

## COUNCIL MINUTES

**August 17, 2015**

Council Chambers

7:00 P.M. - President Ellington called the August 17, 2015 Newark City Council Meeting to order.

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

**INVOCATION** – Mrs. Floyd

**PLEDGE OF ALLEGIANCE**- William Butcher

### CAUCUS

**MINUTES**- of August 3, 2015 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**

Street-**Received & Filed**

Service- **Received & Filed**

Personnel- **Received & Filed**

### REPORTS FROM CITY OFFICIALS

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

**Barb Jobses, Newark City Income Tax Administrator**- Income Tax Revenue Reports ending July 31, 2015- **Received & Filed**

### PETITION

A petition was received to vacate a portion of an alley on Clinton St between 301 and 303 Clinton St. - **Received & Filed**

### COMMUNICATIONS

**Ohio Division of Liquor Control**- new permit request for the Kroger store that will be constructed at 1155 N 21<sup>st</sup> St.

- **Received & Filed**

**Mayor Hall** has declared the month of September as Hunger Action Month. - **Received & Filed**

**Paul Moran**- written statement of his comments during July 20, 2015 Newark City Council Meeting- **Received & Filed**.

**Ohio Division of Liquor Control**- a transfer permit request for Shannon's Carryout LLC from Wickham's Grocery Inc.

- **Received & Filed**

### COMMENTS FROM CITIZENS

**William Butcher, 263 Union St**- commented on the potholes in the alley behind where he lives and also asked when Union St was going to get paved.

**Yvonne Gonzales, 228 Boyleston Ave**- I understand from Ms. Hall that our Safety Director made a comment regarding Boyleston Ave being the way it is for 20 years. That's why it is the way it is because nobody is doing anything. I have called Zoning for four months about a camper sitting in the alley that someone is living in at 236 Boyleston with no response. I called Mr. Blake and left a message and have gotten no response. You guys are leaving us no choice but to go to outside sources to get help. We need help. It is ten times worse than it was two weeks ago. The police have been there probably twenty times in the last three or four days. They arrested one guy and came and talked to people. It has got to get cleaned up and we have to have help. I have been to Mr. Hall's office on many occasions in the last five years. It is time we get some help in our neighborhood. I went away to New York and when I came home my garage had been broken into. I have called Zoning for four months and I want that trailer moved out of there because people are living in it and dealing drugs out of it. We are tired of it; somebody should be able to do something other than pass the buck.

**President Ellington**- it does sound like of the police have been there 20 times in the last 3,4 or 5 days at least something is going on there.

**Sheryl Sturgis, 213 Boyleston Ave-** stated that there is drug dealing on Boyleston Avenue and that there is a couple on the street that fights every Friday and Saturday. She stated the police make multiple trips there. She has concerns for the children on their street.

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

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

**15-22** AN ORDINANCE AMENDING THE POSITION AUTHORIZATION TABLES OF THE CITY OF NEWARK DIVISION OF FIRE BY CREATING THE POSITION OF PART-TIME LIFE SAFETY INSPECTOR.

**Held for a Second Reading**

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

**15-24** AN ORDINANCE VACATING A PORTION OF AN 16.5 FOOT WIDE ALLEY AS SHOWN ON THE PLAT OF THE JOHN R. HUGHES ADDITION, AS RECORDED IN PLAT BOOK 3, PAGE 13 OF THE LICKING COUNTY PLAT RECORDS, LOCATED BETWEEN PROPERTIES AT 279 AND 295 WILSON STREET.

