Mr. Rath, Mrs. Floyd, Ms. Stare, Mr. Cost
AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT, SUBJECT TO THE APPROPRIATION OF FUNDS, WITH THE COMBINED GENERAL HEALTH DISTRICT OF LICKING COUNTY FOR THE CONTINUED DELIVERY OF PUBLIC HEALTH SERVICES TO THE CITY OF NEWARK, OHIO.

Held to first reading

RESOLUTIONS ON 2nd READING

By: Mr. Houdeshell, Mrs. Floyd, Mrs. Loomis, Ms. Stare, Mr. Marmie, Mr. Cost Mr. Rath

12-53 **A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO ENTER INTO A LEASE AGREEMENT WITH PARK NATIONAL BANK FOR THE LEASE -PURCHASE OF TWO (2) MEDIC UNITS FOR THE DIVISION OF FIRE.**

Motion by Mr. Houdeshell, second by Mr. Cost to adopt Resolution 12-53.
Motion passed unanimously.

By: Mrs. Loomis, Mr. Houdeshell, Mr. Rath

A RESOLUTION OF INTENT TO VACATE A TWENTY FOOT (20') WIDE ALLEY, AS SHOWN ON THE PLAT OF THE GRANVILLE ROAD ADDITION; SAID PORTION OF ALLEY LYING BETWEEN WILLOWOOD ROAD AND BEECHWOOD ROAD.

Motion to adopt Resolution No 12-54 by Mrs. Loomis, second by Mr. Bubb.

Mrs. Loomis- thanked everyone that had taken a look at the alley. She stated she sent the map that Kathy Stewart provided out again. She referenced the alley in 2001 that was vacated directly to the east of Willowood. She stated that the map clearly shows every alley has been vacated except the alley in this resolution. She referenced the large tree in the alley that seemed to be a concern regarding fire safety. She stated that there aren't any homes on this alley. She stated that the other allies who have already been vacated didn't have as much room as this alley does. She stated that she struggled with this issue because she didn't want to set a precedence regarding vacating allies. She understands that there are a lot of allies that people want vacated and it is not feasible to do such. She stated that she is fighting for this one because it is the only one that has not been vacated. She stated she doesn't understand why this one is different when we have vacated the allies from 1950 to 2001.

Mr. Houdeshell- stated that he felt that the alley should be kept open and if the Fire Chief says that it should be kept open it should be kept open. He also discussed the statement that the Fire Chief made that the State law requires a cul- de- sac if the alley is vacated. He stated that citizens relayed to him that they wanted the vacated because children play in the alley and they are afraid they are going to get hurt and people drive too fast down the alley.

Mr. Bubb- stated that he is in support of the vacation of this alley. He addressed Joe, Diane and Victoria who came and expressed their desire to have the alley vacated. He felt they have they have taken ownership of their neighborhood and he appreciated the respectful way they articulated their desire. He encouraged other council members to support it as well.

Mr. Frost- stated that he will not be supporting this resolution tonight however he too appreciated the way the residents articulated their desire to have the alley vacated to council members, but he is relying on the decision of the Fire Chief who did not feel that this was in the best interest of the City to make his decision.

Ms. Stare- stated she respects the decision of the Fire Chief and she does not want to disrespect the Fire Chief of the City of Newark and go against his recommendation.

Mr. Guthrie- He stated that he was reluctant to vote for the vacation of this alley. He stated that he is going to vote in support of this resolution and it is not in disrespect to the Fire Chief but that he felt the precedence has already been set in this area. He stated that this street is mimicked in other area of the City. He felt it was not an easy vote and hoped it wasn't for anyone and that there is always the argument that it could hinder a safety vehicle. Weighted completely he felt that it deserved an affirmative vote.

