

COUNCIL MINUTES

September 6, 2016

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the Tuesday September 6, 2016 Newark City Council Meeting to order.

ROLL CALL- Mr. Rath, Mr. Rolletta, Mr. Blake, Mr. Bubba, Mr. Cost, Mrs. Floyd, Mr. Fraizer, Ms. Hall, Mr. Johnson, Mr. Marmie

INVOCATION – Mr. Johnson

PLEDGE OF ALLEGIANCE

CAUCUS

MINUTES of August 15, 2016 Motion by Mr. Rath to approve the August 15, 2016 Newark City Council Minutes as presented and the reading be dispensed with in view of the fact each member of Council has received written summary of same, second by Mr. Johnson. **Motion carried by acclamation.**

REPORTS OF STANDING COMMITTEES

Finance-**Received & Filed**

Service- **Received & Filed**

Economic Development- **Received & Filed**

Capital Improvements- **Received & Filed**

Personnel- **Received & Filed**

REPORTS FROM CITY OFFICIALS

City Auditor Stephen Johnson- letter to Council that there were no findings in the audit report for the State Audit for year 2015 and no adjustments are required. - **Received & Filed**

City Tax Administrator, Barb Jobes- income tax revenue reports for the period ending August 15, 2016- **Received & Filed**

COMMUNICATIONS

Mayor Hall- presentation of a proclamation for Licking County River Round Up

Ohio State University, Newark Campus- letter advising Council that Senate Bill 310 contains an appropriation to The Ohio State University for capital improvement projects at the Newark Campus. City Council has 60 days from the receipt of this notice to forward any objections or comments regarding the listed projects.- **Received & Filed**

Ohio Division of Liquor Control- a transfer request from Bar Management Inc DBA Krazy Jo Z Pub and Pizza to I Am Victory DBA Krazy Jo Z Pub and Pizza located at 380 Seroco Ave. - **Received & Filed**

Ohio Division of Liquor Control- a transfer request from Jacky Tran Inc DBA Asian Fusion to Peony Restaurant Inc DBA Peony Bistro located at 1230 W Church St.- **Received & Filed**

COMMENTS FROM CITIZENS

Paddy Kutz, 51 Riverdale- she offered to volunteer in any way she could to help get the levy to pass.

Virginia Beach, Myrtle Ave- she was there to speak against the rezoning for the properties at 1621 N 21st St and 158 Myrtle Ave. The current zoning is GO, General Office where the daycare is and the vacant lot is zoned RM, Residential Medium Density and the Planning Commission recommended a classification of LC Limited Commercial instead of the GC General Commercial that was requested. She is opposed to the change because she feels it is a residential street and neighborhood where businesses like a pawn shop, beverage or retail drive thru, convenience store, restaurant, gas station, laundry mat, automobile sales and repairs are things that belong in a residential area. She also stated the zoning change would increase the traffic in that area and they were already told that a traffic light wouldn't be put in because of the cost. She also stated that a buffer zone doesn't protect them from the lights, noise, traffic or odors from the businesses. She stated a buffer zone is not the answer.

Dick Ashcraft, property owner of 506 Ballard Ave- complained about his neighbor that is parking in front of his property along the street as well as the vehicles sitting on his property. He stated that he was advised he could put a driveway in to ensure available parking for his property however he doesn't feel as though he should have to incur that cost and that the city should do something regarding the parking problem. He also stated that the neighbor's cats are using his property as a litter box. He feels cats should have the same regulations as the ordinances we made for dogs.

David Greene, 1791 Olympic Ct- announced that the Freedom School is sponsoring a film series that begins on September 20th with a film called Harvest of Empire regarding immigration. He also spoke about housing in Newark and the staggering number of eviction hearings that are being held and he feels they should be a concern to the city. He stated that most of the people they see at eviction court work but work at minimum wage and can easily fall behind if they have family, medical or transportation crises. He encouraged the city to look at the increased number of evictions and that people who go to eviction court don't usually have legal representation or protection but the landlords do so the tenants are at a disadvantage. He asked the city to form a committee to look into these things.

Dick Ashcraft- asked the city to look into what other municipalities are doing regarding the parking issues and trash he mentioned earlier or at least change. He thanked Ms. Hall for talking with him.

President Ellington- advised Mr. Ashcraft that people can park along the street even if it is in front of your house as long as the vehicle is moved every 48 hours.

