

COUNCIL MINUTES

December 2, 2019

Council Chambers

7:00 P.M.

7:00 P.M.- President Ellington called the Monday December 2, 2019 Newark City Council Meeting to order

ROLL CALL- Mr. Bubb, Mr. Cost, Mr. Fennell, Mr. Barker, Ms. Hall, Mr. Labutis, Mr. Lang, Mr. Marmie, Mr. Rath, Mr. Blake

INVOCATION – Mr. Blake

PLEDGE OF ALLEGIANCE- President Ellington

CAUCUS- Motion by Mr. Marmie to appoint Mr. Barker to the Committees in place of Mr. Fraizer, second by Mr. Lang. Motion was carried by acclamation.

MINUTES of November 18, 2019- Motion by Mr. Labutis to approve the November 18, 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. Lang. **Motion carried by acclamation.**

APPOINTMENTS

Mayor Hall- reappointing Phil Claggett to the City of Newark Board of Zoning Adjustment. His new four year term begins January 1, 2020 and will expire December 31, 2023.- **Received & Filed, No Objections**

Mayor Hall- appointing Anne Peterson to the Newark Community Improvement Corporation (CIC), known as Newark Development Partners. Her three year term begins January 1, 2020 and will expire December 31, 2022. - **Received & Filed, No Objections**

REPORTS OF STANDING COMMITTEES

Finance - **Received & Filed**

Street - **Received & Filed**

Service - **Received & Filed**

Personnel - **Received & Filed**

REPORTS FROM CITY OFFICIALS

Barb Jobes, City Tax Administrator- income tax reports ending November 15, 2019. - **Received & Filed**

COMMUNICATIONS

Ohio Division of Liquor Control- sent the results of their finding in the case of Geekeasy Arcade LLC versus the City of Newark. The ruling was in favor of the city objecting to the issuance of a liquor permit for Geekeasy Arcade at 17 Arcade Pl. - **Received & Filed**

PUBLIC HEARING

By: Rath, Marmie, Cost

19-23 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 680 WESLEY AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO FROM THAT OF RH –HIGH DENSITY SINGLE FAMILY RESIDENCE DISTRICT TO GO- GENERAL OFFICE, ZONING CODE OF THE CITY OF NEWARK, OHIO.

President Ellington- I am going to read Director Rhodes, Planning Commission Director's recommendation: Upon consideration of the information presented, I am not recommending a change in the zoning classification of 680 Wesley Ave on the basis that this is a residential neighborhood and a change such as

requested would allow for an increased traffic flow disrupting the primary use of that surrounding neighborhood. If you all decide to override that tonight it will take 7 votes.

Public Hearing is now open.

Stephanie Kendall, 680 Wesley Ave- the complaints that were given from the first meeting I wanted to address some of those and explain what it is that I am trying to do. I have been operating there for almost four years as a child care so technically I am already a business in that space. What I would be doing would be increase the number of children that I can keep there which really wouldn't increase traffic in the neighborhood. It would be a low intensity type of thing. Currently I have 13 kids there and I am allowed to keep six there during one period of time so changing it to a type A I have to have the zoning for it but changing it to a type A allows me to keep 12 at one time. Right now I have four families so that is four vehicles that come to my home in a weeks' time, there is about an 8-10 hour period between vehicles coming and going. It is pretty no different than a school bus coming and going. These families depend on me and there is another child care center real close that is closing and without people like me doing childcare outside of normal child care hours these families have nowhere to go with their kids. A lot of these families don't have other help to help them watch their kids so they would all be out of work and stuck in a system of a vicious cycle trying to figure out what to do without people who can provide childcare in their homes outside of regular daycare hours.

Tim Talbott, 47 S. Hazelwood Ave- we do definitely believe that it will increase traffic and another concern that was mentioned before is once that is open any business could be open in there and nobody wants that. This is a nice quiet neighborhood. What cars are going up and down there aren't even stopping for the stop signs and they are racing up and down the streets. We don't see a good outcome on this.

Public Hearing was closed.

Motion to adopt Ordinance No. 19-23 by Mr. Rath, second by Mr. Marmie

Mr. Rath- Ms. Kendall I understand what you are trying to do and I appreciate that but the fact that you are asking us to change the zoning from residential to general office means that it will be zoned general office and whoever has that property will be able to put in any type of business that is included in general office that is in a residential neighborhood. It would be nice if we had some type of zoning that allowed for a larger daycare and no other type of business but that doesn't exist so when we make these decisions we can't make a decision based on an individual's needs but on the future use of that property for after when you own it. Because of that and the recommendation of the Board I am going to recommend that everybody votes no.

