

## COUNCIL MINUTES

**July 6, 2015**

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the July 6, 2015 Newark City Council Meeting to order.

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

**INVOCATION** – Mr. Johnson

**PLEDGE OF ALLEGIANCE-** Newark Catholic Baseball Coaches

**CAUCUS-** Motion by Mrs. Floyd to excuse Mr. Blake and Mr. Guthrie, second Mr. Marmie. Motion carried by acclamation.

**MINUTES-** of June 15, 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**

Safety- **Received & Filed**

Service- **Received & Filed**

Economic Development- **Received & Filed**

Personnel- **Received & Filed**

Capital Improvements- **Received & Filed**

### REPORTS FROM CITY OFFICIALS

**Barb Jobs, Newark City Income Tax Administrator-** Income Tax Revenue Reports ending June 15, 2015- **Received & Filed**

### COMMUNICATIONS

**Mayor Hall will present a proclamation to the Newark Catholic Baseball team**

**Ohio Division of Liquor Control-** transfer application for Park Place Bistro going from Grill on the Square LLC- **Received & Filed**

**Paul Moran-** a written copy of his comments during the City Council meeting of June 15, 2015- **Received & Filed**

**Roger Loomis, Utility Superintendent-** a list of properties that are being sent to the County Auditor's office for liens to be applied for past due water, sewer, and storm water bills in the amount of \$17,422.13- **Received & Filed**

### COMMENTS FROM CITIZENS

**Rhonda Loomis, 820 W Church St-** on June 29<sup>th</sup> when the administration was asking the Safety Committee and the Personnel Committee for solidarity and looking for ways to restore our shrinking general fund I asked two questions, one question to Chief Connor and one of Davis McElfresh IAFF Union President. Chief Connor's question was how many of our Newark Fire Department personnel work other jobs and of those jobs how many of them work other fire or EMS positions outside of the City of Newark's employment? He reported the following: 72 firefighters including him are employed within the division 25 work at other Fire/EMS positions outside the employment of the City of Newark, 18 works at other than Fire/EMS jobs outside the City of Newark employment and 29 have no outside employment. 43 of our Newark City fire employees work other jobs, that is 60%. I will ask why the committee tabled legislation other than working in solidarity with the citizens of Newark to find a solution. Two reads would have allowed time for you to do your research and discuss the progress of your research tonight as well as the second reading on July 20<sup>th</sup>. That should have been sufficient time. The legislation that was re-requested by Mrs. Floyd and many others had already been sent to you in May. I am concerned that you are not taking this seriously enough to move fast enough in your research to make a difference in the deficient you have created. The second question was to Mr. McElfresh whose presentation was compelling in explaining the job they do, the seconds that count and the firefighters who may be suffering from sleep deprivation. My concern again is that 60% have employment outside of the City of

Newark and 35% of those have other Fire/EMS positions. That it is further taking away from my tax dollars the safety that I expect in return for paying my taxes and all of your salaries. I asked Mr. McElfresh if he knew the dollar amount of overtime expended in his example of minimum staffing of 19 which seems to be the number the Fire Department requires in order to run properly and safely for us and for them. He started with the year 2005 so that is the year that I chose as well. Mr. McElfresh answered promptly the next day by email the final tally for overtime the citizens of Newark paid for 2005 with minimum staffing was \$671,890.00. The accusation that came from someone on this Council of mismanaging by not hiring the fulltime firefighters as authorized by the Democrats on this Council was out of line, not substantiated and the number that I just gave for minimum staffing and overtime shows there is no magic number exists in staffing for reducing the costs of overtime. Only employees coming to work will cut overtime. The presentation by the IAFF proves that staffing levels are not adequate for their safety or ours as citizens. Why did you kill or table legislation to help solve both firefighter's safety and citizens' safety and tax dollars?

#### **ORDINANCES ON THE SECOND READING**

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

**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.

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

**Motion passed by a vote of 8-0.**

#### **ORDINANCES ON THE FIRST READING**

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

**15-18** AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND A RESOLUTION AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

**Motion by Mr. Cost to adopt Ordinance 15-18, second by Mrs. Floyd**

**Motion passed by a vote of 8-0.**

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

**15-19** AN ORDINANCE AMENDING CHAPTER SECTION 220.02 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO TO ESTABLISH A POLICY OF FAIR HIRING

**Held for a Second Reading**

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

**15-20** AN ORDINANCE AMENDING THE POSITION AUTHORIZATION TABLES OF THE CITY OF NEWARK DIVISION OF FIRE BY REDUCING THE POSITION OF CAPTAIN BY ONE (1) THROUGH ATTRITION RESULTING IN A STRENGTH AUTHORIZATION OF SEVEN (7).

