

## COUNCIL MINUTES

**June 15, 2015**

Council Chambers

7:00 P.M.

**7:00 P.M.** - President Ellington called the Monday June 15, 2015 Newark City Council meeting to order.

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

**INVOCATION** – Mrs. Floyd

**PLEDGE OF ALLEGIANCE**-President Ellington

### CAUCUS

**MINUTES**- of June 1, 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- **Received & Filed**

Service- **Received & Filed**

Capital Improvements- **Received & Filed**

### REPORTS FROM CITY OFFICIALS

**Stephen E Johnson, City Auditor**- operating report for the period ending May 31, 2015. - **Received & Filed**

**Barb Jobses**- Income Tax Revenue Reports ending May 15, 2015 and May 31, 2015- **Received & Filed**

### COMMUNICATIONS

**Brittany Shaw**- email regarding dog bites and repealing the BSL in Newark. - **Received & Filed**

**Ronda Barber**- email asking how many man hours are spent enforcing the BSL, how much cost and time is spent in the legal system and how many "Pit bulls" the Animal Control Officer has come in contact with. - **Received & Filed**

**Paul Moran**-letter opposing the funding to replace a playground at Washington and Cedar St and the issuance of additional liquor permits in the downtown area. - **Received & Filed**

**Rusty Riders**, 203 Mt. Vernon Rd- flyer showing the current building and what the building could look like after renovations. - **Received & Filed**

**Park National Bank**- a report of the annual inspection of the mausoleum at Cedar Hill Cemetery. - **Received & Filed**

**Sue Romine**- email expressing her concerns regarding the rezoning of the property at 847 W Locust St. - **Received & Filed**

**Tricia Queen**- email expressing her concerns regarding the rezoning of the property at 847 W Locust St. - **Received & Filed**

### COMMENTS FROM CITIZENS

### ORDINANCES ON THE FIRST READING

**By: Mr. Cost, Mr. Marmie**

**15-15** AN ORDINANCE ANNEXING CERTAIN TERRITORY, GENERALLY DESCRIBED AS BEING 47.211 ACRES, MORE OR LESS, LOCATED IN NEWTON TOWNSHIP, TO THE CITY OF NEWARK, OHIO.

**Held for a Second Reading**

**By: Mr. Cost, Mr. Marmie**

**15-17** TO PROVIDE FOR THE ISSUANCE OF \$6,600,000.00 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF REFUNDING OUTSTANDING BOND ANTICIPATION NOTES PREVIOUSLY ISSUED FOR THE PURPOSE OF PAYING THE COST OF CAPITAL IMPROVEMENTS, INCLUDING FIRE STATION 1 IMPROVEMENTS (INCLUDING

DEMOLITION, PROFESSIONAL DESIGN AND PROPERTY ACQUISITION), CITY HALL PARKING IMPROVEMENTS, SERVICE COMPLEX CONSTRUCTION IMPROVEMENTS AND SOUTH SECOND STREET BRIDGE REPAIR, TOGETHER WITH ADDITIONAL FIRE STATION 1 IMPROVEMENTS (PHASE 1), ADDITIONAL FUNDS FOR FIRE STATION IMPROVEMENTS, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

**Motion by Mr. Blake to adopt Ordinance No. 15-17, second by Mrs. Floyd**

**Motion passed by an 8-2 vote (Mr. Guthrie, Mr. Rolletta)**

#### **RESOLUTIONS ON THE SECOND READING**

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

**15-52 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION  
(COPS Grant Fund-\$.08: Salary; 100 General Fund-\$750.00: Building Grounds Maintenance)**

**Motion by Mr. Blake to adopt Resolution No. 15-52, second by Mr. Cost**

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

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

**15-54 A FINAL RESOLUTION FOR THE CONSTRUCTION OF A NEW INTERCHANGE OVER STATE ROUTE 16 TO REPLACE THE CURRENT AT GRADE INTERSECTION WITH CHERRY VALLEY RD, LYING WITHIN THE CITY LIMITS OF NEWARK**