ORDINANCES ON SECOND READING

By: Mrs. Floyd, Mr. Cost, Mr. Marmie, Mr. Rath, Mr. Johnson, Mr. Fraizer

16-32 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE, AND POSITION AUTHORIZATION TABLES OF THE DEPARTMENT OF PUBLIC SERVICE, DIVISION OF STREET MAINTENANCE AND TRAFFIC CONTROL BY CREATING TWO TRAFFIC/STREET WORKER POSITIONS.

Motion by Mr. Bubba to adopt Ordinance 16-32, second by Mr. Johnson

Motion passed by a vote of 10-0.

ORDINANCES ON FIRST READING

By: Mr. Rath, Mr. Cost, Mrs. Floyd, Mr. Marmie, Mr. Johnson

16-33 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 320 NORTH VERNON AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF SINGLE-FAMILY RESIDENCE (RL – LOW DENSITY) ZONING DISTRICT, TO AD – AGRICULTURAL ZONING DISTRICT.

Referred to Planning Commission

By: Mrs. Floyd, Mr. Cost, Mr. Marmie, Mr. Rath, Mr. Johnson

16-34 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE, AND POSITION AUTHORIZATION TABLES OF THE DEPARTMENT OF PUBLIC SERVICE, DIVISION OF TRAFFIC CONTROL AND DIVISION OF STREET MAINTENANCE BY CREATING ONE ADDITIONAL CLASSIFICATION OF STREETS/TRAFFIC CONTROL OPERATIONS MANAGER.

Held for a second reading

RESOLUTIONS ON SECOND READING

By: Mr. Marmie, Mr. Cost, Mrs. Floyd, Mr. Rath, Mr. Johnson, Mr. Fraizer

16-66 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 2016 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 to adopt Resolution No. 16-66, second by Mr. Cost

Motion passed by a vote of 10-0.

By: Mr. Marmie, Mr. Cost, Mrs. Floyd, Mr. Johnson, Mr. Rath

16-68 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (260, CDBG RLF Fund, \$75,000.00, 262, HOME RLF Fund, \$40,000.00)

Motion by Mr. Marmie to adopt Resolution No. 16-68, second by Mrs. Floyd

Motion passed by a vote of 10-0.

By: Mr. Rath, Mr. Cost, Mr. Marmie, Mrs. Floyd, Mr. Johnson, Mr. Fraizer

16-69 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR POLYMER FOR USE IN WASTEWATER TREATMENT PROCESSES

Motion to adopt Resolution No. 16-69 by Mr. Rath, second by Mr. Fraizer

Motion passed by a vote of 10-0.

By: Mr. Rath, Mr. Cost, Mr. Marmie, Mrs. Floyd, Mr. Johnson, Mr. Fraizer

16-70 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

Motion by Mr. Rath to adopt Resolution No. 16-70, second by Mr. Fraizer

Motion passed by a vote of 10-0.

By: Mr. Rath, Mr. Cost, Mr. Marmie, Mrs. Floyd, Mr. Johnson, Mr. Fraizer

16-71 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR VARIOUS CONSTRUCTION PROJECTS.

Motion by Mr. Rath to adopt Resolution No. 16-71, second by Mr. Cost

Motion passed by a vote of 10-0.

RESOLUTIONS ON FIRST READING

By: Mr. Marmie, Mr. Cost, Mrs. Floyd, Mr. Rath

16-72 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 to adopt Resolution No. 16-72, second by Mrs. Floyd

Motion passed by a vote of 10-0.

By: Mr. Marmie, Mrs. Floyd, Mr. Cost, Mr. Rath

16-73 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (100, General Fund, \$6,790.73 (Reimbursement for RR#2 Summer Youth Program); 221, Street Fund, \$20,000.00, Professional Services & Street Maintenance Supplies)

Held for a second reading

By: Mr. Rath, Mrs. Floyd, Mr. Cost, Mr. Marmie

16-74 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE BIDDING FOR THE REPAIR OF A HEAT EXCHANGER SYSTEM FOR THE ANAEROBIC DIGESTERS AT THE WASTEWATER TREATMENT PLANT AND DECLARING AN EMERGENCY.

Motion by Mr. Rath to adopt Resolution No. 16-74, second by Mr. Johnson

Mr. Rath- this is a piece of equipment that has been pieced together and thought that it could last a little longer but in fact it can't and that is the reason for the emergency.

