

COUNCIL MINUTES

March 4, 2019

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the Monday February 4, 2019 Newark City Council Meeting to order

ROLL CALL- Mr. Cost, Mr. Fennell, Mr. Fraizer, Mr. Lang, Mr. Marmie, Mr. Blake, Mr. Bubb, Mr. Labutis

INVOCATION – Mr. Labutis

PLEDGE OF ALLEGIANCE- President Ellington

CAUCUS- Motion by Mr. Marmie to excuse Mr. Rath and Ms. Hall, second by Mr. Fraizer. Motion carried by acclamation

MINUTES of February 19, 2019 Motion by Mr. Labutis to approve the February 4, 2019 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. Fraizer. **Motion carried by acclamation.**

REPORTS OF STANDING COMMITTEES

Finance- **Received & Filed**

Service- **Received & Filed**

Safety- **Received & Filed**

REPORTS FROM CITY OFFICIALS

Barb Jobs, City Tax Administrator- tax revenue report for the period ending January 31, 2019 and February 15, 2019. - **Received & Filed**

COMMUNICATIONS

Fairfield Homes Inc- notice to Council regarding Chilcote Manor to be developed off of Log Pond Drive- **Received & Filed**

Faye McKee, 499 Leslie Dr- an issue with roosters - **Received & Filed**

President Ellington- Mrs. McKee is a long time resident of Leslie Dr in her letter she stated she had an issue with farm animals being allowed within the city limits, especially chickens. She is having an issue with roosters next door to her property crowing all hours of the day and night. She is asking Council to address that issue.

Roger Loomis, Water Administrator- lien to the County for past due water, sewer and storm sewer bills in the amount of \$12,977.70- **Received & Filed**

PUBLIC HEARING

By: Rath, Marmie, Cost, Labutis, Lang, Fraizer

18-41 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1905 MT. VERNON ROAD, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF NEWLY-ANNEXED PROPERTY, TO MB-MEDIUM INTENSITY BUSINESS DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

President Ellington opened the public hearing

There were no comments received either for nor against the zoning classification of this property.

Motion by Mr. Cost to adopt Ordinance No. 18-41, second by Mr. Fraizer

Motion passed by a vote of 8-0.

By: Rath, Marmie, Lang, Fraizer

18-42 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 20 CHERRY STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF RH- HIGH DENSITY SINGLE FAMILY RESIDENCE DISTRICT, TO MFR, MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

President Ellington- for this next public hearing I am going to recuse myself on this because I am the broker of the real estate office that has this property listed. Mr. Bubb will be handling it.

President Pro-tem Mr. Bubb opened the public hearing

Betsy Beckman, 888 Mt. Vernon Rd- I spoke to many of the residents this weekend and we are still opposed to any zoning other than single family classification. There are many people that have lived here for over 20 years as well as the newest homeowner who purchased his home just a few months ago with no idea that the zoning could be changed. We are concerned about a loss of property value in our biggest investment which is our homes and I hope that you will respect the rights of the 85 residents who have signed a petition against this change and that Council will vote that this lot remains as single family only.

Motion to adopt Ordinance No. 18-42 by Mr. Marmie, second by Mr. Lang

Mr. Marmie- I would like to make a motion to amend this to add what the Planning Commission recommends. Ordinance 18-42 A changes it from MFR to TFR

Motion to amend Ordinance No. 18-42 to Ordinance No. 18-42 A by Mr. Marmie, second by Mr. Fraizer

Mr. Marmie- point of order, that is just a vote on the Planning Commission's recommendation this is just a motion to amend we should not need the majority to amend.

Law Director Sassen- you need 6 votes

Motion to amend failed by a vote of 5(Marmie, Fraizer, Lang, Labutis, Bubb)-3 (Cost, Fennell, Blake)

Mr. Marmie- when the zoning changes took place the reason that I am in support of this is because it was originally supposed to be zoned in this manner. There is a conflict on the maps when that change occurred, one map shows that it is a multi-family the other one that did not. The property owner was always under the assumption that it was zoned in that fashion and all this was supposed to do was clean it up and make sure that it was clear that it should be that way. Basically what we are doing here is taking away property owner right's from what was already originally given to them and in order to clean it up it is going to be changed on them. I don't feel that is right to the property owner that we are actually changing his zoning from what it was zoned when the maps were put forward. It was zoned multi-family before the changes and then during the change of our zoning classifications is where the mix up occurred.