**Motion by Mr. Cost to adopt Resolution No. 15-54, second by Mr. Rath**

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

#### **RESOLUTIONS ON FIRST READING**

**By: Mr. Cost, Mr. Marmie**

**15-57 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-Expedite  
(153 Comp Abs: \$27,705.00-employee payout, DISAPPROPRIATION 231 Probation Improvement Grant Fund:  
\$1,257.00-Wages/Fringes, 231 Probation Improvement Grant Fund: \$1,257.00-Law Enforcement Supplies)**

**Motion by Mrs. Floyd to waive the two day reading rule for Resolution No. 15-57, second by Mr. Cost**

**Motion passed by a vote of 8-2 (Mr. Guthrie, Mr. Blake)**

**Motion by Mrs. Floyd to adopt Resolution No. 15-57, second by Mr. Cost**

**Mr. Guthrie-** this is difficult for me to talk about because I know that it is going to sound personal and it's not. I just really found out today that this payout is for the Police Chief who is being rehired and I know we have done these things before. We did it for Mr. Loomis when he retired and came back to work but in his case the administration negotiated a lower salary. I think that we have a great police chief and he is going to be outstanding. I think that it was a good hire by this administration but here we are with a tight General Fund budget with a \$27,705.00 payout. The Chief is coming back under contract with 7 weeks of vacation and \$82,000.00. I believe that employees who are covered under statute when they come back after they retire they have to start at the bottom. I just wanted to make sure that everybody votes for this with their eyes wide open. It is a \$27,705.00 payout plus the Chief starts with 7 weeks immediately. Again, this is not personal but while we are haranguing the firefighters and some seem to be enjoying and we are doing these kinds of things I really think that we need to be looking in the mirror at our decisions.

**Motion passed by a vote of 8-2 (Mr. Guthrie, Ms. Hall)**

**By: Mr. Cost**

**15-58 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION**

**(231 Probation Improvement Grant Incentive Program: \$89,570.00- Community Correction Supplies/Services, 661 Sewer Dept Fund: \$25,000.00- Vehicles, 669 Storm Water Utility Fund: \$26,500.00- Vehicles, 621 Water Dept Fund: \$100,000.00- Vehicles, 929 Inter/Intra Govt Fund: \$84,269.52- JEDZ1 Distribution)**

**Held for a Second Reading**

**By: Mr. Cost**

**15-59 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-CI**

**(335 Capital Improvement Fund: \$10,000.00- Software)**

**Held for a Second Reading**

**By: Mr. Cost, Mr. Marmie**

**15-60 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT AN APPLICATION TO THE UNITED STATES DEPARTMENT OF JUSTICE, FOR FISCAL YEAR 2015, COPS HIRING PROGRAM.**

**Motion by Mr. Blake to waive the two day reading rule, second by Mrs. Mrs. Floyd**

**Mr. Blake-** Ms. Gilkes testified at Committee that there were deadlines for applying for this grant and requested it be expedited.

