

## Finance Committee Minutes

Honorable Council  
City of Newark, Ohio  
June 27, 2017

The Finance Committee met in Council Chambers on Monday June 26, 2017 with these members in attendance:

Doug Marmie  
Carol Floyd  
Ryan Bubb  
Bill Cost Jr.  
Mark Fraizer

We wish to report:

1. **Resolution No. 17-45** waiving the licensing fees prescribed by section 812.03 of the codified ordinances of the City of Newark for the operation of circus by the Heath-Moundbuilders Kiwanis Club was considered.

**Director Rhodes-** Mr. Ware and I are here tonight to speak to this. The administration is ok with waiving the fees. We have a circus coming to town and I am going to let Ed tell you about it.

**Ed Ware-** the circus is going to be the first weekend of August and we are asking that Council which begins with the Finance Committee waive the \$150.00 fee. This will be at the rear of the NASSA soccer fields.

**Ed Ware-** this is at the old baseball fields which now belongs to The Foundation and is leased to the NASSA Soccer Association. We have their approval to operate there as well.

**Motion by Mrs. Floyd to pass Resolution 17-45 on to full Council, second by Mr. Cost**

**Mr. Fraizer-** the last time that the circus came to town was three years ago correct?

**Ed Ware-** right

**Mr. Fraizer** – this is a Carson and Barnes Circus?

**Ed Ware-** yes it is

**Mr. Fraizer-** we are trying to waive a fee in accordance with 812.03. Are you aware that they have 85 animal violations in the last thirty five years they have been in operation?

**Ed Ware-** I am aware that the internet alleges they have had. I have looked at them and many times the PETA and other organizations will claim that it has been Carson and Barnes when in fact it has been other circuses. I have seen some videos that claim to be Carson and Barnes and aren't.

**Mr. Fraizer-** the elephant torture video is that the one you are referencing where the trainer is stabbing them in the leg?

**Ed Ware-** that is not Carson and Barnes

**Mr. Fraizer-** when I was protesting this three years ago because of the animal cruelty to elephants and the lack of appropriate housing, you contend that the current tour they are doing which involves visiting 9 cities in 11 days is adequate time for the animals to recover and rest from travels?

**Ed Ware-** usually the travel time in Ohio for example, next week they will be in Wooster

**Mr. Fraizer-** so they are going to be in Lima then they are going to western Pennsylvania then they are coming back to Ohio.

**Ed Ware-** yes, it is usually a couple of hours between the travel times. They will be here very early on the Friday the fourth and the show isn't until 7:30 so the animals will have an entire day. They will be buying hay locally and we will be getting water from the city water plant to take care of the animals. I would defy anyone to see any kind of torture or maiming or mishandling of those animals.

**Mr. Fraizer-** so when you are there and they have the bullhook in order to control the elephant that penetrates the skin

**Ed Ware-** no it does not penetrate the skin

**Mr. Fraizer-** I beg to differ on that point because that is how they are trained and that is how they get a two ton animal to do what they say.

**Ed Ware-** if I took my thumb that is not very sharp and pushed it into the sole of your foot you'd respond. That is what they do. It is a very sensitive area and they just simply prick that little spot with a blunt hook. I watched my father in law many years ago train his show dogs he had a sharp comb and he would jab them in the belly and they would tighten up and perform. It isn't cruel.

**Mr. Fraizer-** what about the electric shock they use on the elephants?

**Ed Ware-** I have never seen it done and again I think that is what you are seeing on the internet is other circuses. In fact Carson Barnes operates a sanctuary in Oklahoma where they're located where they have the animals that have been retired from the circus. They are only carrying three elephants now; at one time they probably had 8 or 10.

**Mr. Fraizer-** do you think that is because of public pressure because of what is going on with Barnes & Bailey?

**Ed Ware-** no it is cost. It is simply cost. With the cost of fuel they can eliminate two or three trucks they have on the road.

**Mr. Fraizer-** I have a real concern of setting the trend of allowing this circus in our community because I feel the manner in which they treat animals. In 2017 a llama was exposed to broken glass because they housed it near a broken window of a barn and they got a welfare violation, in 2015 they got a \$16,000.00 fine for mishandling elephants and then in 2014 an elephant with TB was retested and they failed to show they provided adequate health care of it.

**Ed Ware-** did you confirm that was in fact Carson and Barnes?

**Mr. Fraizer-** did I call them? Who is the best source if I can't use PETA?

**Ed Ware-** call Carson & Barnes circus.

**Mr. Fraizer-** they would adequately give me all their American welfare association?

**Ed Ware-** on their website which you can get on real quickly with just big top show they have information on there about the animal care foundation that they operate in Hugo Oklahoma.

**Mr. Fraizer-** I have been to their website and there has been no reference to their welfare fines due to their violations.

**Ed Ware-** what if there weren't any?

**Mr. Fraizer-** I find that very hard to believe that there are no violations and that everybody else who is saying there are violations is incorrect and an organization would post their dirty laundry all over their website for organizations that are trying to get charity.