**Held for a Second Reading**

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

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

**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)**

**Motion by Mrs. Floyd to adopt Resolution 15-58, second by Mr. Bubb  
Motion passed by a vote of 8-0.**

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

**15-59 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-CI  
(335 Capital Improvement Fund: \$10,000.00- Software)**

**Motion by Ms. Hall to adopt Resolution 15-59, second by Mr. Cost  
Motion passed by a vote of 8-0.**

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

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

**15-24 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION WITH REGARD  
TO THE RETENTION OF OUTSIDE LEGAL COUNSEL**

**Held for a Second Reading**

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

**15-61 APPROPRIATING AND DISAPPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION  
(100 General Fund-\$11,055.47: Impound Clerk Salaries & Benefits for year-end; DISAPPROPRIATION 100 General  
Fund-\$4700.00; 100 General Fund-\$4700.00: Health Insurance; 100 General Fund-\$1,694.24: Services General; 100 General  
Fund-\$750.00: Machinery /Equipment; 152 Budget Stabilization-\$10,000.00: OPT; 100 General Fund-\$10,000.00:  
Professional Services)**

**Held for a Second Reading**

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

**15-62 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO THE ATTACHED  
AGREEMENT FOR INFRASTRUCTURE CONSTRUCTION AND COSTS REIMBURSEMENT WITH THE BOARD OF DIRECTORS OF THE  
PARK 70-ETNA II JOINT ECONOMIC DEVELOPMENT ZONE AND PROLOGIS; AND DECLARING AN EMERGENCY**

**Motion by Mr. Rath to adopt Resolution 15-62, second by Mr. Marmie**

**Mr. Rath-** I don't think that I could adequately explain the use of the emergency clause on this legislation so I will defer to the Law Director.

**Director Sassen-** Prologis is planning a rather sizable improvement to a portion of this JEDZII which is on the south side of Route 40. We are involved in the JEDZII as a partner to the agreement, we also collect the taxes and disburse their receipts, we are signatory to that agreement. They want to begin that construction in the month of July and need us to take action promptly. The JEDZ Board this afternoon adopted a similar resolution in their form so Prologis is hoping to get started any day now.

**Mr. Guthrie enters meeting.**

**Motion passed by a vote of 9-0.**

**By: Ms. Hall, Mr. Cost, Mrs. Floyd, Mr. Rath**

**15-63 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-CI  
(335 Capital Improvement Fund-\$1400.00: Machinery/Equipment; 335 Capital Improvement Fund-\$20,000.00: NFD  
purchase of 4 used vehicles)**

## Held for a Second Reading

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

**15-64 APPROPRIATING AND DISAPPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-EXPEDITE**

**(153 Comp Abs-\$550.00: Payout for Toni Dawson; DISAPPROPRIATION 231 Probation Improvement & Incentive Grant Fund-\$10,020.00: Salary/Fringes; 231 Probation Improvement & Incentive Grant Fund-\$10,020.00: Law Enforcement Supplies)**

**Motion by Mr. Marmie to waive the two day reading rule on Resolution 15-64, second by Mrs. Floyd**

**Mr. Marmie-** there is an employee payout on this resolution and we need to get their monies to them as quickly as possible.

**Motion to waive the two day reading rule passed by a vote of 9-0.**

**Motion to adopt Resolution 15-64, second by Mrs. Floyd**

**Motion passed 9-0.**

## COMMENTS FROM CITIZENS

**Paul Moran**, 63 N 4<sup>th</sup> St- mentioned the marker that was put up in front of Hope Timber on Union St for the Hopewell Burial Mounds and that the structure at 21 W Canal St had been torn down and filled in.