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

**Motion by Mr. Blake to adopt Resolution No. 15-60, second by Mrs. Floyd**

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

## **COMMENTS FROM CITIZENS**

**Daniel Crawford, 163 S 2<sup>nd</sup> St-** The issue of our safety forces has come up on numerous occasions in the past year since I started attending these meetings regularly. Each time that something involving our police officers or firefighters has emerged, the debate has been contentious, and appropriately so. From the fire station to our dispatchers, the city has had a lot to consider and there is still much to discuss as the year progresses. We, the people of Newark, deserve nothing less than a prolonged debate about how best to improve safety. Of course, the key is a transparent and lengthy exchange of ideas and concerns as opposed to a hastily concocted, opaque set of measures forced through with little regard for the consequences beyond what the numbers tell us. Providing for the public's safety is a top priority for any community; second only to the issue of job creation. Isn't it best to listen to what our safety forces have to say about the policies which affect their jobs? Do we not owe it to them the men and women putting their lives on the line for all of us to ensure that they are properly equipped, adequately paid, and that they have all the help that we can possibly give? Lest we forget, these people aren't merely public servants, but are citizens with concerns all the same. If anything, their dual role as an officer or firefighter and a citizen should make their input all the more valuable when considering any change in policy. Or, do they cease to be a relevant member of society once they offer themselves to a life of public servitude? Yes, resources are limited, and we must utilize them responsibly. Then again, how responsible is it to trim the number of available firefighters while devoting funds to building a new fire station? Could we not have just made improvements to the current structure? How responsible is it to outsource city services to the county despite the warnings we are hearing from the union entrusted to represent the concerns of our officers? If all of our decisions must be guided purely by the goal of saving money irrespective of any consequences, why not just outsource all of our services to the less accountable county level of government? That would be easier, am I right? Just contract everything out to our three comfortable, seemingly politically invincible County Commissioners. Perhaps handing over the responsibility of paving our roads to them should be done as well, since we find it so difficult to wrestle with

the tough question of whether or not to sacrifice at all in the interest of making our roadways safe for travel. Yes, outsourcing is an easy answer, and so is ignoring the pleas of our safety forces. While the easy path is tempting, our blind subservience to efficiency and avoiding asking the people to contribute anything more to the greater good is crippling this community and making us less safe in the process. No, we can't afford as things currently stand to make all the needed improvements, but it is this government's sacred obligation to protect the citizenry as best as you can. Simply stated, unless each elected official here is tirelessly working with our officers, firefighters, their unions, their superiors, and the community as a whole to find the best course of action then you are being derelict in your sworn responsibilities. Partisanship matters not, ideology matters not, all that matters is your oath of office and the fact that each of you is first and foremost a servant to we the people. All I ask here is that you listen, with a truly open mind, to the valuable input of the people we entrust with protecting us and our loved ones.

**Paul Moran**, 63 N 4<sup>th</sup> St-he advised that there is a sink hole around the sewer expanding at 55 N 4<sup>th</sup> Stand another one at Mt. Vernon Rd and Newton Ave. He thanked the City for the one that was repaired on Union Street near Paisley's Rental. He stated that there is a chimney with loose bricks and the mortar all gone at the old t-shirt design shop downtown. He also stated that there are loose bricks on the chimney of the old Advocate building. We have lost four more businesses: Dennis's Used Cars, Cedar Street Car Wash, Paco's Tacos and Liberty Tax Service. The City should have some sort of group or committee to help promote these small businesses. We don't have a Chamber of Commerce or a Welcome Center. We should do something to keep these businesses going along. We really aren't doing anything for them but collecting taxes off of them. He also mentioned the declined staff at the Newark Advocate.

