

## COUNCIL MINUTES

**April 6, 2015**

Council Chambers

7:00 P.M.

**7:00 P.M.** - President Ellington called the Monday April 6<sup>th</sup> Newark City Council meeting to order.

**ROLL CALL- Ms. Hall, Mr. Johnson, Mr. Marmie, Mr. Rath, Mr. Rolletta, Mr. Blake, Mr. Bubb, Mr. Cost, Mrs. Floyd, Mr. Guthrie**

**INVOCATION** – Mr. Johnson

**PLEDGE OF ALLEGIANCE**-President Ellington

### CAUCUS

**MINUTES**- of March 16, 2015 Newark City Council Meeting. Motion by Mr. Rath, second by Mr. Johnson to approve the minutes as presented and the reading be dispensed with in view of the fact each member of Council has received written summary of same. **Motion carried by acclamation**

### REPORTS OF STANDING COMMITTEE

Finance- **not prepared, will be on the agenda for April 20th**

Service- **not prepared, will be on the agenda for April 20th**

Capital Improvements- **Received & Filed**

Personnel- **Received & Filed**

### PUBLIC HEARING

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

**14-36 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 2260 RIVER ROAD, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF AD (AGRICULTURAL) DISTRICT, TO MFR (MULTI-FAMILY RESIDENCE) DISTRICT.**

**President Ellington**- Mr. Rhodes if I understand this correctly if this piece of legislation that we have for the public hearing passes then there are two options that are being discussed, \$44,000.00 payment or a TIF.

**Director Rhodes**- yes. Councilman Marmie asked early on that the rezoning be voted on separate from the agreement with the developer. The agreement that we have with the developer is just that a one-time payment to the City for \$44,000.00 or they will pay the attorney's to have a TIF put into place which the City would then receive those dollars each year for roadway improvements. Should this pass tonight I will be back in Service Committee to make a presentation. The Administration prefers the TIF option but that will be up to Council to decide.

**John Latevlere, Senior Vice President of Redwood**- I am here if there are any questions. We are proposing to expand what we are already constructing on our River Trails Phase I on this property with an additional 44 units. He gave Council members a brochure.

**Motion by Mr. Cost to adopt Ordinance 14-36, second by Mr. Bubb**

**Mr. Rath**- I am torn on this because we have had some residents express dissatisfaction with development in that area. I totally understand their concerns and I myself have expressed some concerns about the general attitude of the company and their willingness to be a good neighbor. They have told us they would and in some cases they have and in others not. We are being asked to rezone a property to multi-family that is right next to a property that is zoned for multi-family. If we vote this down I would anticipate a court case and it is still going to get rezoned. So I can't vote against it but I have some general concerns still and hope that they will be good neighbors.

**Motion passed by a vote of 7-3 (Ms. Hall, Mr. Rolletta, Mr. Guthrie)**

## **COMMUNICATIONS**

**Terry Lyle**- there were 3 emails received by members of Council regarding the upcoming vote on the BSL language and his support for repealing it and 1 email regarding his disappointment with Council's vote not to repeal the BSL. - **Received & Filed**

**Michael DiPietro Milewsky**- 1 email was received by members of Council regarding his support for repealing the BSL language and 1 email regarding his disappointment in Council's vote not to repeal. .- **Received & Filed**

**Paula Perusse**- letter encouraging Council to repeal the BSL.- **Received & Filed**

**Ms. Corey Roscoe, Ohio State Director, State Affairs, Humane Society**- email in support of repealing the BSL in Newark. .  
**Received & Filed**

## **COMMENTS FROM CITIZENS**

**William Butcher, 263 Union St**- advised the city of pot holes in an alley where he lives and he gave us a weather forecast

## **ORDINANCES ON THE SECOND READING**

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

**15-06** AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE DEPARTMENT OF PROPERTY MAINTENANCE, BY RECLASSIFYING THE ACCOUNT CLERK 1 POSITION TO THE POSITION OF PROPERTY MAINTENANCE INSPECTOR/ANALYST, AND SETTING COMPENSATION THEREFORE

**Motion by Mrs. Floyd to adopt Ordinance 15-06, second by Mr. Bubb**

**Mrs. Floyd**- we have all been saying for a long time now that we need more help in Property Maintenance and I think by us reclassifying this position it gives us some of that help. I'm not saying we don't need more at some point but I think this will help.