Mr. Bubb- Mr. Law Director as I am sitting in for the chair can offer a motion to table this for two weeks?

Law Director- you as President Pro-Tem, yes

Motion by Mr. Bubb to table Ordinance No. 18-42 for two weeks for all Council members to have an opportunity to vote on this, second by Mr. Marmie

Motion to table failed by a vote of 5 (Marmie, Fraizer, Lang, Labutis, Bubb)-3 (Cost, Fennell, Blake)

Mr. Marmie- I think that it is ridiculous that this body won't allow full Council to vote on this issue and that they voted against tabling it when we don't have a full Council here. I am appalled by it.

Mr. Fraizer- as part of the standing legislation for multi-family district I absolutely agree that it is

not appropriate. The Planning Commission agreed that it is not appropriate and I stand behind the Planning Commission's recommendation. I will be voting against the legislation as it stands.

Motion to adopt Ordinance No. 18-42 failed by a vote of 8-0.

Mr. Bubb closed the public hearing and turned the meeting back over to President Ellington.

COMMENTS FROM CITIZENS

Jen Kenagy, 2584 Uplandview Ct- some of you are aware that I am involved with the Newark Homeless Outreach and we appreciate those that have attended and donated. We set up every Saturday from 12-4 at the corner of East Main and Buena Vista and we give out clothes, food and resources. We do Narcan training and we try to give housing contacts. We basically try to do grass roots activism. We have a lot of our folks who live in tents. We also had the health department come down and do Hep A vaccines. So I think that we are doing a lot of good things in the community. This weekend we had several people come to us and tell us that their tents were slashed, totally destroyed and they were thrown out of their camping areas. We were helping 5 men in a couple of tents on Bolen Ct who chose not to go into shelter because they have dogs. We have helped them to get propane. During the Vortex they stayed in their tents and we made sure that they had food and took them dog food. Their campsite was bulldozed. You want to talk about being appalled. It was snowing, we were supposed to get three inches of snow and we have another vortex coming on where the churches are going to have to open because this is a crisis in Newark. Anyone that sits on this Council and doesn't think that it is a crisis please come down with us. Councilman Lang has been there when a little old lady came up and said that she had been living in the woods. We have people who don't have running water and don't have anything. Some of these people have jobs; some of these people are servers. I don't want my servers to not even have a place to wash their hands. It was supposedly our Newark Police Department, I am not saying that it was but I am saying that is what was reported to us that threw them off their camp and bulldozed their camp down. We spent yesterday afternoon driving around trying to find them to make sure that they had shelter. I realize the railroad owns that, I don't know if the railroad called somebody and said threw these people out but it is one thing to ask people, they have been there over a year. The little old lady who was their neighbor was allowing them to use her address. They are Veterans who can't get to their appointments for medication because there is no public transportation here. So I guess what we are asking, Newark Homeless Outreach is to have a little bit of compassion and a little bit of empathy. If anybody in this administration was responsible for throwing them out of their camps and their tents at least let them pack it up and not slash up their tents and bulldoze their area. We went down there and there weren't any needles down there they are not addicts. I know a lot of people here have problems with addicts. They drink beer; these are guys that served the country. I think that we need to do more as a city and whether that is getting some property from the county; I brought it up to some housing folks that we have this property down here where the children's home was let's put up a tent city. Let's give them a place to wash their hands. Let's know where they are so we can count them and help them get into housing. I think that we need to be much more proactive. It was very, very upsetting to me. Thank you Councilman Lang for saying that you could get us a meeting with the Police Chief. We want to know what happened and we want to prevent it from happening again. We would like to see a housing committee of some sort formed or something done so these people don't have their tents cut up and don't have their camps bulldozed. I will be in contact and hopefully you can meet with us, Newark Homeless Outreach.