Mr. Rath- stated that he also was going to vote for this resolution. He stated that it was not a respect issue for the Chief. He stated that he has the upmost respect for the Chief, they asked for his opinion and he gave it to them, however in making his decision he considered the stance of the council member who's ward this is in and what they feels is best for that neighborhood. He also considered the requests made by the residents of that neighborhood, who came to support the resolution and he agreed with Mr. Guthrie that he felt the precedence had been set in that neighborhood. With no disrespect to the Fire Chief he is going to support the resolution.

Motion to adopt Resolution No. 12-54 was at a tie vote 5 yeas (Mr. Bubb, Mr. Guthrie, Mrs. Loomis, Mr. Marmie, Mr. Rath) and 5 nays (Mr. Cost, Mrs. Floyd, Mr. Frost, Mr. Houdeshell, Ms. Stare)

Mr. Ellington- stated that he looked at the alley again tonight before council meeting. He discussed his concern for the owner of the grey garage. He presented the question- if we vacate this alley it means this person own half and this person owns half. What if one of the owners would want to put a fence up in the middle of the alley? That will eliminate the capability of the owner with the grey garage to access his garage.

Mr. Marmie- addressed Mr. Ellington's concern regarding the alley ownership being split. He stated that there is enough room for a driveway even with it being split. He asked that question at committee and discussed it with Brian Moorehead.

Motion passed with a tie breaking vote from Mr. Ellington.

12-56 By: Mr. Marmie, Mr. Houdeshell, Mrs. Floyd, Ms. Stare, Mrs. Loomis, Mr. Rath, Mr. Cost

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION WITH REGARD TO THE RETENTION OF OUTSIDE COUNSEL.

Motion to adopt Resolution No. 12-56 by Mr. Marmie, second by Mrs. Floyd.
Motion passed unanimously.

RESOLUTIONS ON 1st READING

12-57 By: Mr. Marmie, Mrs. Floyd, Ms. Stare, Mr. Rath, Mr. Cost

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

Motion to adopt Resolution No. 12-57 by Mr. Marmie, second by Mr. Houdeshell
Motion passed unanimously.

12-58 By: Mr. Marmie, Mrs. Floyd, Ms. Stare, Mr. Rath, Mr. Cost

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

Motion to adopt Resolution No. 12-58 by Mr. Marmie, second by Mrs. Floyd
Motion passed unanimously.

12-59 By: Mr. Marmie, Mrs. Floyd, Ms. Stare, Mr. Rath, Mr. Cost

A RESOLUTION APPROPRIATING AND DISAPPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION. (from General Fund for Worker's Comp fee-\$5,061.00; from General Fund for Compensated Absences-\$30,943.00; from General Fund for Service General-impound fee \$20,000.00; from General Fund to Bed Tax Fund, for Newark Sports & Events Commission-\$19876.00 & The Works-\$7,500.00; from General Fund for Building Grounds-\$11,000.00 & Machinery/Equipment-\$4,000.00; from General Fund for Server Room AC unit replacement-\$5,826.00; from Brownfield Fund-\$196,586.18 for Service Contracts-\$68,482.68 & Contingency-\$88,103.50 & Contingency-\$40,000; from General Fund for Engineer's office software update-\$7,000.00; from the Construction Fund for bridge maintenance-\$600,000; from Garfield McKinley Fund for storm sewer phase 4; from Construction Fund \$458,500.00 for Demolition services-\$50,000 & land purchases of \$140,000,\$93,500,& \$135,00,and closing cost-\$40,000; from Compensated Absences to termination sick-\$4,200 & termination vacation-\$4,200. **Disappropriation from appropriated General Fund-\$15,000)**

Motion to waive the two day reading rule by Mr. Marmie, second by Mrs. Floyd
Mr. Marmie- stated that there were a couple of invoices due immediately and that there were payouts for previous employees that by law need to be expedited.

Mr. Guthrie- requested/suggested that we split up legislation so that items that need the emergency clause are on one piece of legislation and the ones that do not are on a separate piece of legislation. This would allow items that could pass through the standard operating procedures go thru and those that are justifiable to use the emergency clause pass that way.

