

Service Committee Minutes

Honorable Council
City of Newark, Ohio
July 17, 2018

The Service Committee met in Council Chambers on Monday July 16, 2018 with these members in attendance:

Jeff Rath, Chair
Bill Cost Jr
Jonathan Lang
Jeremy Blake
Ryan Bubb

We wish to report:

1. **Resolution No. 18-55** A Resolution Approving and Ratifying an Updated Solid Waste Management Plan was considered.

Mr. Rath- this resolution in your packet is 18-55 and will be renumbered to 18-62 in future because 18-55 was duplicated however the content is the same.

Mayor Hall- by title I sit on a Board of the Solid Waste District that encompasses four counties Coshocton, Licking, Fairfield and Perry. It is a 16 member board with four representatives from each county, a county rep, township rep, a municipality rep and a At Large rep. We meet regularly and at least every three years we have to update the plan. There is solid waste, some recycling and trash that have to end up in landfills. It is a lot of work and an interesting dynamic from four different counties. This is slated to go to the EPA once approved by the four counties and the governing structures within those counties and then to be ratified in 2019. By law we are required to update the management plan every three years and we are required to reduce solid waste that they send to the landfills and try to increase recycling. The fees will continue to be \$2.00 per ton for waste that is generated in our solid waste district, \$4.00 per ton for waste that is generated outside the district but within Ohio and \$2.00 per ton for waste that is generated outside of Ohio. Mostly what we did was some housekeeping, some adjusting, a little more emphasis on recycling but at the end of the day residents and businesses in the district will not see an increase in solid waste fees due to this update.

Motion by Mr. Bubb to send to full Council, second by Mr. Lang

Mr. Lang- is there an execute summary or anything that we could look at?

Mayor Hall- stated that he would send the information to members of Council to review before Council in two weeks.

Motion passed by a vote of 5-0.

2. **Resolution No. 18-56** 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 was considered.

Director Rhodes- on September 22nd we are going to have an auction at the Service Complex where we will sell some cars and other miscellaneous items. The reason for the emergency is to meet the deadlines that are legally required for selling these items.

Motion by Mr. Bubb to send to full Council, second by Mr. Cost

Motion passed by a vote of 5-0.

3. **Ordinance No. 18-20** consenting to the annexation of certain territory generally described as being approximately 0.53 acres, more or less, located in Newton Township, to the city of Newark, Ohio, and declaring an emergency was considered.

Law Director Sassen- I will speak to the next four items. This is a very similar item to what we did approximately a month ago. This is an expedited II annexation petition. I can't speak to the substance or the advisability but I can tell you that this is the property next to the Duke and Duchess on Mount Vernon Road near Prescott Estates and the petitioner is the owner of the Duke and Duchess Station. We received them in time to be on the Service Committee agenda to be reviewed and voted on tonight but because of the deadlines imposed by the Ohio Revised Code for an expedited II annexation they also have to be addressed by Council. They are going to be on Council's agenda tonight as Rule 11 and I have discussed that with Mr. Marmie and Mr. Cost who are in agreement with Rule 11 being used because we have to act on these resolutions and have them back to the County Commissioners before the end of this week.

Mr. Rath- the petitioner is the owner who is Englefield Oil?

Law Director- yes or a subsidiary thereof

Mr. Rath- do we need to allot time for neighboring objections?

Law Director- we don't have the opportunity to do that, we have to act tonight on this because the statute basically says if we don't act in a timely fashion and our deadline for that is Friday then inaction is deemed to be consent so we have two pieces of legislation one accepting and one objecting to give Council a meaningful opportunity to object if you will. If we just have the piece of legislation consenting to the annexation and Council doesn't approve that it can be considered inaction by statute so we have to do something this week. Neighbors who would want to object would have to do that tonight with us or they can object at the next hearing with the County Commissioners.

Based upon what the County Commissioners do we will then receive this back for a final action no less than 60 days and no more than 120 days after we receive that resolution.

Mr. Rath- neighbors have been notified of the annexation?

Law Director- I can't answer that. I don't think that with an expedited II annexation a notification is required because only effected property owners are petitioners to the annexation as there is in a standard annexation where everybody within 200 feet has to be notified.