Faye McKee, 499 Leslie Dr- my problem is on Granville Street which is right behind me a gentleman put some roosters in, I don't know how many there are but it has been 7 months of a nightmare. It is a public nuisance. He doesn't take care of them and they crow all day and all night. You can go anywhere and read that they are not being taken care of when they do that. It is a public nuisance and definitely a noise nuisance across property lines and the sanitation worries me and the flies and waste that are going to happen in the summer if he keeps them there. The shelter that he has them in is just a tarp thrown over some wood. Every time the tarp blows down or blows away he just puts it back up there and they sit out there and carry on. On February 11th I finally got up the courage to go say something to him about it being a noise nuisance it as 5:30 in the

morning and they were out there crowing away. I told him it was a bother and he said that he was getting ready to slaughter them. After I spoke to him it hasn't helped it has made things worse. I would really like if someone could pass some ordinances to not have farm animals, specifically roosters in my case in the city limits of Newark.

ORDINANCES ON A FIRST READING

By: Cost

19-05 ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,000,000.00 BUCKEYE CORRIDOR STORMWATER PLAN SEWER IMPROVEMENT BONDS FOR THE PURPOSE OF REFUNDING OUTSTANDING BOND ANTICIPATION NOTES PREVIOUSLY ISSUED FOR THE PURPOSE OF PAYING THE COST OF BUCKEYE CORRIDOR STORMWATER PLAN SEWER IMPROVEMENTS, TOGETHER WITH NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

Motion by Mr. Marmie to adopt Ordinance No. 19-05, second by Mr. Fraizer

Motion passed by a vote of 8-0.

By: Marmie, Cost

19-06 AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$1,125,000.00 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF CHURCH STREET AREA IMPROVEMENTS AND REPAIR, INCLUDING ELECTRICAL, SIDEWALK, STREET AND STREETScape AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

Motion to adopt Ordinance No. 19-06 by Mr. Marmie, second by Mr. Fraizer

Motion passed by a vote of 8-0.

RESOLUTIONS ON FIRST READING

By: Marmie, Cost

19-13 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR AN AWARD OF FISCAL YEAR 2019-2020 FUNDING UNDER THE OHIO EMS TRAINING AND EQUIPMENT GRANT PROGRAM.

Held for a second reading

By: Cost

19-14 AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LEASE AGREEMENT WITH SELECTIVE SITE CONSULTANTS REGARDING LAND AT THE CITY OF NEWARK SERVICE COMPLEX

Held for a second reading

By: Marmie, Cost

19-15 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- Expedite (100 General Fund-\$51,550.00: Final Pymt Refunding Issue; 422 Debt Service Fund-\$51,550.00: Interest Pymt; 930 Inter/Intra Gov Fund-\$2,444.58: JEDD Distribution; 929 Intra/Inter Gov Fund-\$139,820.48: JEDZ1 Distribution)

Motion by Mr. Marmie to waive the two day reading rule on Resolution No. 19-15, second by Mr. Fraizer

Mr. Marmie- in particular we need to get some funds distributed to the JED's and appropriate entities.

Motion passed by a vote of 8-0.

Motion to adopt Resolution No. 19-15 by Mr. Marmie, second by Mr. Fraizer

Motion passed by a vote of 8-0.

COMMENTS FROM CITIZENS

MISCELLANEOUS

Director Baum- let me be clear that the Police Department wouldn't bulldoze anybody's tents they wouldn't slash anybody's tents nor would they throw anybody off private property unless the property owner asked them to and they didn't live there or belong there. I have retired from the Police Department and I have dealt with my share of idiotic accusations but for somebody to try to get their fifteen minutes of fame off of the Police Departments back is clearly reprehensible.