Mr. Ellington- stated that this legislation does not have the emergency clause however Mr. Marmie is asking for the two day reading rule to be waived.

Motion passed 9 yeas and 1 nay (Mr. Guthrie)

Motion to adopt Resolution No. 12-59 by Mr. Marmie, second by Mr. Bubb.

Motion passed unanimously.

12-60 By: Mrs. Floyd, Ms. Stare, Mr. Marmie, Mr. Cost, Mr. Rath

A RESOLUTION APPROPRIATING AND MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION. (Capital Improvement Fund-\$130,530 & Capital Improvement Fund-\$2,700)

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

Mr. Frost- stated that this is money for police vehicles, police communications, there are security issues with a fob, building ground maintenance to be done. He has spoken to Director Spurgeon whom stated they needed the money in place right away.

Motion passed 9 yeas and 1 nay (Mr. Guthrie)

Motion to adopt Resolution No. 12-60 by Mr. Frost, second by Mr. Bubb

Motion passed unanimously.

12-61 By: Mrs. Floyd, Mr. Marmie, Ms. Stare, Mr. Rath, Mr. Cost

A RESOLUTION TO ALLOW FOR THE TRANSFER OF OWNERSHIP OF CERTAIN MOTOR VEHICLES AND RELATED PROPERTY TO THE BOARD OF COUNTY COMMISSIONERS OF LICKING COUNTY, OHIO AND/OR THE LICKING COUNTY TRANSIT BOARD FOR USE IN OPERATION OF THE COUNTY-WIDE PUBLIC TRANSIT SYSTEM AND DECLARING AN EMERGENCY.

Motion to adopt Resolution No. 12-61 by Mr. Marmie, second by Ms. Stare

Mr. Houdeshell- this is the first step in turning over all of our transit to the County. We are giving them our new buses, they have buses that are wearing out and they can't fix them. The Federal government won't allow us to give them the old ones. This is the first step in turning over our entire bus system to the County. There won't be any more Earthworks transit it will be strictly Licking County Transit.

Ms. Stare- stated she is in support of this resolution, she feels that it is better to put the vehicles in use than sit idle. They are not helping people just sitting.

Mr. Guthrie- asked for an explanation of the emergency clause. Does it meet the standard?

Mr. Bubb- stated that he spoke to Director Mauter not on the record; however he stated that it would help individuals with transportation and more jobs.

Mr. Ellington- commented that he believed Director Mauter tried to convey at committee meeting that it was a safety issue.

Mr. Marmie- commented that at committee Mr. Mauter indicated it does warrant the health, safety and welfare definition. He further stated that he did know if he himself could prove with any of the legislation if it meets the definition or not but if a Director tells him that it does in fact meet the definition and conforms to it in the legislation, he has to support it. He cannot say it doesn't meet the legislation unless it clearly does not. If the Director is wrong then he has put it in writing that it is wrong.

Mr. Guthrie- stated that as members of council it is our responsibility to comply with the City's charter. Whether it is written on a piece of paper or not it is our responsibility to individually make a judgment whether it meets that standard or not. That is why he stated that he will be voting no.

Director Sassen- raised a procedural issue. He stated that at committee and here tonight that it seemed the issue that was being debated is the issue Mr. Guthrie brought up as well as Mr. Gibney as to whether this particular matter is an emergency. There may be some members of council who do not believe that it constitutes an emergency and for that reason alone may vote no. Even if a council member votes no on an emergency they may support the transferring of the buses to the County. He clarified that the Charter requires legislation with the emergency clause to receive 7 votes in order to pass as an emergency. If it gets 6 votes it passes as a non-emergency. If it gets five votes due to council members being concerned about the legislation including the emergency clause he proposed from a

procedural stand point that there be a motion to amend the legislation to remove the emergency clause so that there could be a separation of votes on the issues whether it constitutes an emergency and then a second vote on the issue whether to transfer the buses is appropriate.