**Motion passed by a vote of 10-0**

## **ORDINANCES ON THE FIRST READING**

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

**15-07** AN ORDINANCE AMENDING THE POSITION CLASSIFICATION/PAY RANGE AND POSITION AUTHORIZATION TABLES OF THE CITY OF NEWARK, DIVISION OF CEMETERY AND PARKS TO ABOLISH ONE (1) FULL TIME POSITION OF PROJECT ASSISTANT AND ONE (1) FULL TIME POSITION OF CEMETARY AND PARKS CREW LEADER AND CREATING ONE (1) FULL TIME POSITION OF CEMETERY AND PARKS CREW LEADER/PROJECT ASSISTANT.

**Held for a second reading**

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

**15-08** AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF \$370,000.00 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF IMPROVEMENTS TO THE CITY'S LANDFILL AND ALL NECESSARY APPERTENANCES THERETO, AND DECLARING AN EMERGENCY

**Motion by Mr. Blake to adopt Ordinance 15-08, second by Mr. Bubb**

**Motion passed by a vote of 10-0.**

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

**15-09** AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$2,000,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF BUCKEYE COORIDOR STORWATER PLAN SEWER IMPROVEMENTS AND ALL NECESSARY APPERTENANCES THERETO, AND DECLARING AN EMERGENCY

**Motion by Mr. Blake to adopt Ordinance 15-09, second by Mrs. Floyd**

**Mr. Blake-** the residents affected by the Buckeye Corridor stormwater plan have been waiting for action for a long time so I think that this project is a good project that Mr. Loomis and Mr. Morehead have brought forward to us. This will start with 30<sup>th</sup> St and Church St but it is the beginning of getting to other areas in this plan. This is a worthy project and I hope that everyone supports it. I had coffee with our Auditor and I want to mention that this will be new debt for us. We also discussed our annual debt and overall debt but I do support it.

**Motion passed by a vote of 10-0**

**RESOLUTIONS ON THE FIRST READING**

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

**15-23 APPROPRIATING MONIES FOR THE MUNICIPAL CORPORATION**

**(298: ODNR Fund-\$1,000; 669: Storm Water Utility Fund-\$150,000.00)**

**Held for a Second Reading**

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

**15-25 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO APPLY FOR FINANCIAL SUPPORT FROM THE STATE OF OHIO 2015 FEDERAL LAND & WATER CONSERVATION FUND PROGRAM**

**Held for a Second Reading**

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

**15-26 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LEASE PURCHASE AGREEMENT FOR THE LEASE-PURCHASE OF ONE EMS TRANSPORT MEDIC UNIT FOR THE DIVISION OF FIRE**

**Held for a Second Reading**

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

**15-27 APPROPRIATING MONIES FOR THE MUNICIPAL CORPORATION**

**(335, Capital Improvement Fund- \$44,900.00: Vehicles, Communication Equipment; 335, Capital Improvement Fund-\$2,200.00: purchase & installation of a vehicle lift)**

**Held for a Second Reading**

**COMMENTS FROM CITIZENS**

**Charles Moore, 128 N 24<sup>th</sup> St-** he stated that he sent out a group email to Council about a month, month and a half ago that was marked priority and he asked for a read receipt as well as an email in return stating that the email was actually read and I have not gotten a reply. I just want to say that everybody says they read the emails. It is not too late to reply. I want to bring up the word young. I think that we all know that young is a relative term, a descriptive term. I don't think that it is a derogatory term. It was used here a couple of weeks ago concerning Alex Rolletta. Alex you are young and I would say by a majority of people in this room and it's nothing offensive, it is fact. I don't think saying young Rolletta I think is perfectly acceptable it wasn't derogatory. If somebody wants to misconstrue that into something that it isn't, you know what I am saying? Not only that I think Alex is a big boy. I think if he has a problem and wants to stick up for himself, say something then he has an opportunity to do that. I think that is fair. For someone else to point something out like that I think if I was you I would be a little bit embarrassed. I think it is a descriptive, relative term.