**Daniel Crawford**, 163 S 2<sup>nd</sup> St-We all need to go places. Whether our destination is to and from work, school, the store, or even a routine doctor's appointment; the ability or inability to travel can free or imprison an individual. Despite the crucial nature of this particular issue, I don't see enough being done by the City of Newark to demonstrate that it recognizes such. Yes, I realize that our city transit was merged with the county, but does that mean we've completely washed our hands of the obligation to take care that our fellow citizens can remain mobile? Is there nothing that the city can do to improve same said mobility? First and foremost, the people of Newark lacking reliable transportation are harmed by the absence of an adequate public transit service. For whatever reason, they don't have a car, and that serves as a hindrance to them finding a living wage job. In a cruel twist of fate, that hurdle to finding a better job – or a job at all – prevents them from being able to buy a car to begin with. Don't these people deserve an escape from the abyss of poverty? Would it be too much trouble for our city and/or county to give serious consideration to a fixed-route busing system? Do we think that it is acceptable to ignore this mounting demand for something more than the current framework? No community can thrive if every person is left to their own devices or made to rely on a service which requires you to schedule a ride days in advance. Life is far too unpredictable for this to work out in the long-term. What the people require is a service that they can count on being available when the need arises. When it comes to walking around town, every one of us knows that there are some parts where you are gambling with your safety all because you are forced to choose between walking on the grass often through someone's yard and walking along the side of the road. How can our city be appealing to any newcomers if pedestrians can't safely walk about? Just like with the lack of transit, our lack of sidewalks can be prohibitive for job seekers. Furthermore, it endangers our children; unless we are implicitly declaring that no one with children is welcome in these areas. Yes, providing more sidewalks means more sacrifice. Some – businesses and residents alike - will have to lose a section of their lawn, but I would like to think that it is better to lend a relatively small slice of land to the public's benefit than to risk having children play dodge-a-car each time they try to leave their house. Wouldn't our collective conscience be clearer for helping to avert this dangerous duel between man and vehicle? Or are we content with rolling dice on this one? If doing something to enhance the mobility of Newark's citizenry can't be motivated by compassion alone, then we ought to examine how the present situation hurts our local economy. Would it not be better for business particularly our small businesses if consumers were able to safely ride a bus or walk through a series of sidewalks to and from these establishments? Again, if more people had some form of reliable transportation there would be more consumers, period. Invest today in the necessary improvements for our ability to get

around and it will make for a more prosperous tomorrow. This is a transportation issue, a safety issue, as well as a jobs issue. It's also a streets issue when you look at the big picture, since busing services leads to less traffic congestion, thusly reducing the wear and tear on our roadways. If we want this city to grow and to succeed, we must be serious about transportation. Fortunately, I am hopeful that our conversation here has only begun. I know that I have made some comments here regarding the spending of more taxpayer money and I realize that we are a city with limited resources and those limited resources for whatever reason leads us to have passionate debate about our safety forces. I have my own personal feelings about the tabling of that issue last week, I personally was in support of it but I understand those that are angry about it. There was a point in that meeting where there was a brief exchange between Mr. Rolletta and the Safety Director, get why both were impassioned but I hope moving forward we can have a civil debate about these issues. Working together we can come up with the best solutions for our city.

**Mark Frazier**, 20 W North St- I appreciate Mr. Crawford coming up here and speaking and I appreciate you all giving me the opportunity to speak as well. I spent my time 4<sup>th</sup> of July well not all of it I did go to cookouts and see fireworks but I researched Ordinance 14-40 and Ordinance 13-47 for the budgets for the General Fund over the last two years. It was an exciting read. There is a lot to be said about the \$300,000.00 and \$348,000.00 that was borrowed from the rainy day fund and from not paying insurance premiums for two times throughout the year. The greatest part of the meeting minutes is that you do a wonderful job typing what everybody says as well in there for the public record. For the record my last name is spelled Frazier not Frasier but other than that it was really great to see what the debate really was. The concern that I have is that we saw this issue coming at that time, especially when we passed the ordinance that gave the increase in wages. Mr. Guthrie, not to point you out but you said that in 2016 we are going to have a hard year because with this and not having the increase in revenues and looking at our stream our finances are going to be troublesome in 2016. Here we are in 2015 and our finances are troublesome. We are trying to find the funds to pay to have adequate firefighter protection and it seems like something that we should be more proactive with. If we understand what the issues are, that we have a 2 million dollar decrease because the State doesn't give us funds anymore and if we have decreasing income tax revenues we should really be addressing these issues, it is about being proactive and having these conversations before it is the last hour. Every month that we table this is overtime cost and by tabling this we don't solve the problem to this issue. I encourage you guys to work on this and work with the administration to find the best path forward and hopefully in 2016 we can address what the underlying issues are for lack of income tax revenue and hopefully we can create a better city together. Thank you for your time.

#### **ADMINISTRATION**

**Mayor Hall**- I want to thank Majors Ronald and Diana De Michael who ran our Salvation Army here in Newark for 17 years and were in the Salvation Army family for 40 some years. They actually have 13 family members involved in the Salvation Army. We are very fortunate to have people like that in the community. I was at the farewell dinner which was quite touching and well deserved. We welcome Denise Martin in she is a Lieutenant that will be running the operation.

#### **MISCELLANEOUS**

**Mr. Rath**- I will make a brief comment about the firefighter situation. I hear a lot of people say no not this, no not that but I don't hear anybody saying let's do this instead. I don't care what it is, give us an idea or a suggestion. I don't want to hear it's not my job I want to hear let's do this instead. If we are going to do part time firefighters or we are going to pursue that then let's get some more information so that we can make more of an educated decision on that. He congratulated the Newark Catholic baseball team on their championship.