**Held for a Second Reading**

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

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

**15-68** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-CI  
**(335, Capital Improvement Fund-\$23,429.00: Maintenance of Streets)**

**Motion by Ms. Hall to adopt Resolution No. 15-68, second by Mr. Rath**

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

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

**15-69** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION  
**(298, ODNR Grant Fund-\$23,429.00: ODNR Nature Works Grant Received; 100, General Fund-\$23,429.00: OPT)**

**Motion by Mr. Blake to adopt Resolution No. 15-69, second by Mrs. Floyd**

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

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

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

**15-71** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION  
**(100 General Fund-\$7,208.24: Temp Services; 297 Fire Grants Fund-\$30: Closure of 2011 AFG Grant)**

**Held for a Second Reading**

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

**15-72** A PRELIMINARY RESOLUTION TO CONSTRUCT SIDEWALKS AND RELATED WORK ON ARLINGTON AVENUE FROM STATE ROUTE 79 N TO HERITAGE MIDDLE SCHOOL WITH IN THE CITY OF NEWARK

**Held for a Second Reading**

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

**15-73** APPROPRIATING AND DISAPPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-Expedite

**(231 Jail Diversion Grant Fund-\$37,040.14; 153 Comp Abs-\$7,250.00: payout for Mary Mikeworth; DISAPPROPRIATION 100 General Fund-\$8,222.31: Salaries & Benefits; 100 General Fund-\$8,222.31: Unemployment; 152 Budget Stabilization-\$21,000.00: OPT; 100 General Fund-\$21,000.00: Professional Services)**

**Motion by Mr. Blake to waive the two day reading rule on Resolution No. 15-73, second Mrs. Floyd**

**Mr. Blake-** there are some employee payouts and other expenses that need to be paid in a timely manner

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

**Motion by Mr. Blake to adopt Resolution No. 15-73, second by Mrs. Floyd**

**Mr. Blake-** Mr. President with your permission I want to take a moment and I will have Director Buskirk correct me in my comments. There has been some discussion from the Committee meeting until tonight about what exactly we are doing with the Professional Services sections of this resolution. I wanted to make a few comments to make it clear what is happening here. On July 20<sup>th</sup> Council approved \$10,000.00 for the Professional Services account at which \$5300.00 was spent and what is left is \$4700.00 which is focused on a Police arbitration that is finished today or yesterday.

**Director Buskirk-** we are waiting on the decision

**Mr. Blake-** so that is what has happened to the \$10,000.00 from July 20<sup>th</sup>. With the monies that are before us now the \$11,000.00 is going to be spent for a Captain's test which is \$1620.00, an assessment test which is \$4900.00 and with the four new firefighters that we are hoping to hire that is \$4492.00 this all totals to \$11,512.00 which is over the \$10,000.00 Director Buskirk is requesting but he is hoping to get the remainder from a car impound lot sale that will occur later in the fall. The remaining request of this is going for the HR Professional Services account which goes for employee assistant services, drug testing, some of these things are mandated by law, we also have some incidents involving officers in shootings then there are attorney fees and arbitration in the remainder \$11,000.00. For the AFSCME arbitration we are using services from the Law Director's office with that case. There is another police arbitration coming down the road. I know that there were some email exchanges and telephoning going on so I just wanted to make sure we were on the same page. Did I say that correctly?

**Director Buskirk-** yes

**Mr. Marmie-** so the testing now is not under Civil Services it is under Professional Services?

**Director Buskirk-** it's under Civil Services. Councilman Blake combined the two. There are actually two accounts there, one is Civil Services and one is Professional Services.

**Mr. Marmie-** they both say Professional Services

**Director Buskirk-** there is account 109 and 114 there. The one for \$10,000.00 would be for Civil Services and \$11,000.00 is for Professional Services.

**Motion by Mr. Marmie to separate out Sections 5 & 6, second Mr. Bubb**

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

**Motion to adopt Resolution 15-73 Sections 1-4 passed by a vote of 10-0.**

**Mr. Marmie-** I am going to reiterate that my main objection to this is that we are pulling funds from the Budget Stabilization fund and we can't continue to utilize that we have to find other ways in order to fund. I would hope that we would do everything possible. We already deficit spent when we wrote the budget and we need to stop taking from that fund in order to cover expenses within the city.