**Ed Ware-** I would beg to differ with your comment that everybody else because it is almost singularly PETA. They will probably and were in fact here last time in 2014 and did some demonstrations and we had some good conversations with them.

**Mr. Fraizer-** I was there and I am not a part of PETA, I am just a concerned citizen and the people who were with local organizations that are concerned with circus cruelty to animals. There might have been some PETA representatives there but by large it was a local act.

**Ed Ware-** no they were PETA

**Mr. Fraizer-** I was there and I am telling you I am not a part of PETA and my wife was a part of the organization of it and she is not a part of PETA so just because people are opposed to circuses does not mean that they are part of an organization such as PETA.

**Ed Ware-** I understand and you have a right to object of course but I think that you will find if you do some good research on the websites that I have looked at and I have looked at a lot of them they are not Carson and Barnes in the first place. One talks about an incident in St. Louis where an animal broke loose and they attribute that to Carson Barnes and it wasn't it was another company.

**Mr. Fraizer-** do you know what the name of that company was?

**Ed Ware-** it may have been, no I don't want to guess but the website when you dig into shows it.

**Mr. Fraizer-** I have a real struggle with the way in which these animals are transported and treated. I was there the last time when they showed up on tractor trailers and I walked around and saw the condition of the animals and about an 8x16 with two elephants roped off. They have been cited multiple times for not having the appropriate safety equipment to lock them in their containers and protect the audience.

**Ed Ware-** where are those references that they have been cited?

**Mr. Fraizer-** I can literally pull it up right now on my phone and I can give you the URL if you are interested. It is all tied to animal activists groups. We can visit afterwards. It is [www.mediapeta.com/peta/PDF/CarsonBarnes](http://www.mediapeta.com/peta/PDF/CarsonBarnes) and on it, it lists the dates of 85 violations as well as public safety with elephants as well as abuse of elephants and inappropriate treating of their petting zoo and inappropriate treating of horses. I am definitely opposed to not paying the \$150.00 fee but I am more opposed to having the circus in our community because it displays for children the wrong message. There is a reason why these are trick animals and that is because they are abused and neglected

and forced to do these tricks. They are not doing it out of love and admiration and positive re-enforcement they are doing it out of abuse. When you are trying to break the cycle of animal abuse and you do these re-enforcement criteria which says it's not right for you to chain up your dog outside in the blazing heat when it comes to a two ton animal that doesn't have adequate access to water and no shelter it is ok for it to be chained up outside. There is a whole group dedicated to building an education around circuses and the cruelty around it that is why we have events like Cirque du Soleil and Strawberries on the Square that doesn't include animals because it is abuse and I actually have a problem with it. For a moderate conservative Republican like myself I never thought that I would be this passionate about it but having 7 animals myself and knowing what it is like to have and care for an animal I don't want my dog abused just like I don't want a two ton animal abused. I am going to compile legislation to ban circus and I hope that this legislative body will support that. I don't have a problem with you having a circus I have a problem with you having a circus in Newark Ohio.

**Mr. Cost-** where do we go from here to substantiate what is supposed to be taking place versus what we are being told is taking place before we give an answer how we feel about the discount let alone the event itself? How do we rectify this? Do we table this?

**Mr. Marmie-** I don't think that we can table it if you want to waive the fee because it is going to be here; well we probably have enough time. We would have to do an emergency if we table it and we would have to do it at the next committee. You can consider passing it on to full Council and that gives all of us three weeks to do the appropriate research because it won't have to be voted on next Wednesday it would be Monday the 17<sup>th</sup>.

**Mr. Fraizer-** this is to waive the \$150.00 fee, I am going to have to bring additional legislation with an emergency clause to ban circuses that have treatment of animals so that would be voted on not next week but two weeks after that.

**Mr. Marmie-** here is a point that I am going to comment on, our vote here is not whether or not we support the circus. The administration has already allowed it and said that it is ok, the Foundation is allowing the land so there are a lot of different approvals that have taken place and all that this Council is voting on is whether or not we want to waive a fee for a local organization that is holding an event. It happens to be a circus. If you disagree with the circus therefore you want to disagree with waiving that fee that is fine but again we have three weeks; it would be the chairs recommendation that we would proceed forward and do our research just to keep the ball rolling because we will run out of time then we would have to use the emergency clause. This way it is out in the open, it is in the public eye, it is going to be part of that. Does that make sense?

**Mr. Cost-** it does. I am going to be the first one to admit that I was not at all aware of the alleged record that you presented and I think we need to have some clarification.

**Mr. Fraizer-** when we talked to Kiwanis in 2014 as part of that protest pleaded ignorance as well. Three years later I don't really know what the excuse is and it is hard for me to not look at the facts impartially. When there is all of this documentation of the American Welfare Act, fines and regulations against this organization I don't think that it is something PETA can make up because it doesn't seem like the body of evidence is on

the side of Carson and Barnes Circus which also doesn't say they have not had any animal ware fines and on the other side you are looking at hundreds of thousands of dollars of PETA fines. It is about where the evidence is.