**Darrin Decker**, 188 Alcon Dr- I was here at your last meeting and was also speaking on public safety/services. I felt like some of the people on the board here took what I had to say a little in jest I guess but I want to review with you some of our staffing levels and I also want to bring to your attention this is not a new item in the sense that it started happening two weeks ago. Starting back on May 21<sup>st</sup> of this year staffing was at 14 and after the meeting I shared with a couple of the Council personnel on way to get on the electronic board from the 911 dispatch center to check that for themselves. For the last week staffing has been below what we would consider standard of 18 before Newark's Fire Union last their minimum manning agreement in binding arbitration. It was 15 as of today, that does not count personnel that was sent to Knox County for a hazmat run and was tied up there all day so you could probably strike 3 or 4 off of that and make it 11 for the day. 14 yesterday, 13, 16, 14, 14, 17, 15, 17, and 14 which takes you back to the 8<sup>th</sup> of this month. While we talk about the staffing level I also want to share with you the fact that Newark is a county seat and they are relying heavily on the surrounding entities to pick up the burden during this time of lower personnel resources. In addition to that there is a loss of income to the City of Newark. Obviously the City of Newark has EMS billing and I know that has been talked about when there was discussion of lower staffing levels. Some of us would like to have more firetrucks on the road but we obviously need more medics on the road for higher income because you can bill for those services and you do not bill for fire. For a department that does about 10,000 calls a year I know they stay pretty busy. I don't think averaging 14 people a day is sufficient for the number of calls or population. If you look at the number of personnel on duty compared to our census I am sure you will find that those numbers fall way below a city that averages our size. I mentioned previously of a house fire on Woods Ave back on May 9th and how my brother Battalion Chief Dave Decker arrived on the scene at 13:15 that day and filmed the house burning for 7 minutes before the next piece of apparatus arrived from Newark Township. How would you feel if a man in white was sitting in his vehicle filming your house burning while he waited because all he is essentially given is a radio. I guess it is something to think about the next time you have a minor emergency in your home. This gentleman speaks of outsourcing, I want to tell you that is exactly what you are doing and you don't get a vote on it. When you call in the City of Heath or Newton Township or any surrounding entity that bills for EMS that is what you are doing. You are outsourcing services that the City of Newark is paying for and you are also outsourcing that fee for EMS billing to the tune of \$600.00 to \$800.00 a run. That EMS billing money doesn't come back in to the Fire Department at a very marginal rate at best. You mentioned the number of 22 on the payroll two weeks ago. You know when you hire a person you are going to have to give them sick time off, vacation time, payout their sick time and vacation when they retire. I don't care how many you have on payroll if all 22 called off today I would expect there to be firefighters manning those trucks. We as the citizens of Newark

empower all of you and have voted for all of you to take care of this problem.

**Mark Frasier**, 20 W North St- I wanted to talk briefly with you about the public safety issue with the Newark Fire Department and the concerns that I have. I would like to see a cooperative agreement between the administration and the City Council. In 2014 a vote was passed and it was a 6 to 4 vote that kind of spurred this whole situation for being around so I want to see it be a bipartisan legislation in order to see this fixed. I don't know if that means augmenting the staff or just finding the best case scenario of having fire fighters in fire departments on ready and on call. I know that there are a lot of budgetary constraints with this so as we have seen the increase over two years of over \$600,000.00 is in no small part the problem that we see. What happens next year when these raises are still in effect and we have to renegotiate a contract and we have to see how to balance this City's budget without cutting services and actually probably needing to increase services. I would like to not see an endless debate or a passing the buck for later but actual legislation and resolution to get this on the table. I thought that it was very interesting the statistics that were said especially the \$27,705.00 that is the payout of contention. I don't see that as much as a deal breaker as a question of priorities. Is a 600,000.00 1.5% increase a year equal to a \$27,705.00 one-time payout for a Police Chief that has guaranteed service of 5 years and has 27 years of experience? I don't see that as apples to apples, I see it as apples to oranges. I appreciate all of the work that you guys have done and I appreciate all of the statements that were made today and I encourage you to do your best to find a resolution that protects the safety and security of our city for the future.