Motion by Mr. Guthrie, second by Mr. Rath to remove the emergency clause.

Mr. Ellington- asked Director Sassen for clarification as to if this piece of legislation passes then we have to vote to waive the two day reading rule.

Mr. Sassen- confirmed Mr. Ellington was correct.

Mr. Marmie- asked for a justification for the amendment.

Mr. Guthrie- stated that he has already made his point.

Mr. Marmie- wanted to know why they were voting to remove the emergency clause when a Director has indicated that it was an emergency?

Mr. Guthrie- He feels we have a fine administration however he made the motion to remove the emergency clause based on his obligation to the City Charter.

Mr. Marmie- stated that he felt that this issue should have been brought up at committee not the 11th hour. He stated that it was in fact brought up in committee and when it was questioned the Director responded in affirmative manner that it met the health, safety and welfare guidelines.

Mr. Rath -stated that he agreed with Mr. Marmie and requested to withdraw his motion to second.

Mr. Cost- seconded the motion.

Motion to the amendment to remove the emergency clause was tie 5 yeas (Mr. Cost, Mrs. Floyd, Mr. Guthrie, Mr. Houdeshell, Mrs. Loomis) and 5 nays (Mr. Bubb, Mr. Frost, Mr. Marmie, Mr. Rath, Ms. Stare)

Mr. Ellington voted nay, therefore the motion to amend Resolution No. 12-61, removing the emergency clause, was defeated.

Motion to adopt Resolution No. 12-61 as submitted on the agenda with the emergency clause was defeated by a vote of 6 yeas (Mr. Bubb, Mrs. Floyd, Mr. Frost, Mr. Marmie, Mr. Rath, Ms. Stare) and 4 nays (Mr. Cost, Mr. Guthrie, Mr. Houdeshell, Mrs. Loomis).

Mr. Ellington- announced that legislation with the emergency clause must have 7 votes to pass as an emergency, therefore Resolution No. 12-61 passes as a non-emergency with a vote of 6 yeas and 4 nays.

12-62 By: Mr. Rath, Mr. Marmie, Ms. Stare, Mrs. Floyd, Mr. Cost

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 AND DECLARING AN EMERGENCY.

Motion to adopt Resolution 12-62 by Mr. Rath, second by Mr. Bubb.

Motion by Mr. Rath to amend the resolution removing the emergency clause, second by Mr. Cost.

Law Director, Sassen- clarified that it was not necessary to amend the resolution to remove the emergency clause because the caption which states shall be declared an emergency appears to be a typographical error, which was discussed at committee. Director Sassen referenced Section 4 of Resolution 12-62, which states the resolution shall be in effect at the earliest time permitted by Article 4.07 of the Charter of the City of Newark, Ohio. He stated that at committee it was discussed since the resolution doesn't really fit the criteria for the emergency clause, at council a motion to waive the two day reading rule was suggested. He stated that the emergency is really a calendar issue because the auction is already scheduled for September 8 and if we wait for the second reading then the thirty day implementation we would have to delay the already scheduled auction.

Mr. Marmie- stated that the correct procedure is to waive the two day reading rule then a vote to adopt.

Motion by Mr. Rath, second by Mr. Bubb to waive the two day reading rule.

Mr. Rath- stated that he is asking to waive the two day reading rule because of the already discussed calendar issue.

Motion passed unanimously.

Motion to adopt Resolution No. 12-62 by Mr. Rath, second by Mr. Bubb

Mr. Rath- stated this is an auction to auction off vehicles and other equipment that the City no longer needs.

Motion passes unanimously.