**President Ellington-** I will say this I that I have personally been having email problems and that it is being worked on.

What is your email address sir?

**Charles Moore-** 3C [Solutions@roadrunner.com](mailto:Solutions@roadrunner.com). Out of all the ones that I sent I did get 4 read replies so I know that the package was opened.

**Nicki Arter**, 13142 Jobs Rd- During the March 16<sup>th</sup> meeting when Newark City Council voted to do nothing with the current dog law and the BSL the following made these statements: Mr. Cost said he was concerned that there was nothing in place to address irresponsible dog owners if the legislation were repealed. Mr. Rolletta said I don't necessarily believe that breed specific laws are the answer to this problem however the proposal before Council does nothing that would help hold bad owners more accountable for their animals. Without additional measures that would promote owner responsibility and public safety I have come to the conclusion that I can't support this proposal. Mr. Bubb said nothing at all. Mr. Bubb has never addressed us as citizens who mean anything for we are invisible to him, for now. Mr. Guthrie said I am determined to get it right and bring forth legislation that makes sense. 6 Council people fought the citizens who came to all meeting, making arguments for a silent majority who never came to Council. All fought for people that never once voted their opinions publicly. All the no votes listened to dog .org and not Newark citizens but some stated their reasons couldn't be passed on March 16<sup>th</sup>. All of you owe these citizens a timely counter offer of your version repealing the BSL and making bad owners responsible. You had time to amend but did nothing. Are you still going to do nothing? To all the no votes with all your reasons where is your new and improved legislation you promised? Please schedule a Safety meeting tonight and get this back on the table with your revisions.

**Terry Lyle**, 294 Stare Rd- he stated that if he sends a blanket email out to Council it gets returned to him that the server didn't accept it so he has to send the same email to each Council member individually. He said it had happened numerous times and that he has had other people tell him the same thing. As far as the BSL let's get this thing right this time. I am all for strict penalties for irresponsible people and abusers but I am also all for the people who own these dogs not to be hogtied by an unenforceable ordinance just because they choose a specific type of dog.

**Paul Moran**, 63 N 4<sup>th</sup> St- I was here last Council meeting and I spoke out against the Advocates 5 to thrive they have going and as usual I was correct. There was a following article they falsely claimed Newark has 5,500 job openings, why aren't they filled. All of us Newark residents know that is false but somebody on the internet 1,000 miles away may accept that for the gospel truth. It is sad that we have this kind of newspaper that is deceiving the people. The answer to that question is that those jobs do not exist. Why because of all the job losses we have had. I encourage the Advocate to correct this untrue front page statement. There is a sewer cover and a curb and pavement that are completely sunken into Union St. There is an unsecured vacant building on West Market Street near S 6<sup>th</sup> One door is propped open and the other has no knob so it is easy access.

**William Butcher**, 263 Union St- he stated that there are pot holes on Chery Valley Rd around West Main St and pot holes in the alley behind him. Another weather forecast given.

**Rhonda Barber**, 917 Glenmore Ave- she thanked the Law Director for meeting with her to discuss the BSL law and the procedures. I do want to tell the elected Council that I have sat here 3 or 4 times and none of you dispelled the myths that I heard. It took the Law Director to take time to say there is a procedure and other things that need to be done. As our elected body you guys need to better communicate with the people that elected you. Mr. Bubb you have your office number listed but there are no prompts so I don't know how to get in touch with you when we call. I think that there has been a whole bunch of stuff going on and you guys could have done a better job of communicating what is going on with BSL. Hopefully in my conversations with Doug he may put a link on the website telling people where to go and what to do and I am meeting with the Police Chief for the same thing just to make some end roads because I see lots of division and I think that it is your responsibility to bring us together and not tear the community apart. I met with the Mayor and he is re-establishing the Human Relations Commission so if anybody wants to sit on the commission send the Mayor a note. We are a feel good kind of commission that provides direction for those having an issue in the City of Newark to help them get it resolved.

**Allie Long**, 217 S Quentin- because of the law that you guys passed on the BSL here in Newark I have to now check in with a PO once a month, I might even have to wear an ankle bracelet monitor and I have to be supervised because I was minding my own business in my house and so was my dog your law got me in trouble. Something needs to be done because this has gone way too far now.