**Dave McElfresh**, 153 N 39<sup>th</sup> St- speaking to you as the President of IAFF Local 109. The reason why I am addressing you tonight is due to staffing in the Newark Fire Department, cross staffing and brownouts are not in the best interest of the firefighters or the citizens. Many pundits and on lookers have given their opinions on the cross staffing and the brownouts but let me set the record straight. The problem of inadequate numbers of firefighters available to operate Newark firehouses is one of the administrations. For example, June 1<sup>st</sup> there were 23 firefighters assigned to work that day but spread between the shifts we had 22 on one unit, 22 on another unit and 23 on another unit. That day that particular shift has 23 assigned to the shift. 4 were on cost saving Kelly Days, 2 were on scheduled vacation days agreed to by the city and one firefighter was on light duty due to an injury and waiting to be returned to duty by the City's physician, Company Care. So if you do the math 23 minus 4, minus 2, minus 1 equals 16. There were 16 firefighters at the fire station on June 1<sup>st</sup>. This staffing equation is the predictable based on even the simplest understanding of how a fire department operates. It is an equation that repeats itself daily with relatively few additional factors but even those factors are predictable and easy to be budgeted for. One major component of staffing of a fire department is Kelly Days. A Kelly Day is a cost saving measure in which a firefighter is not schedule to work on a given day to bring the work week down to an average of 48 hours. That's right an average work week goes 8 hours more than any other City employee. Without Kelly Days the City of Newark would pay nearly \$817,000.00 a year in additional salary and over- time because of the additional hours worked. Firefighters are not paid when we are given a cost savings Kelly Day. So essentially it is a scheduled day off to save the city money. Another component of staffing is for vacation days and expected injury and sick time. The city agreed to allow two firefighters to take vacation per day. If you have 22 firefighters assigned to each shift, you have 3 or 4 firefighters on cost saving Kelly Days and another 2 are allowed to be off on vacation that means you begin each shift with 16 or 17 firefighters. That 16 or 17 doesn't include agreed to injury or sick leave. The Newark Firefighters are committed to public safety and as always we welcome the opportunity to sit with Council and the administration to find the best manner to keep our firefighters and citizens safe.

## **ADMINISTRATION**

**Mayor Hall-** congratulated the Newark Catholic boy's baseball team for winning the State Championship and we look forward to having them come in possibly here in a few weeks.

## **MISCELLANEOUS**

**Mr. Marmie-** I will start out with a couple of comments to Mr. Moran. As far as small businesses, there is a Chamber of Commerce but those are always at the County level in every county. Our Community Development Department has a program that deals with new business startups and there are a lot of opportunities and things to assist them. Usually

there are other organizations that help in networking when you are in small business situations. I am going to start with the vote for the payout for the Police Chief. It is one that I look at as it is in the Union contract and we have to do the payout it is a requirement. If we don't vote for that then we are in grievance situation or litigation. Why wouldn't an individual take a benefit like that just like another individual would take a health benefit? It is the same thing. You take advantage of the benefits that are offered according to whatever the contracts are for whatever you are eligible for. In this situation the individual is eligible because it was voted upon in the Union agreement that we pay payouts. As far as the safety forces and a lot of the other things, Daniel I firmly believe that cost is coming into the picture from both sides. We have individuals that want higher wages than what they currently have and the administration has to live within their budget. Mr. Johnson always says that we can't operate our budget in any kind of deficit. You have to make decisions based upon that budget. Is it what we want to do or what we would like to do? No, it's not. We wish we had all the money in the world to do what would be ideal for this community. I say we but that is where the administration handles those decisions on what needs to be done to operate within the budget. Some of those decisions are unpopular and they are going to be when you are in tough times and unfortunately there are situations that cause it. Mr. Frazier talked about the pay raises but also the extra week of vacation that was included in the last negotiation. Now we have to pay for one more week of vacation which gives more time off which means we have less people to work. All those conditions combined, is there a situation? Yes. Is it grave? I don't really think so because I think the administration and the safety forces are going to do their best. There is not one member of the safety forces that is going to say "I am mad about this, I am not going to help that citizen." There is not one member of this administration that is going to do something that is detrimental to the citizens. They are going to do everything within their power which means that if they have the money they are going to spend it. There is not going to be any money left at the end of the year in the safety forces budget. I think that we will do better; we are constantly making improvements. It isn't the best of situations but it is also not the worst. There are other communities that are in a lot worst situations than what we are. I think we are going to get better every day. We have individuals that are just fantastic and they are going to come up with great ideas. I don't just mean the administration I am also saying the Police Officers and Firefighters and everybody in those departments are going to do their best. He congratulated the Newark Catholic baseball team and discussed their games to get to be the champs.