Mr. Cost- I want to make sure that I understand something did you say that you are allowed to have 6 right now but you have 13 currently?

Stephanie Kendall- well that is how many are enrolled with me that come to my home within the week but I can have 6 at any one period of time.

Motion failed by a vote of 1 (Mr. Marmie)-9

CITIZENS COMMENTS

Dwayne Anderson, 914 B Empire Dr- the tree on the corner of King and Sharon Valley is still there and still a bad obstacle for traffic wanting to turn east on to Sharon Valley. The bushes on the corner of Sharon Valley and Granville are still there and when you stop at the stop sign you can't see oncoming traffic coming west on Granville if you are turning either way. You have to pull almost up to Granville Street to see either way. Regarding the pay increases, there is no way that you are going to make up for the past 8 years of no increases; each year of those past 8 the city would have spent approximately between \$20-25,000.00 each year to equal what they are asking for now. That \$20-25,000.00 eight years ago compounded yearly would not have broken the City of Newark. Nothing against the people in those positions we are talking the positions. Law Director Sassen presented an administrative argument for the salary increase to the committee and he said increased pay helps attract job candidates to the city. Well Mr. Mayor and all you other candidates I think that you do a pretty good job regardless of what Law Director Sassen says. You guys are in public office and when you ran for these positions you knew what the pay was now right after the election you want a pay increase. I am all for a pay increase but not the size that you guys are asking. I am on social security and the

cost of living increase for next year is 1.6% so I recommend a 1.6% for all of the public officials. If they didn't like the pay when they were running every one of them even right now can quit and go into the private sector and see what they could make. It's no problem everybody is replaceable. Safety Director Baum said that the Police over the past 8 years got 9.5% and the firefighters 10% that equals up to 1 and a quarter and 1 and a half that doesn't even cover the cost of living for the past 8 years so to me that is a slap in the face to our firefighters and our Police Department. If the public officials got a 1.6% increase this year out of the \$79,000.00 that is predicted that would leave \$54,000.00 for road repair or however the money could be used and over the total it would be \$100,000.00 and that would pave over 1 mile of road. Police and Fire are in negotiations right now and being a former union member I am almost positive that the pay increase they will receive will only cover their insurance if that.

If there isn't something done about the Roost on the River before the next concert you guys don't have enough sits here for all the people that will be here. That is something that needs attention right away.

ORDINANCES ON FIRST READING

By: Cost, Rath

19-34 AN ORDINANCE SETTING COMPENSATION AND STATING POLICY WITH RESPECT TO CERTAIN APPOINTED POSITIONS OF THE CITY OF NEWARK, OHIO REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH

Held for a second reading

By: Cost, Rath

19-35 AN ORDINANCE SETTING COMPENSATION WITH RESPECT TO CERTAIN ELECTED OFFICIALS OF THE CITY OF NEWARK, OHIO AND REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH

Held for a second reading

By: Cost, Rath, Marmie

19-36 AN ORDINANCE VACATING A TWELVE (12) FOOT WIDE ALLEY AS SHOWN ON THE PLAT OF THE JOSEPH COFFMAN'S SECOND ADDITION, AS RECORDED IN PLAT BOOK 1, PAGE 87 OF THE LICKING COUNTY PLAT RECORDS; SAID ALLEY IS LOCATED BETWEEN 196 AND 212 SOUTH 5th STREET.

Held for a second reading

RESOLUTIONS ON SECOND READING

By: Marmie, Cost, Labutis, Rath

19-80 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (**209 Hotel/Motel Fund-\$20,095.81: Disbursement**)

Motion by Mr. Marmie to adopt Resolution No. 19-80, second by Mr. Cost

Motion passed by a vote of 10-0.

RESOLUTIONS ON FIRST READING

By: Rath, Cost, Marmie

19-81 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.