**President Ellington**- you do know that is the same law that has been on the books for a while it's not new

**Allie Long-** yes but because you want change it

**President Ellington-** I understand your point I was just making that point.

**Nicki Arter-** a lot of people don't know about the law still to this day they don't know about it until they get caught.

**Lloyd Trickle,** 388 Mt. Vernon Rd- discussed with Council the problem he is having with his neighbor allowing her three big dogs to use his front yard to go to the bathroom. He also complained that he feels as though Joe Paul in Property Maintenance is picking on him by fining him for his properties in Newark. He stated he can't satisfy him and that he is not giving him enough time to make repairs.

#### **MISCELLANEOUS**

**Mr. Rath-** I wanted to publicly thank Director Rhodes. We had a group of citizens that were very concerned about an alley with a lot of pot holes and about 16 different families that have access to it. I contacted Mr. Rhodes on that and amazingly quick response and everybody is happy and satisfied. If you are having trouble sending us emails just send an email to Autumn, she is our Clerk and she will forward it on to us.

**Mr. Blake-** I want to celebrate Carmen's Pizza they have had 7 years in business and if you have ever had a small business you know that reaching that 7 year mark is an achievement. We have sort of a pizza war going on in the south end between Brewsky's and Carmen's nonetheless both businesses are doing well. This coming Saturday, April 11<sup>th</sup> we are having our annual clean-up day. We are meeting at St. John's United Church, 285 W. National Dr. at 8:30 A.M. After the clean-up project we will have lunch for all of the volunteers. Some of us have had connections with the YES Club. The YES Club is an after school program for at risk youth. This Friday April 10<sup>th</sup> is the last day for Vee Hottle, she is retiring. If any of you are able to go to the YES Club and visit between now and Friday Vee has pretty much been the founder of the YES Club. Please feel free to stop by, Friday they are going to have some type of celebration for her. She is a real asset to the community and we wish her well in her and her family's next chapter. He called for a Finance Committee.

**Mr. Cost-** called for a Service Committee meeting.

**Mrs. Floyd-** several of the block watches are going to get together on April 21<sup>st</sup> at 6:00 at Community Wesleyan Church. The drug task force is going to talk to them about what you can do if you find drug paraphernalia in your yard.

**Mr. Guthrie-** I am glad that Jeremy brought up Vee Hottle because she has done some wonderful things there at the YES Club for a long period of time. I am a proud grandpa again. My daughter Lori, the mother of Karis had a little girl this morning named Jenna Eve. She weighed 8lbs and 3oz. I don't think it would be fair to not recognize some of the points that were made here tonight. I have tried in good faith to do my research and not to research via dog.org as I believe it was referred to as by Nicki. I am actually continuing to explore whether there any options. One of the things that I feel like I made point of saying at a Council meeting is that I would very much like to see this on the ballot. I know some people don't think that is where it belongs but I am one who believes it does belong there. I don't know what the status of your efforts on that is but as I have indicated at first I would be willing to sign a petition to put it before the citizens of Newark. I guess when Mrs. Loomis's legislation passed about year, year and a half ago we all felt that by establishing parameters where by good Pit bull owners could basically bypass the law with the AKC training we thought that we did the right thing. I am going to continue to look at the enforcement piece. I have already met with folks in the law enforcement community and I am going to meet with folks in the legal community. It is a perplexing issue but I would like very much to see it on the ballot. It is a misconception to think that everybody was for the repeal because the people approaching me on the street were not. I know I heard from plenty of folks that thought we should not repeal it. I told them I felt that it should be on the ballot and that is where I hope it ends up but in the meantime I am going to continue to do my research and that is all I can say.

**President Ellington-** congratulations on your granddaughter. Thank you all for coming tonight, we appreciate it. The next Committee meeting will be Monday April 13<sup>th</sup> at 5:30 P.M. and the next Council meeting is Monday April 20<sup>th</sup> at 7:00 P.M.

**ADJOURNMENT-** Motion by Mr. Cost, second by Mr. Rath to adjourn. Motion called by acclamation. 7:50 P.M.