COMMENTS FROM CITIZENS

Jeremy Blake- 71 Ganior Ave., stated that there was a lot going on in the South Newark recently and **he** wanted to thank council members for their email exchanges and discussion regarding different issues they had in south Newark within the last couple of months. He stated that they had a successful community picnic. Last weekend they had a good kick off to an event called "Who's South Newark" which highlights stories and experiences of people who live in the neighborhood. Mr. Bubb's parents signed up to be part of the oral history, he encouraged others to do so also. He informed everyone that the Newark Nazarene Church on Williams St is getting ready for operation "Gear Up" in preparation for school starting. The church will be giving out back packs. It will be this Saturday from 10-12. The Newark Manacore will be having an Ox roast. He encouraged council to read the feasibility study that was conducted.

William Butcher- on 12-61 stated that he thought it should have been left as it was along with 12-62.

Paul Mornan- 63 N 4th St. He stated that there was a serious need for a bus system in the area. He stated that in spring of 2011 the City bought a property at 295 Wilson St to be used for the transit system. He thought that it didn't make sense to buy that building and not use it. He felt the sidewalks downtown were unsafe. He stated that in front of the W Main St school building there is knee high grass along the sidewalk front the playground to the main building. He wished that we could do something to save that school. He stated that it was the old Newark High School and Central Elementary. He wished that there were more business downtown.

Mark Baughman- 448 New Haven Ave, wanted to notify City Council that he receive a letter from AEP. He stated that his wife talked to Mr. Houdeshell. He handed out a copy of the letter he received. He stated that the letter informed him that he had chosen to switch power companies to Public Power LLC. He stated that he had no knowledge of this. He called AEP and they advised him that City Council had entered into negotiations with Public Power LLC to buy a block of energy to sell to residential customers. He stated they advised him that City Council was supposed to send out letters to notify. They, his wife then called Mr. Houdeshell. According to Mr. Moran Mr. Houdeshell advised them that the City had discussed this but had not entered into any agreements. Mr. Moran then called AEP back by the deadline so they would not change his service.

Ms. Kinney- 63 N 4th St stated that she was upset about the money being spent for police cars and or uniforms instead of the sidewalks. The sidewalks are not in proper repair for individuals with disabilities.

Carl Shumaker- wanted to thank anyone who had anything to do with the City who could help get bus services.

Darren Walton- 165 Derby Downs Rd, Apt 74, informed council of his recent troubles regarding transportation. He is here to support the need for fixed route, affordable public transportation. He relayed an experience with Earthworks and their half price program. He stated that it is not affordable for him. He stated one purchase of a book that he made was completely used by one trip back and forth to the Newark Public Library. He stated that the hours of operation offered are not convenient either.

June Chalfant- 161 S 31st St, she was there to discuss the cat issue, she was appreciative of everyone listening to what they had to say.

Tim Waldron- 167 S 6th St-commented on Mr. Gibney's statements during the first session of citizens' comments. He asked that the next time that we have a Charter Review Commission he requested that the citizens of Newark get to vote for who they want to be on that committee.

MISCELLANEOUS

Mr. Sassen- addressed Mr. Baughman and stated that he should contact Ohio Consumers Council. He stated that the City has not entered into a contract with Public Power LLC. A year ago there was a provision on the ballot that would allow this kind of program to happen in the City of Newark. That provision failed. He stated that the letter that Mr. Baughman received was an opt out letter. He advised him to contact Ohio Consumers Council.

Mayor Hall- also stated that the City of Newark is not an Opt out City.

Mrs. Loomis- Thanked fellow council members who supported Resolution No. 12-54. She wanted those who spoke out about transportation to know that they are being heard. She addressed Mr. Gibney's statements made during citizen's comments, which stated she agreed with, except his statement regarding the Police Department not achieving their accreditation. She stated that she has faith in Chief Sarver and she is confident that that will not happen again.