Held for a second reading

By: Rath, Cost, Marmie

19-82 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT

WITH ALL NECESSARY ENTITIES AND WITHOUT COMPETITIVE BIDDING, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR THE PURCHASE, INSTALLATION, OPERATION, MAINTENANCE, USE, BILLING, AND REIMBURSEMENT OF ONE OR MORE ELECTRIC VEHICLE CHARGING STATIONS WITHIN THE CITY OF NEWARK, OHIO AND DECLARING AN EMERGENCY

Motion by Mr. Rath to adopt Resolution No. 19-82, second by Mr. Bubb

Mr. Rath- this opportunity was presented to us by AEP and will be at no cost to the City of Newark. The reason for the emergency clause is to comply with the deadlines set by AEP.

Motion passed by a vote of 10-0.

By: Marmie, Cost, Rath

19-83 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- **Expedite (100 General Fund-\$150,000.00- Charging Stations; 152 Budget Stabilization-\$150,000.00- Charging Stations; 153 Comp Abs-\$5,500.00- Payout Derrick Beach; 221 Street Fund-\$1,703.80- Payout Lease)**

Motion by Mr. Marmie to waive the two day reading rule on Resolution No. 19-83, second by Mr. Lang

Mr. Marmie- one thing since we just passed the previous legislation we need to put some funds in here to pay for it initially until they reimburse us plus we have some payouts.

Motion passed by a vote of 10-0.

Motion by Mr. Marmie to adopt Resolution No. 19-83, second by Mr. Labutis

Motion passed by a vote of 10-0.

By: Marmie, Cost, Rath

19-84 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (**661 Sewer Dept-\$415,000.00: New Vac Truck**)

Held for a second reading

COMMENTS FROM CITIZENS

Stephen Smith, 237 Violet Ct- I would like to welcome Mr. Barker to the Council and wish you well in terms to your service to the City of Newark. After the last Council meeting there were a lot of comments regarding the Advocate's editorial, Timing of Licking County GOP Position Swapping is Discouraged, and it seemed to me a few of the people that commented got the point of the editorial. I don't think that there is any question that the notion was done properly. It was legal and I actually think that Mr. Fraizer will do a good job in that position, I wish him well in that as well. The point is the timing had the appearance of something that was improper. Not that it was improper but it would have the effect of suppressing voter participation when people get the impression that their votes are not important because they will be overwritten. In these very partisan times these sorts of questions can raise misunderstandings and I think that the Advocate's editorial was clear that this is not a partisan issue they made the point that Democrats have done this before in the past as well and that is just as unfortunate. The point that was discouraging was the effect that it was likely to have on voter turnout when it is already dismally low. I think that we should be doing everything possible to encourage voting. This perception of an undue problem was what was discouraging; not that there was a problem I don't know that. I have every expectation that Mr. Fraizer will be a good choice for that job and that Mr. Ryan will do a good job in the position that he was hired to do and that Mr. Barker will do an excellent job on Council. Our representative democracy doesn't work unless everybody participates.

MISCELLANEOUS

Law Director Sassen- Go Tigers!

Mayor Hall- Go Bucks! Friday night was the 71st annual lighting of the courthouse, an outstanding event attended by MANY, the weather was perfect and I want to thank everyone involved it is quite a group; the courthouse lighting committee, the entertainers add to it and our safety forces.

Mr. Bubb- Spencer Barker I would like to welcome you to City Council I am sure that you will do an excellent job. I would like to thank Mark Mauter and the Mayor regarding Resolution No. 19-82 I think that it is very innovative and a good idea with the charging stations; thank you for your work and research on that and your work with AEP. I will second what the Mayor said on the courthouse lighting, the Fire Department, Police Department, Jeff Hotchkiss and his crew did a phenomenal job and everything went very smooth.

Mr. Cost- I would like to welcome Spencer as well.

Mr. Fennell- welcome Mr. Barker. To echo what Mr. Bubb said I worked with AEP on the same grant for the library it is an excellent grant and I am really glad that we went for it. It is going to be a great thing for the city so congratulations on that thank you so much.

Mr. Barker- I would like to thank everyone for welcoming me to Council and I thank everyone's support and Newark Central Committee's support. I want to thank the Mayor and the rest of you who attended I sit as President of the Courthouse lighting and I have since my dad was it for the last 35 plus years. Ryan is on it with me and I appreciate his support. I want to thank the Police Department and the Fire Department it was a joint effort to keep this community safe for that event for the 6500 plus people who came downtown that night.

Ms. Hall- welcome Spencer, it is a learning curve. I want to thank the Mayor and everyone involved the courthouse is absolutely gorgeous again and I hope that everyone had a nice holiday.