Motion passed by a vote of 10-0.

By: Mrs. Floyd, Mr. Cost, Mr. Rath

16-75 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 ONE (1) MEDIC UNIT FOR THE DIVISION OF FIRE.

Held for a second reading

By: Mr. Rath, Mrs. Floyd, Mr. Cost, Mr. Marmie

16-76 A RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY NOW OWNED BY THE CITY OF NEWARK, OHIO TO NEWARK DEVELOPMENT PARTNERS AS ITS AGENT FOR INDUSTRIAL, COMMERCIAL, DISTRIBUTION, AND RESEARCH DEVELOPMENT.

Held for a second reading

By: Mr. Rath, Mrs. Floyd, Mr. Cost, Mr. Marmie

16-77 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 by Mr. Rath to adopt Resolution No. 16-77, second by Mr. Fraizer

Mr. Rath- this has become a quarterly event and it is necessary for us to pass this under the emergency clause to be able to advertise for the auction in time.

Motion passed by a vote of 10-0.

By: Mrs. Floyd, Mr. Cost, Mr. Rath

16-78 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-CI (335, Capital Improvement Fund, \$17,138.58, Land Improvements)

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

Motion passed by a vote of 10-0.

Motion by Mr. Marmie to adopt Resolution No. 16-78, second by Mrs. Floyd

Motion passed by a vote of 10-0.

By: Mr. Rath, Mr. Cost, Mrs. Floyd

16-80 A FINAL RESOLUTION FOR THE PROJECT THAT CONSISTS OF THE RESURFACING OF SR 13 AND RELATED WORK LYING WITHIN THE CITY OF NEWARK AND DECLARING AN EMERGENCY.

Motion by Mr. Rath to adopt Resolution No. 16-80, second by Mr. Fraizer

Mr. Rath- this has the emergency clause to meet deadlines with ODOT

Motion passed by a vote of 10-0.

By: Mrs. Floyd, Mr. Cost, Mr. Rath

16-81 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE OHIO DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY, FOR FISCAL YEAR 2016 DIESEL EMISSIONS REDUCTION GRANT (DERG) PROGRAM FOR EQUIPMENT REPLACEMENT, REPOWER, RETROFIT AND ANTI-IDLE.

Held for a second reading

By: Mrs. Floyd, Mr. Rath

16-82 A RESOLUTION IN SUPPORT OF THE APPLICATION FOR AN OHIO HISTORIC PRESERVATION TAX CREDIT AWARD FOR THE REHABILITATION THE REAL PROPERTY LOCATED AT AND KNOWN AS 112 WEST MAIN STREET, NEWARK, OHIO AND DECLARING AN EMERGENCY.

Motion to adopt Resolution No. 16-82 by Mr. Blake, second by Mr. Fraizer

Mr. Blake- we want to be supportive of the efforts to be able to rehab and do somethings at the old West Main Intermediate property. Hopefully this time around we have a good chance of getting those tax credits.

Motion passed by a vote of 10-0.

COMMENTS FROM CITIZENS**MISCELLANEOUS**

Mr. Rath- called a Service Committee meeting.

Mr. Blake- the Mayor and I met recently with the school advisors and our first Newark Youth Council will be on September 15th. This will be our third year kicking off this program and I am looking forward to having a new group of teenagers to join us in learning about city government. On September 17th there is another exciting project that is collaboration with the Mayor and his administration, The South Newark Civic Association will be opening up their new home. It is a meeting house celebration on the 17th at noon. We will have a picnic, music, and entertainment and family activities. At 1:00 the Mayor will speak, Dan DeLawder from Park National Bank and Adam Weinberg from Denison as well as Marsha Downs will be sharing some reflections about their support of the Civic Association and what this new facility means for the growth of the organization and for bringing good opportunities to the neighborhood and bringing attention to the south end of our community. Last week I attended the overdose awareness day which was held at the Canal Market District pavilion, I am really proud of the people who organized that event, it was parents of people who are suffering from the disease of addiction. I think that it brought a lot of awareness, a lot of education to battle stigmas associated with those that are fighting the disease of addiction. I am very proud of our Police Chief. Our Chief has started a program that is very rare in our state where it is looking at people fighting addiction as patients versus as criminals. I think that it is a lot of good strides and a lot of good collaboration of relationships was developed that day. In fighting addiction and drug addiction in our community I think that it relates to a lot of what Mr. Greene mentioned in his comments, we have to look at poverty rate and look at people who are working one or two jobs but they are still living in poverty. What are those wages to get people to be able to support their families and their livelihood? We also have mental health issues that go along with drug addiction. All of those issues need to be discussed more publicly and I was just proud to be there that day to bring awareness to those issues.