Mr. Marmie- first called for a Finance Committee meeting; He advised the audience that it is the owner's responsibility to repair/replace sidewalks. This statement was made to address the comment made by a citizen who stated that the sidewalks in Newark were in need of repair or replacement. Some sidewalks have been and can be replaced with Federal grant dollars within certain provisions. In other instances it is the responsibility of the property owners. He stated that he has heard all of those who spoke out about a need for a transit system. He advised the audience that he is listening and at this point all they, meaning council members, can do is be an advocate for the citizens of Newark. He wanted to clarify that we are not merging with the County regarding a transit system. He stated that the City's Transit is going away and that the County is expending theirs. He stated that he has gotten to take a preliminary look at the study and he will look at it more in depth and will comment to those that are going to be making those decisions. He stated that in Finance Committee he is going to try to set up a system to separate legislation from emergency and non-emergency but he is going to come up with a procedure that doesn't create more work for the clerk. He is going to ask the administration and departments to tell the clerk that the two day reading rule needs to be waived as they are turning in their legislation. If there is a need for two pieces of legislation we will do that if not we won't.

He stated that there have always been some gray areas where the emergency clause has been considered. He would like to try to avoid what happened tonight regarding the transferring of the buses because of the emergency clause to keep legislation from passing. He stated that he felt that any issues regarding the emergency clause council members have should be brought up in committee. He felt that committee is where it needs to be addressed and determination whether it is justified. He does agree that the use of the emergency clause should be stricter. He stated that he doesn't know what the answer is about the fixed route system. He advised the audience if there is a fixed route system individuals will not get picked up at the door anymore. He thinks that when a system is started modification may need to be made and will have to grow into.

Mr. Rath- regarding the Wilson Street building he asked the rest of council and or administration to verify his statement that the property was bought with Federal grant dollars not Newark City tax dollars and will therefore be transferred along with the buses. That building is an asset just like the buses and will be transferred to the County. He also addressed the citizen comment regarding the money that was being appropriated for police vehicles and equipment which she felt should be going towards making the sidewalks in Newark safer instead. Mr. Rath stated that we could have the safest sidewalks in the world but without the Police Officers and vehicles our streets would be even more unsafe to walk because we need our safety forces first and foremost. He believes that is the number one responsibility of the City. Generally speaking he stated that he is proud to be a Newark citizen, loves the City of Newark, he is happy with our City and the direction that it is going. Is it where it is supposed to be? Where it could be? No. But he stated that he is very happy with the direction that it is going. He is proud to represent the citizens of Newark and tries to do that to the best of his ability. He also reminded individuals that the month of August is the month to register to be an urban hunter in the City of Newark. Registration ends the end of this month. He called for a Service Committee meeting.

Mr. Marmie- stated he was told that the property on Wilson St for transit was bought with tax dollars but Federal funds and it is an asset to the City of Newark.

Ms. Stare- shared that she attended the ribbon cutting ceremony for the new Licking County Aging facility which was last week. She stated that it was beautiful and she felt that it was going to be a great asset to the county and the city and to the East side. She shared that Mrs. Floyd got to meet President Obama. She advised the audience that council hears them and knows that a public transportation system is important to them and what they want. She stated the City is focused on the transferring of assets to the County right now, once that is taken care of then they will look into the fixed route system.

Mr. Bubb- called for a Personnel Committee meeting. Inquired as to whether he could make a motion to reconsider Resolution No. 12-61 for a vote?

Mr. Ellington- asked Mr. Bubb why he was making the inquiry for reconsideration since it did pass.

Mr. Bubb- advised him that he understood it passed but it did not pass with the emergency clause.

Mr. Ellington and Director Sassen- stated that it could not be considered until next meeting.

Mr. Cost- announced The Sons of Italy Italian Festival is going to be held August 18th from 4-9. He stated that it is a great event, there will be food and music.

Mrs. Floyd- she stated she supports fixed route busing and she also realizes that it is not going to come quickly. She stated that it is not an easy fix. She also wanted the audience to know that they really study the issues that come in front of them. She agrees with the Chalfant's that the cats are a problem; she stated that too is not an easy fix. She repeated Mr. Rath's comments about Newark. She stated she too is proud of Newark and to be a citizen of Newark. She also agreed with Ms. Stare's comments regarding the new aging facility.