**Mr. Marmie-** I am going to try to proceed along with this because it comes down to \$150.00. If we don't waive this that doesn't say they are not still going to have the event it just means \$150.00 is going to have to come from somewhere else. I can tell you I am going to support this going forward, do some research just to keep it moving if I decide not to support it down the road because of something that is discovered then so be it.

**Mr. Fraizer-** I will send a link to Autumn to send out to all members of Council that details the violations and the multiple violations that they have per date.

**Ed Ware-** as I recall the last time this occurred PETA in fact sent a body of information to someone, I'm not sure who, the Mayor or Council, I don't have the details anymore this may have been in 2012 that occurred and we did do somethings to refute the allegations. That did happen one time in the past, I am certain of that.

**Motion passed by a vote of 3-2 (Fraizer, Cost)**

2. **Resolution No. 17-46** appropriating monies for the current expenses of the municipal corporation was considered.

Section 1. There is hereby an appropriation of the unappropriated balance of the 100, General Fund, in the amount of \$767.46

Account	Description	Amount
100.121.5292	Taxes & Assessments	\$767.46

**Director Rhodes-** I think five years ago you and I had a conversation about us doing better job asking property taxes to be waived on property the city seizes and the properties the city oversees. In this particular case this is a check back from the TJ Evan Foundation as a result of an exemption that was granted on property taxes.

**Motion by Mr. Bubb to send o full Council, second Mr. Fraizer**

**Motion passed by a vote of 5-0.**

Section 2. There is hereby an appropriation of the unappropriated balance of the 235, Judicial SR Fund, in the amount of \$37,540.00 (Bailiff Position)

Account	Description	Amount
235.112.5111	Salaries	\$20,800.00
235.112.5122	PERS	2950.00

235.112.5124	Health Ins	13,000.00
235.112.5126	Medicare	315.00
235.112.5127	Workers Comp	475.00

**Judge Higgins-** this is for salary for an additional Bailiff in the Municipal Court. The funds won't come out of the General Funds it will come out of the Court's special projects funds. There is already a slot for a third Bailiff we used to have one 10 years or so ago. We have had almost 400 more civil filings this year which results in both Bailiffs having to go out and serve papers. There are also some security concerns when the Bailiffs are out of the courtroom. There isn't much in the way of security to begin with and when they are gone there is none at all. I am asking for the appropriation for the balance for this year.

**Motion by Mrs. Floyd to send to full Council, second Mr. Fraizer**

**Mr. Fraizer-** is three enough? Do you think a fourth one is necessary with that dramatic increase?

**Judge Higgins-** it all depends on what the future holds. The courts and the administration are in discussions about security for this building and the third and fourth floor for security. This is primarily to serve papers. We have the option to tell Steve Baum to tell his people to do it but I don't think that makes much sense to have a \$30.00 an hour person when you can do it more efficiently with a Deputy Bailiff. The other thing is both of the Bailiffs have been there a long time and they each get six weeks' vacation and people get sick and we have no one to fill in except Tony Phillips and he passed away last month.

**Mr. Bubb-** I would agree it is something very much needed

**Motion passed by a vote of 5-0**

3. **Resolution No. 17-47** authorizing the Mayor of the City of Newark to enter into a Community Development Block Grant funded sub recipient agreement with the hereinafter named organizations to carry out activities included within Newark's FY 2017 Community Development Block Grant one year action plan was considered.

**Barbara Gilkes-** the legislation deals with the following sub recipients that are non-profits in the City of Newark. Behavioral Health Care Partners, Salvation Army, St. Vincent De Paul, St. Vincent Haven, Coalition of Care, Newark Development Partners (CIC), Denison University Garden of Hope, Licking County Coalition of Housing, Canal Market District Together We Grow, The Woodlands New Beginnings, Trinity Episcopal Church and we need to also include Mental Health America of Licking County and the Center for Disability Services. These organizations were selected for our 2017 CDBG funding cycle.

**Motion by Mrs. Floyd to send to full Council, second by Mr. Fraizer**

**Motion by Mr. Fraizer to amend to add Mental Health America of Licking County and the Center for Disability Services, second by Mrs. Floyd**

**Motion to amend passed 5-0.**

**Mr. Fraizer-** barring you having to name those all off again do you have the dollar amounts for each one?

**Barbara Gilkes-** Newark Development Partners (CIC) \$60,000.00, everybody else gets \$5,000.00 or less. Denison \$1,000.00, Center for Disability Services \$4500.00 the following are all going to get \$5,000.00 St. Vincent, Behavior Health Partners, Salvation Army, Coalition of Care, Coalition for Housing, New Beginnings, Canal Market, Trinity Episcopal. Mental Health America will receive \$2500.00.

**Mr. Fraizer-** Together We Grow?

**Barbara Gilkes-** they are \$4,000.00

**Motion passed by a vote of 5-0.**

Doug Marmie, Chair