**Mr. Rolletta-** called for a Safety Committee Meeting

**Mr. Blake-** called for a Finance Committee Meeting

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

**Mrs. Floyd-** called for a Personnel Committee Meeting. It was nice to be at a couple of new businesses today. I went to the Trout Club for lunch. The facility looks beautiful. Most of us just came from the Park Place Bistro that is going to open on Wednesday. I think that is going to be a great addition to downtown Newark.

**Mr. Guthrie-** I think that the Bistro is a really nice addition to downtown. I certainly wish them the absolute best success. I wanted to address the editorial by the Advocate. I tried to explain my vote against the payout legislation and I tried to make it clear that to me there is nothing personal about it. Frankly to me the issue is not the payout it is the negotiated agreement in the future. This happened with Chief Sarver and it basically continues to happen. I think when Chief Sarver who I believe retired in southwestern Ohio came to us he came with 6 or 7 weeks' vacation. My guess is that he got a significant payout from where he came from. He was a great Chief while he was here. The previous administration negotiated with Mr. Loomis a reduced salary to come in. I have no idea what they negotiated as far as vacation time but as we are looking at cutting corners and we are seeing this negative stuff especially about the firefighters such as this editorial which I want to say something about here. It is sort of mind boggling. One thing I would like to point out is that sometimes when I read that editorial I wonder if the authors and I know it is never the reporters, if they really understand the bargaining process. What Council was faced with were the negotiations that occurred between the administration and the Fire Department. Council wasn't involved in those negotiations. "The Democrat majority" is being painted as if we negotiated a contract. What happened was that the Fact Finders Reports came before Council and yes it was passed 6-4. What if it hadn't been passed 6 to 4 it would have then gone to binding arbitration? I have been involved in collective bargaining since 1982. Binding Arbitration is a crap shoot. If you study binding arbitration you will likely find

that more than half of the time the arbitrator supports the Fact Finding Report or better. So yes the so called Democrat majority voted 6 to 4 for that Fact Finders Report but avoided the potential risk of what could happen in binding arbitration. Let me just say that this business of the Democrat majority all of the Republican candidates this year are having a ball with it and Ms. Loomis is having a hay day with it. In all my years on this Council before we happen to have a majority did you ever hear anyone walk in here and talk about the Republican majority on Council? I don't ever recall that but now it is all politics. I don't recall that before. I presided as President of this Council and I treated the 7 Republican members of this Council with respect. This politics business, I am the guy that wants this city to become nonpartisan. I have pushed this in front of two Charter Commissions. Let the people who talk about the Democrat majority come to the well as say hey maybe we ought to be a nonpartisan city like well over half of the Charter cities in the State. Of course we can't do anything now because we don't have a viable Charter Commission in place. I know I am the old crank now because I am on my way out but again it is not personal. I don't criticize other people for their votes in things. I feel like periodically I need to try to share my opinion on some of these things and maybe in some small way if I can plant a seed in the back of someone's mind that this is not all politics. We had to make a public policy decision on that Fact Finders Report. Some people can say that the Democrats got money from the firefighters; well the Republicans get money from the business community. Republicans get money from people connected to the CIC which gets money from the city. Forget that stuff. Are we at a point where we can't make rational judgements because someone contributes to our campaigns? How silly that is.

**Ms. Hall-** called for a Capital Improvement Committee Meeting

**President Ellington-** a couple of house keeping things, there will not be a meeting next Monday June 22<sup>nd</sup>, it is a 5 Monday month. Committees will meet on Monday June 29<sup>th</sup> at 5:30 P.M. and the next City Council meeting will be held on Monday July 6<sup>th</sup> at 7:00 P.M.

**ADJOURNMENT-** Motion by Mr. Cost to adjourn, second by Mr. Rath. Motion was carried by acclamation. 6:46 P.M.