**Mrs. Floyd**- the ceremony at the Courthouse on Thursday was wonderful. They put up the historical marker and the 4-H band was there, the Veterans Service Organization put the flags around the Courthouse and it was a very nice way to start a July 4<sup>th</sup> holiday. In terms of transportation I just wanted to mention that I know that there are several things in the works to try to get transportation because New Albany needs workers, they are getting several manufacturing companies coming in. There are people at the Salvation Army and St. Vincent de Pauls' that need work but don't have transportation. The United Way is working with these organizations to try to get a bus system to take people there. They would have decent jobs and that would be beneficial to all. I like it when people are working together to solve problems. She congratulated the Newark

Catholic Baseball team. I know that people are frustrated with the tabling of the fire issue. I just say from my point of view I need more specific information. I was glad that our Fire Chief Pat Connor sent us a lot of information. I have been reading that and studying that. I have been talking to Pat Connor and Bill Spurgeon and I am going to meet with them because I have a number of specific questions. It is fine to say that what we are doing is not working and we need to do something else and I agree. We have to come up with a way to protect the citizens of the community. I know from being here 8 years that overtime has always been an issue and it is partly because the way that the Fire Department's week is structured. I see no problem with having a little bit of time and I am not talking months and months but a little bit more time to look at more factual information because I'm sorry once we head down that road that is the way we are going and it is a total change for Newark. I need information before I can make a decision. I have been working on this in my own mind and doing my own research. As Rhonda knows it is not easy being up here making these decisions. They are tough decisions and will continue to be. It is not an easy thing but I don't think that it is ever a problem to try to have more information. Mr. Blake has put out a call to have a public meeting to discuss possible solutions and take questions and concerns. It will be July 30<sup>th</sup> at 5:30 P.M. at the Newark Public Library. I am going to make my decision on the factual information that I have not just feelings because I agree with Mr. Rath we have to have solution. It just can't be I don't want this we need a solution.

**Mr. Guthrie-** he apologized for entering the meeting late and stated that he felt very badly about that. I appreciate the comments regarding public transit both by Mr. Crawford and Mrs. Floyd. I think that one thing that is a terrible frustration is that we have such a dysfunction in our Congress right now. It's like we will never have a permanent transportation bill. This has been going on forever and it keeps communities at bay because they don't know what their options are because we don't have permanent appropriations to allow communities to move forward with transportation needs. Then of course there have been cuts in the Federal and State level in this area. I was thinking Mrs. Floyd mentioned the New Albany complex that we keep picking the paper up and reading about jobs just outside the county but as it was pointed out we have a difficult time getting our citizens there because of transportation issues. It brings back to the days when we contracted with COTA. Maybe discussions between the city and county and COTA could occur to see if we could get some transportation so that some of our citizens who have transportation issues can capture some of those jobs. I think that Mrs. Floyd made good points regarding the fire issue, I have been watching it from a bit far but I have tried to stay on top of the issue. I think that it is very crucial for us to go through a very thoughtful period when we make decisions. I agree we need to come up with alternatives. It is issues like this that I voted against the Fire Station. I had conversations with folks early on about the location of the new station that is being built and I expressed concerns about that because I felt that if we could logistically put it a little closer to the east end then maybe we could cover a larger area with that and not be in the position we are now of the dilemma of the east end fire station being closed the vast majority of the time. It continues to be a concern and I know it is for everyone. I want to say one thing because I know we all like to use the word transparency. There has been a lot of discussion about Station 4 the east end Fire Station. At least one member of Council has received communication about station 4 and that even with part time firefighters it doesn't mean that station 4 will remain open. Getting back to the transparency issue I think quite frankly that the citizens deserve to know because we have heard that station 4 is going to be closed and a new station is going to be built near the ice arena that is going to have EMS personnel. We all know that response times in that area of the city are significant, we recognize that but at the same time we do have a city wide election coming up and it would be a nice thought that if our citizens could know when they walk into the polls in November what exactly the plan is as far as station 4 and whether there is a plan on the board for a station somewhere else in west Newark. I hope that those kinds of issues as we progress towards August 10<sup>th</sup> that more of those issues become public information. Mr. Frazier mentioned being proactive and I think that is incumbent upon all of us. I tried to be proactive by encouraging a different location for the fire station because yes I could see a problem down the road.

**Mr. Johnson-** called for a Street Committee meeting

**Mr. Marmie-** called for a Finance Committee meeting

**President Ellington-** the next committee meeting is Monday July 13, 2015 at 5:30 P.M. and the next City Council meeting is July 20, 2015 P.M.

**ADJOURNMENT-Motion by Mr. Rath, second by Mr. Cost to adjourn. Motion carried by acclamation. 7:49 P.M.**