**Mr. Guthrie-** I appreciate where Mr. Marmie is coming from but at the same time I think the Chief has been very sincere about the importance of trying to maintain his accounts as they are to get through to the end of the year. I jokingly said something about having a yard sale and Mr. Rhodes has been doing some that and thank goodness he has because it is helping with some of these costs or the amount coming out of Budget Stabilization could actually be higher. I don't know what the alternatives' are so as a result of that I am supportive of this.

**Motion to adopt Resolution 15-73 A with Sections 5&6 passed by a vote of 9-1(Mr. Marmie)**

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

**15-74** A RESOLUTION OF INTENT TO VACATE A PORTION OF A 16.5 FOOT WIDE ALLEY RUNNING NORTH FROM WEST MAIN STREET, BETWEEN PROPERTIES AT 108 AND 112 WEST MAIN STREET.

**Held for a Second Reading**

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

**15-75** A RESOLUTION OF INTENT TO VACATE A PORTION OF A 12 FOOT WIDE ALLEY AS SHOWN ON THE PLAT OF THE JOHN Mc CUNE'S ADDITION, AS RECORDED IN PLAT BOOK 2 AT PAGE 246 OF THE LICKING COUNTY PLAT RECORDS, LOCATED BETWEEN PROPERTIES AT 301 AND 303 CLINTON STREET.

**Held for a Second Reading**

#### **COMMENTS FROM CITIZENS**

**Anna Rehl, 1293 Granville Rd-**stated her concerns regarding the upcoming inspections by the Board of Health to inspect residents within the city's septic and aeration systems. She shared a speech that a friend of hers wrote to her Mayor and City Council regarding the same concerns.

**Kay Kittle, 48 N 21<sup>st</sup> St-** I was here two weeks ago to make comments about the property across from my restaurant at 6<sup>th</sup> and Wilson and as far as I can see nothing has been done. The back doors are standing open, the windows are broken out and it is not a pretty site down there. It is pretty hard to run a nice restaurant for families to bring their kids. Maybe there is a war on Christianity because we are just a small family Christian restaurant. I am hoping that something can be done. I look around here and there are more council members than there are citizens and that is sad.

**Paul Moran, 63 N 4<sup>th</sup> St-** brought the disrepair of the Front Street sidewalk at the 16 overpass to the attention of Council. He stated that it was not usable to the general public and pointed out that it is a main entrance into downtown.

**Sheryl Sturgis, 213 Boyleston Ave-** stated her concerns regarding the crosswalk at Cedar Street not allowing citizens enough time to cross the street before motorists begin driving through.

**William Butcher, 263 Union St-** suggested that we have a city garage sale to bring more revenue into the city.

#### **MISCELLANEOUS**

**Mr. Blake-** called a Finance Committee meeting. I think that it was after the last Council meeting that Councilman Guthrie and I did drive down your street and saw you on your porch to just get a feel for Boyleston. There was a later date in which I went down the street to visit and you are absolutely right there is an issue going on that I am hoping we can come together in some fashion to work on. Ms. Hall is your Ward Councilperson and she says that you have a block watch meeting tomorrow. I remember a time in our city, I was still in high school but we had neighborhood policing officers, we had an officer assigned directly to a neighborhood, unfortunately our funding doesn't allow us to have that type of service anymore but I would always be a big supporter of neighborhood policing in that fashion because the officers knew the neighborhood, residents and knew what was going on in that neighborhood but in lieu of not having officers patrolling neighborhoods specifically these efforts such as block watches are what we need to empower your neighborhood with. I know the two of you have come to the last two meetings but I am just curious to how many people will attend this block watch meeting tomorrow night. I will not be there but as your Ward Councilperson Ms. Hall will be there. The Mayor has heard your concerns and hopefully he or someone from his staff will be able to assist not only with the drug addiction on Boyleston but also Kay with the restaurant. We have to come together and deal with this because it's not only your street. Officers are limited so we need to find some creative ways to man this and attack it in a different approach. I look forward to that day when we can do that.