Law Director, Sassen- advised council that his earlier statement was not correct regarding Mr. Bubb's desire to make a motion for the reconsideration of Resolution No. 12-61. According to Rule 21 the motion can be made since Mr. Bubb was on the prevailing side and the request was being made no later than the next regular scheduled meeting. He stated that we needed to take two votes. One vote on the motion to reconsider and if that succeeds a vote on the motion to adopt the Resolution.

Mr. Bubb- made the motion to reconsider Resolution 12-61, second by Mr. Rath

12-61 By: Mrs. Floyd, Mr. Marmie, Ms. Stare, Mr. Rath, Mr. Cost

A RESOLUTION TO ALLOW FOR THE TRANSFER OF OWNERSHIP OF CERTAIN MOTOR VEHICLES AND RELATED PROPERTY TO THE BOARD OF COUNTY COMMISSIONERS OF LICKING COUNTY, OHIO AND/OR THE LICKING COUNTY TRANSIT BOARD FOR USE IN OPERATION OF THE COUNTY-WIDE PUBLIC TRANSIT SYSTEM AND DECLARING AN EMERGENCY.

Mr. Bubb- stated the reason that he made the motion to reconsider Resolution No. 12-61 was because the vehicles were going to sit for 30 days, which he felt was a waste of tax payers' dollars. He further stated the need for transportation had clearly been articulated tonight by our citizens. Mr. Bubb felt that we should put the people first.

Mr. Frost-stated he understood the concern regarding the use of the emergency clause however he did not feel that this piece of legislation was the one to take a stand on. He stated that he agrees with councilman Bubb and Ms. Stare regarding this issue for reconsideration.

Mr. Cost- requested clarification; he asked how long the buses have been sitting where they are now?

Mayor Hall- stated that the buses were purchased with City funds and have been here since approximately the end of April. They were purchased to help whatever the system was going to be in the future. He stated the health and welfare of the emergency clause could be that the buses are sitting deteriorating and they were purchased with tax dollars. The County has buses that are in substandard condition taking medical rides which could break down. That too could be a health and/or welfare issue. They have been sitting until an agreement could be made with the County regarding the Transit system. He stated that we did not want to do any assets changes until we could see where Transit was going with the County.

Mr. Cost- stated that he felt that there were some loose ends regarding this legislation and that was the point of contention for him. He stated he thought that there was some confusion as to whether council needed to vote and whether we were transferring assets before an agreement had been made.

Mayor Hall- clarified that with us getting out of the transit business there wasn't a need for council interaction, the interaction was for the County to expand their service area. He stated that there may be a window the first quarter of next year where we may need to stay in business to settle up any outstanding bills. In that case we would have to contract with the Licking County Transit and that would take council action.

Mr. Cost- inquired as to what the vote that we were looking to change means regarding when the buses could go in to service.

Mr. Sassen- clarified that we do not know when the buses will go into service but the legislation is effective immediately upon the Mayor's signature if it passes as an emergency.

Mr. Cost- If it doesn't pass as an emergency than the buses sit?

Mayor Hall- if this legislation passes as an emergency the buses will go to the County immediately. On 12-31-12 the rest of the buses would then be transferred. The FTA has some say in the transfer of the buses since they were purchased with FTA dollars.

Mr. Cost- agreed that we need to put the buses in service and that we need to take a harder look at how we define the emergency clauses. He agrees that this is not the time to draw that line. He stated he would be willing to change his vote if it simply the matter of when the buses can begin being used.

Mr. Guthrie- asked whether the County has informed us as to whether the County is going to start using the buses within the next thirty days.

Mayor Hall- stated that the County needs and wants to use the buses as soon as possible. The agreement which we have been trying to reach has slowed the County down from being able to utilize the buses. He stated that the County is in dire need of the buses. The effect to the riders is actually the health and welfare of this legislation.