Mr. Cost- the Labor Day parade was a huge success and it was a great event.

Mrs. Floyd- the Labor Day parade was very good. I want to commend Jenny Beach for all of the work that she has done to give the view point of her community. I know that we will be discussing it more in two weeks but I just want to commend you. As a Civics teacher I always like it when people become involved in government and have a chance to state their case.

Mr. Fraizer- I want to thank Don Ellington for explaining the difference between expedited and emergency. I appreciate that. I want to thank Virginia Beach, thank you Paddy for your comments and your willingness to participate. Dick thank you for continuing to let us know that parking is an issue. Mr. Greene thank you for the invitation as well. Mrs. Beach your tenacity with this issue is very evident and your willingness to not only talk to your neighbors but to also get them to sign a petition and get them to become interested and to get the issue out is not something that we commonly see. A lot of times we have zoning issues come before us and there is maybe one or two interested parties. The trick id what is in the best interest of the neighborhood and that is really what we need to focus on regarding this issue coming up before us in two weeks. Another issue that was brought to me by a local business was that McDonalds has been having issues with their trash service. I never thought that I would read every aspect of our zoning code and I had the pleasure of reading all 255 pages of that to see if there is a better sounding option. I also didn't think that I would read every single component of our trash pick-up ordinance. It turns out that we only allow trash pick-up from 6 AM to 6 PM which is shocking based on when my trash is picked up. McDonalds is having a concern and with the downtown construction project I am afraid there might be other instances of this where they have limited trash pick-up service. In closing I am going to call a Public Safety Committee meeting in order to do regulation to make an exception for the Downtown District to change that time to 4:30 AM to 6:00 PM to help accommodate their needs and encourage good business.

Ms. Hall- I wanted to thank Virginia Beach, Dick Ashcraft, Paddy and David Greene, thank you for all your comments.

Mr. Marmie- called a Finance Committee meeting. Paddy it's always a pleasure to see you and it's not surprising to see you here offering to help put in any capacity since you have done a number of things in the community. Virginia we have talked on the phone and I too appreciate and commend you for what you are doing. We will have further discussion on the issue in the coming weeks. Mr. Greene I appreciate the concerns in particular for the evictions. I am sitting here thinking what can the City of Newark do in all of the issues that you brought up. We can't change minimum wage, we

can't change our legal system as far as attorneys and their availability and it is mainly a County process too it's not within our city but hopefully if we can come up with a solution where we could help I would be all in support of helping in any capacity that we could. Mr. Ashcraft I think that I said it before when you came the last time, unfortunately our city streets are for city parking and I hate to say it but first come first serve; in front of my house, my neighbor's house in front of any home in the City of Newark unless it says no parking or during limited times. I don't know of any other community that limits parking on a city street to the residents of the house to which the property sits and I don't even know if that would be feasible in our city with the limited parking that we have in different areas. I don't know a solution to your issue. I do think that you need to continue on with the Property Maintenance Department if there are things. I know there are times when it's not sufficient right now but in the future it will be something that will be an issue. Listen to what they have to say as far as the guidelines and my suggestion would be to do as they say and they will assist you in doing it in the proper manner. I am in full support of our Property Maintenance Department and they do a very good with the resources and the regulations that they have. So I would urge you to continue to work with them.

President Ellington- Paddy I'm sure you can talk with the Mayor afterwards I'm sure he would welcome the help. I have a note here from Barbara Gilkes she would like me to read to remind everyone that the holiday luncheon fundraiser is Friday September 23rd from 11:00-1:00 in the Lobby. The lunch will include chili, soup, dessert and bottled water for \$5.00. This event helps the purchase the candy for Trick or Treat on the Square which is Thursday October 27th. Next Monday September 12th is Committee Meeting at 5:30 PM and the next Council meeting is September 19th at 7:00 PM.

ADJOURNMENT- Motion by Mr. Cost, second by Mr. Rath. Motion passed by acclamation