**Mr. Bubb-** called for a Ways and Means Committee meeting.

**Mr. Cost-** called for a Service Committee meeting. I have also been down to your neighborhood taking a look around seeing what is taking place. There are definitely problems, no doubt about it. At the meeting that Ms. Hall and I had with the Safety Director, the Chief of Police and one other officer we got a lot of information that I was not aware of. There are a lot of areas

around the city that they are dealing with and there are not enough officers, there is no doubt about it. There are people making efforts. It may not look like that to you but they are working towards trying to help

**Mrs. Floyd-** the last Mayor's concert is this Friday in the gazebo, on August 28<sup>th</sup> the DNA, Downtown Newark Association will have a Cruise In that is the Final Friday event for the month of August then the next day August 29<sup>th</sup> is the annual Bluegrass Festival which will be in between the block of 3<sup>rd</sup> and 4<sup>th</sup> Street. The streets will be blocked off and there will be bands and food trucks. The music will be from noon until 8:00 then following that there are local establishments that will have live music inside. The Sparta, Buckeye Winery, Palumbo's, The Bistro and I think that Draft House. So there are some things on a positive note. There are some issues we all know that but I just want you to be aware that those are things going on in Newark as well.

**Mr. Guthrie-** a couple of things, regarding the property on South 6<sup>th</sup> if Mr. Spurgeon you could communicate with us what either Property Maintenance has done or is doing concerning that property because if there are doors open and it is a vacated property it seems like some action can be or should be taken at this stage. Mr. Spurgeon if you could maybe communicate with Council on that. Regarding Ms. Rehl's comments, just for informational purposes it would be helpful if Roger and I don't know if you have this information or the Health Department does but if you could communicate with Council just to let us know how many dwellings we still have in the city that are on well and septic, I know of course we have some. I think Council might be interested in knowing what the number is. I just to say as a point of personal privilege some of you may have seen signs around town about the Karis's Cause 5K this Saturday at Gellar Park in Heath. Gary Weimer has worked very hard on that; Mike Mangus has worked very hard on that as well as others. It is turning into a splendid event. I don't know much about 5K's but the 5K runners that are on pour committee is saying that it is phenomenal for a first year run to be at over 250 runners so far and we have four days of registration yet to go. I believe registration starts about 7:30 A.M. and the race starts at 9:00 A.M. There have been forty sponsors that have donated \$100.00-500.00 apiece and every dime of those funds is going to help kids with cancer and their families to support pediatric cancer research at Nationwide Children's Hospital.

**Mr. Marmie-** I will have one question regarding the septic issue. I know there have been changes in the regulations for what a septic system now takes in order to be in compliance and I was under the understanding that the majority of the properties in the City of Newark don't have the acreage requirements to meet the new standards so if they are making them replace the system how are they going to come into compliance, that is my big question. I know there are some properties that are undeveloped right now that if they wanted to put a house on there with a septic tank because there is no sewer system available they don't have enough land so I was wondering how that was going to work with the Health Department. Regarding the property on 6<sup>th</sup> street I too drove by there and did a little research. I could not find a current address for the owner and the only thing I could find out was that his father passed away in 2011 and he must have inherited the property in April of 2012. I have been trying to research to find any kind of location or phone number and the only thing I keep coming up with is that property's address. I don't know if our Property Maintenance Department will get in touch with somebody because the only address is that address. He asked to speak to the Fire Chief briefly after the meeting.

**Mr. Rath-** regarding the septic issue I don't know what committee that would go to but it might be nice if somebody would call a committee meeting to at least get a report to get us some credential information on that issue.

**Mr. Cost-** the County Health Director will be coming here in September to give his report and that might be a good time to get some information as well.

**President Ellington-** There is no meeting next Monday the 24<sup>th</sup> it is a five Monday month. Our next committee meeting will be August 31<sup>st</sup> here in this room at 5:30 and our next Council meeting will be on Tuesday September 8<sup>th</sup> due to Labor Day being Monday September the 7<sup>th</sup> at 7:00 also here in this room. Thank you for coming, we appreciate it and we always appreciate your input.

**ADJOURNMENT- Motion by Mr. Cost to adjourn, second by Mr. Bubb. Motion was carried by acclamation.**