Mr. Labutis- welcome Mr. Barker I am sure you will do a fantastic job on Council. I want to echo everyone else's sentiments we have lived in town here for 17 years and I think that at this point we have been to every courthouse lighting but one. We had family with us this year that had not seen it yet and they enjoyed it as well. It was a fantastic event. Congratulations and kudos to everyone that is involved with that. Enjoy your courthouse while it is lite up for the next month.

Mr. Lang- I just want to address a few of the comments made tonight, Mr. Smith I appreciate the story that you gave and some the background about the appearance of how things look. I think that one of the issues that I have had with the Editorial Board and how they have piled on elected official time after time after time any time that there is a controversial issue or decision they don't miss an opportunity to pile on elected officials and blame the system and paint this hopeless picture. You go on to Facebook and you go down the list and how many of those comments are some version of throw the bums out they are all bums? It creates this picture where we are all bums none of us are any good so why bother voting for anybody. I think that there are a lot of different issues that are driving voter turnout but I think that the paper is not acknowledging its' own responsibility and how it paints the picture here at the city and there are a lot of great people up here on this diocese with me that I think are really smart and dedicated. There are some great leaders in our community and I don't think that they are getting credit for it. I think that the paper is painting this false picture that is helping drive that narrative unfortunately. Mr. Anderson thank you for reminding us about the two locations I am going to follow up with Director Rhodes and see what we can do. I'm not sure if those two bushes are on city property or where they are located if there is anything that we can do but I would like to follow up with Director Rhodes to see if there is anything to address there. Regarding Resolutions 19-34 and 19-35 regarding the pay increases I understand your concern and somewhat in a vacuum it is hard to see why a significant pay increase after 8 years would be justified. I haven't quite made up my mind where I think we should be or if I agree with where we're at but I am still open to suggestions there. Regarding the noise ordinance and the River on the Roost I do have intentions to work with Ms. Hall to see if we can at least go through our noise ordinances to fix the deficiencies and at least land on something that is enforceable because we have had comments from our Law Director and our Safety Director that we currently have a noise ordinance that can't really enforce. At minimum I think that we do need an enforceable noise ordinance. I am open to taking a look and will certainly work with Ms. Hall there. I would like to welcome Mr. Barker I think that you are going to be a great addition to City Council. You obviously participate in a lot of events around

our community and have been involved for a long time. The lighting this past Friday was fantastic and I will admit to it being my first lighting, we traditionally go to Cleveland and spend the holidays with my family there and don't usually make it back in time so this year I decided that it was time to get back a little early. We made it to the lighting and I think that we are going to try to get back each year because it was fantastic and the kids really loved it.

Mr. Marmie- called a Finance Committee Meeting. Mr. Anderson I agree too that with the pay increases I am looking at those I too am undecided where I think they should be. I reached out to the administration to try to come up with something that is fair and equitable but I'm not certain where they should be and if they should be where they are currently at. I want to welcome Mr. Barker we will have your list of junior member items to do. Just kidding we do welcome you and look forward to working with you and from everything that I have seen that you have done in the community I think that you will be a great asset to the Council and I appreciate you stepping forward and taking on the challenge.

Mr. Rath- Mr. Smith I agree with you about voter turnout I know as a candidate spend a lot of money mailing to people that are typically going to vote and I would love to know that the money is being spent wisely. We mail to a lot of people trying to encourage them to come out and vote and I would love to see a higher voter turnout as well but I am not sure what we can do about that. Mr. Barker welcome to Council I am sure that you will do a great job. I am looking forward to working with you; you should be a great asset to us. He called a Service Committee meeting.

Mr. Blake- welcome Spencer, I have known of you from afar from the things that you done with young leaders in Licking County and other projects but I am looking forward to getting to know you a little better and working with you. Hopefully some time we can have some coffee and talk so I extend that to you. I want to congratulate Mr. Mauter I think that the charging stations will be a great asset to the downtown area. I'm looking forward to seeing the hotel and others utilize that. Charging stations are becoming a part of our society now. I work at Denison and we have charging stations in our parking garage having that option to people is going to be a very positive asset. Thank you for bring that forward to Council and the Mayor. I'm looking forward to seeing how that plays out in that location. I look forward to spending some time with you on Friday at the annual Economic Development meeting over in Columbus.

President Ellington- Mr. Barker nice to have you I too will have a list for you, probably longer than Mr. Marmie's. Our next meeting is Monday December 16th committees at 5:45 P.M. and Council at 7:00 P.M.

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