Mr. Lang- if we are invoking Rule 11 on these four items at Council do we need to have these on the agenda tonight isn't the purpose of Rule 11 to go directly to Council without Committee action? It feels like we are duplicating.

Law Director- we are, Autumn and I discussed this whether it should be on Service Committee agenda and Council and we both agree that because there seems to be more of a give and take in Committee and more of an opportunity to be discuss the substance and Council tonight if you want. There is a bit of duplication but we thought better more duplication than none.

Mr. Lang- this is just an extra discussion at this point then.

Law Director- the last time this came up in June it got on the agenda for Service Committee but it didn't get in on a timely fashion. It was discussed at committee but it wasn't voted on because it was not presented in a timely fashion. This one we got in enough time to get on the agenda and to be voted on so there is that duplication; even if it hadn't been on committee agenda rule 11 would have allowed it to be heard by Council. I still think that rule 11 is necessary because you don't have a waiting period between Council and Committee like we do for an ordinary piece of legislation.

Mr. Rath- when we first discussed having Council and Committee on the same evening it was a pretty eminent discussion to not have anything go through committee and then straight to Council on the same evening.

Law Director- we have no options the Ohio Revised Code requires that you hear this by Friday. You can have a special meeting one day this week if you all would like to come back and do it again but either way we have to do something by Friday.

Mr. Lang- I think under the old schedule this would have not been brought up at Committee at all.

Law Director- under the old four Mondays of the month this would have still had to come up under Rule 11 because of the timing. There would not have been a Committee meeting tonight so there would have been no committee discussion on this issue. I get your point about having something at committee then Council the same night that is the purpose of rule 11. We are adding an extra layer of discussion by discussing it here at committee because again had you been under the old schedule this would not have been seen at committee at all.

Rochelle Smith, 237 Violet Ct- is this a commercial property?

Law Director- I can tell you that the petitioner is the owner of the Duke and Duchess Station on Mt. Vernon Rd. The property that they are seeking to annex has what looks like a single family home on it but I can't tell you how it is zoned.

Rochelle Smith- the advantage to our community in annexing this?

Law Director- I think that the purpose of the petitioner is to annex this into the city then for the owner of the Duke and Duchess to do a lot combination and their intention is to make that Duke and Duchess bigger. I don't know if they are building a new building or putting in new pumps or if they are making the ingress and egress a little safer. All I can say is that it is their goal to annex the property then combine the two lots.

Mr. Rath- as this goes through the process after this goes to Council it will go back to the County for their approval and then any improvements or zoning changes would have to come back to the Planning Commission as well as go through Council.

Mayor Hall- just to clarify this is not the Duke and Duchess on Deo it is the one further down towards the unincorporated area and the benefit would be a bigger Duke and Duchess that could employ more people.

**Motion by Mr. Lang to send Ordinance 18-20 to full Council, second by Mr. Bubb
Motion passed by a vote of 5-0.**

4. **Ordinance No. 18-21** objecting to the annexation of certain territory generally described as being approximately 0.53 acres, more or less, located in Newton Township, to the city of Newark, Ohio, and declaring an emergency was considered.

Law Director- this is the counter point to 18-20 and I would ask that you pass them both on to Council so that full Council can have an opportunity to object or consent as they deem appropriate. You can't vote to approve both in Council but here you can.

**Motion by Mr. Lang to send Ordinance 18-20 to full Council, second by Mr. Bubb
Motion passed by a vote of 5-0.**

5. **Resolution No. 18-59** adopting a statement indicating what services if any the city of Newark, Ohio will provide for approximately 0.53 acres more or less located in Newton Township, a territory proposed for expedited II annexation and declaring an emergency was considered.

**Motion by Mr. Bubb to send Ordinance 18-20 to full Council, second by Mr. Cost
Motion passed by a vote of 5-0.**

6. **Resolution No. 18-60** regarding a buffer zone for the annexation of approximately 0.53 acres more or less located in Newton Township to the city of Newark, and declaring an emergency was considered.

**Motion by Mr. Bubb to send Ordinance 18-20 to full Council, second by Mr. Lang
Motion passed by a vote of 5-0.**

Jeff Rath, Chair