Mr. Marmie- called the question as to whether to reconsider the legislation. He stated that a debate had started on the issue not the legislation.

Mr. Ellington - called a vote on the question. The vote was to end the discussion on the motion for reconsideration.

Law Director- clarified that the roll call that needs to be called is for voting yeas or nay on whether to reconsider the vote on the legislation.

Motion to re-consider Resolution No. 12-61 passed with a vote of 9 yeas and 1 nay (Mr. Guthrie)

Law Director-stated that there now needs to be a motion to adopt Resolution No. 12-61 as originally submitted and appearing on the agenda.

12-61 By: Mrs. Floyd, Mr. Marmie, Ms. Stare, Mr. Rath, Mr. Cost

A RESOLUTION TO ALLOW FOR THE TRANSFER OF OWNERSHIP OF CERTAIN MOTOR VEHICLES AND RELATED PROPERTY TO THE BOARD OF COUNTY COMMISSIONERS OF LICKING COUNTY, OHIO AND/OR THE LICKING COUNTY TRANSIT BOARD FOR USE IN OPERATION OF THE COUNTY-WIDE PUBLIC TRANSIT SYSTEM AND DECLARING AN EMERGENCY.

Motion to adopt Resolution No. 12-61 as originally submitted by Mr. Bubb, second by Mr. Rath

Mr. Cost- inquired to the Mayor if he understood correctly that two months ago the buses couldn't be put into use because an agreement wasn't in place with the County yet but there is an agreement now and it is just a matter simply that the buses can be used now or later.

Mayor Hall- answered Mr. Cost that he is correct. He stated that we have a guideline agreement between the Mayor of Heath, Commissioners and himself to move forward with a consolidated effort to provide transit at a savings or improved system which includes Newark.

Ms. Stare- stated she was a member of the Transit Board for years and she reaffirmed that she was confident that the management would put the buses into use as soon as possible.

Mr. Marmie- stated that the FTA came in and stated that the buses need to be transferred. He stated there aren't any grants set up for next year. He stated this needs to happen and it would be to the benefit of our citizens regarding health safety and welfare.

Motion to adopt Resolution No. 12-61 with the emergency clause passes with a vote of 9 yeas and 1 nay (Mr. Houdeshell).

Mr. Frost-addressed the comment made by a citizen regarding the money being appropriated for the Police department and the fact that she felt money should be appropriated for the

sidewalks in Newark. He stated he is sympathetic to her situation regarding the sidewalks; however he feels the Newark Police Department works hard and does a great job keeping the City safe and supports the resolution appropriating funds to the Newark Police Department. Mr. Frost further stated that we should give the Newark Police Department the funds necessary to continue to do great work.

Mr. Guthrie- commended the administration, the Mayor, Director Rhodes and the Safety Department for improving the curb appeal at the Hollander Pool and the Fire Station as well as the stimulus project on Water Works Rd that received criticism; however Mr. Guthrie stated he has not heard one citizen complaint.

He stated that he agrees that the fixed route bus service is important for our community and that they (council members) need to continue to be advocates for the need of this if it is transferred to the County. He stated that the reason he is in favor of transferring this to the County is that based on his experience he knows at the Federal level they are looking at communities and they are more generous with funding of larger service areas. That may give us some hope that in the future we can secure funds for a fixed route bus system. He stated that any fixed route system needs to be subsidized.

He also commended the South Newark Civic Association, he stated that the work they are doing is inspiring.

He explained his concern for the use of the emergency clause. He stated that "we", the council members, need to work together as a body and read the Charter and understand it is our obligation to be cognizant of the Charter.

ADJOURNMENT

There being no further business to discuss a motion by Mr. Rath, second by Mr. Bubb to adjourn was made. Motion passed unanimously. Meeting adjourned at 9:33 P.M.