Mr. Cost- I would like to thank Faye and John McKee for coming this evening and speaking their peace. I think that does need to be looked at I wouldn't want that next door to me so I don't think anybody else should have to put up with it. I know roosters crow when the sun comes up but I don't think we would want them crowing all day and all night because that would be annoying. He called for a Service Committee meeting.

Mr. Fraizer- Faye and John thank you for coming. I do believe with the current ordinances you can have 6 chickens and no roosters but I will get back to you and see what we can do to amend that if that is not the case but from my past experience from looking at our codified ordinances that stuck out to me that it was 6 chickens and no roosters. Hopefully we can do something to correct the situation. Newark girls and boys basketball congratulations on their continued success. The HHCA is going to have a March 14th meeting in order to continue the progress that we are seeing in the Hudson area. Homelessness is absolutely an issue in the city whatever we can do to help those fights and understand what it really going on in that community is going to be a good thing for everybody. Director Baum thank you for coming up and correcting the situation that is at hand.

Mr. Lang- Ms. Kenagy I appreciate your comments and I appreciate what the Homeless Outreach is doing. I think that we have to be very cautious and careful about making accusations especially about our Police Department their job is challenging as it is. I do stand by what I said, I'd be happy to meet with you. I think that if we start accusing the Police Department of doing things that they likely didn't do it is hard to get them to come to the table and want to listen under those circumstances. I can say that I have dealt with at least one situation where I have had a resident come to me and state that somebody had put a tent up on their property and the reaction from the Police Department didn't involve slashing tents or anything it was a much more cordial interaction and nothing to the extent that was described. It certainly hasn't been my experience and I would be quite surprised if the city took a bulldozer onto private property. That said again I will be happy to meet with you guys but I think that you need to be careful about making accusations without having a firm understanding of the situation or the facts.

Mr. Marmie- called a Finance Committee meeting. I would also like to make everyone aware that since I voted on the prevailing side on Ordinance 18-42 I do plan on invoking rule 21 at our next Council meeting. I would like to not only congratulate the Newark girls basketball team on winning the District and the boys are on their way but also Newark Catholic girls have also won the Districts and the boys are on their way to winning the Districts. Both schools in the City of Newark are doing fantastic in basketball. I wish them congratulations and good fortune in the future.

Mr. Blake- I would also like to give congratulations to the Newark girls' basketball team. I went there last Saturday and it was nice to see that former Mayor Stare's granddaughter Gabby did a nice job with the team and it was thrilling to see them win 5 times in a row for that District Championship. I did find out that they don't like to be called Lady Cats its Wildcats. I do think that there is a group with several social service agencies and several other business leaders that are starting to discuss the homeless issue in our community. I do think that there is value in having grass roots organizations such as Newark Homeless Outreach as well as Verticle 196 also the Crossroads Crusaders. If your group has not been invited to participate at the next meeting I am going to suggest that. Speaking to Ms. Kenagy I know the good works that you do every Saturday but hopefully we can get those grass roots groups involved with those discussions. I want to thank Chairman Fraizer for bringing back the legislation regarding the CRA and the discussion about expanding that. Thank you for your work there and the consideration that you are putting into that effort there. Thank you Director Mauter for

also working with the chair on that. In tonight's Finance Committee we did hear about the approval for dollars going towards a new fire station and tonight we heard about the 79 budget positions and the city has applied but has not yet received 5 SAFER Grant positions which will take us up to 84 for the duration of the grant funding. These five positions are essential fixed term positions so for the next three years we will have 84 positions but my question is increasing our permanent budgeted positions no longer being dependent on the grant positions. I hope that we have some more public dialogue about that. The second concern knowing that the administration will be coming back in the future for approval for a loan for construction of the rest of the building I hope that we will hear about publicly how the building will be equipped. The information about the distribution of the fire apparatuses amongst the fire stations is important and I hope that we will be able to hear that publicly.

President Ellington- I appreciate everybody for coming. Our next Committee meeting will be Monday March 18th at 5:45 and Council will be the same night at 7:00 P.M.

ADJOURNMENT- Motion by Mr. Cost, second by Mr. Lang. Motion carried by acclamation