

## COUNCIL MINUTES

**October 19, 2015**

Council Chambers

7:00 P.M.

**7:00 P.M.** -President Ellington called the Monday October 19, 2015 Newark City Council Meeting to order.

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

**INVOCATION** – Mr. Johnson

**PLEDGE OF ALLEGIANCE**- President Ellington

**CAUCUS**- Motion by Mrs. Floyd to excuse Ms. Hall, second by Mr. Marmie. Motion carried by acclamation.

**MINUTES**- of October 5, 2015 Motion by Mr. Rath 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, second by Mr. Johnson. **Motion carried by acclamation**

### REPORTS OF STANDING COMMITTEE

Finance- **Received & Filed**

Service- **Received & Filed**

Personnel- **Received & Filed**

### REPORTS FROM CITY OFFICIALS

**Barb Jobes, Tax Administrator**- Income Tax Revenue Report for the period ending September 30, 2015- **Received & Filed**

### COMMUNICATIONS

**Paul Moran**- his comments regarding issues in Newark from the Council meeting of October 5, 2015- **Received & Filed**

### COMMENTS FROM CITIZENS

**William Butcher, 263 Union St**- would like to see the potholes on Cherry Valley Rd patched and he would also like to see Union Street paved. A weather forecast was given.

**Rhonda Loomis, 870 W Church St**- a can of worms was opened at the last full Council meeting. I have not been coming to the meetings I watch them on line and look at the Advocate Tweets as it is in progress and for a reason, to let this election cycle get over with and save one current candidate the hassle of contacting my place of employment in an attempt to I'm guessing get me in trouble which is frankly so 2013. The reality is I pay taxes, I am a citizen and I am allowed to state my opinion. March 16<sup>th</sup> of this year a Council person was complaining about how political this has all become. My use of a word wrangled him. President Ellington you have the unenviable position of keeping order and the equally unenviable position of knowing when to stop a citizen and at times members of Council. Frankly I find that you allow folks to speak at this podium and you run efficient meetings. A certain Council person found that the best use of their time last meeting was to berate another Council person for an online candidate response. Berating and accusing, twisting it to be a slam against employees which is such a stretch it is almost funny, almost. The President being fair and non-partisan allowed that Council person paid by my tax dollars to politicize in their seat. I said the word young on March 16<sup>th</sup> and the President is publicly criticized for not gaveling me. Later that new chair during a Safety Committee meeting allowed a citizen/friend to scream from the back of a crowded room to sit down and shut up to a Director of this administration and no gavels from the chair in fact no mention at all by the biggest complainer of not having the gavel used enough. You can't win this Mr. Ellington. You are being accused of not allowing free of speech on the outside and then being accused of allowing free speech on the inside. Ethical conduct, it is an easy term to throw out. I have kept every piece of paper, correspondence and newspaper clipping of subjects that interest me or at times involved me in all the years of attending Council. I am going to add a disclaimer to what I am about to say that I was a willing participant however stupid that makes me when I ask questions in the name of ethical conduct since it is apparent one person's character is under attack continuously. Have you ever bought me a coffee at McDonald's to push a document that

you keep finding necessary to publicize and humiliate another member of the opposite party? Have you pushed that same paperwork on a minimum of two of my friends? Have you ever given someone money for their campaign anonymously? Have you ever emailed someone information about a former Council person's health benefits continuing after you felt it should and you felt that it should be public or investigated? Have you ever emailed perceived misconduct on a former At Large Council person for the recipient to blog about only to call her and tell her to back off you might get sued but good job? Have you ever emailed, called and pressured someone to share a document that hurt someone else that was completely unnecessary? No dirt on your hands just mine. All of these emails ended with you're a peach. Do you still think I'm a peach?

**Mr. Guthrie-** was she referring to me? It is very clear to everyone she was referring to me, correct?

**Mrs. Loomis-** I never said a name

**Mr. Guthrie-** Mr. Ellington who was she referring to? Who was she looking at?

**President Ellington-** I think some of it was me.

**Mr. Guthrie-** who was she looking at?

**Mr. Ellington-** it could be. Do you want your minute?

**Mr. Guthrie-** yes I do. First I am going to tell you Rhonda I pray for you a lot. I don't know what the constant venom is all about with you but I pray for you. I could go down item by item on the points that you made but I'm not going to do it. I feel bad for you. I really do.

**Mrs. Loomis-** thank you

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

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

**15-26** AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF \$4,000,000.00 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 REPLACEMENT OF WATER MAIN AND SERVICE LINES AND ALL NECESSARY APPURTENANCES, INCLUDING BUT NOT LIMITED TO, HYDRANTS, VALVES AND FITTINGS.

**Motion by Mr. Blake to adopt Ordinance 15-26, second by Mr. Johnson**

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

**Mr. Guthrie-** part of this was downtown wasn't it?

**President Ellington-** I believe it was

**Mr. Guthrie-** I want to change my vote to no please.

**President Ellington-** asked the Law Director if we could do that without doing anything else.

**Law Director Sassen-** sure

**President Ellington-** the vote on that was 8-1.

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

**15-30** AN ORDINANCE AUTHORIZING AND DIRECTING THE NEWARK CITY SAFETY DIRECTOR TO CERTIFY TO THE LICKING COUNTY AUDITOR, THE SUM OF \$42,802.74 INCURRED BY THE NEWARK CITY PROPERTY MAINTENANCE DIVISION WITH RESPECT TO PROPERTY MAINTAINENCE VIOLATIONS TO BE PLACED AS A LIEN UPON CERTAIN PARCELS OF REAL PROPERTY SITUATED IN THE CITY OF NEWARK, OHIO.

**Motion by Mr. Cost to adopt Ordinance 15-30, second by Mr. Bubb**

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

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

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

**15-28** AN ORDINANCE SETTING COMPENSATION WITH RESPECT TO CERTAIN APPOINTED OFFICIALS OF THE CITY OF NEWARK, OHIO AND REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH

**Held for a Second Reading**

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

**15-29 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**

**RESOLUTIONS ON THE SECOND READING**

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

**15-92 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION  
(100 General Fund-\$1,221.20: Reimbursement for Fire overtime)**

**Motion by Mr. Blake to adopt Resolution 15-92, second by Mr. Cost**

**Motion passed by a vote of 5-0.**

**RESOLUTIONS ON FIRST READING**

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

**15-93 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE LICKING COUNTY SEARCH AND RESCUE TEAM BY LEASING TO THEM ONE SEA NYMPH BOAT AND EQUIPMENT AND DECLARING AN EMERGENCY.**

**Motion by Mr. Cost to adopt Resolution 15-93, second by Mr. Bubb**

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

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

**15-94 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION  
100 General Fund- \$6,585.90: (Summer Youth Program)**

**Held for a Second Reading**

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

**15-95 FINAL RESOLUTION FOR THE IMPROVEMENT OF THE INTERSECTION OF WEST CHURCH ST AND NORTH 30<sup>TH</sup> STREET, INCLUDING AN ADDED TURN LANE, INCREASED TURNING RADII, UPGRADED TRAFFIC SIGNAL, SIDEWALK REPLACEMENT, CURB RAMPS AND RESURFACING PAVEMENT, LYING WITHIN THE CITY OF NEWARK**

**Motion by Mr. Cost to waive the two day reading rule, second Mr. Bubb**

**Mr. Cost- we have a deadline with ODOT for the end of October**

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

**Motion by Mr. Cost to adopt Resolution 15-93, second by Mr. Bubb**

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

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

**15-96 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- EXPEDITE  
153 Compensated Absences Fund- \$28,000.00: (Retirement Payout- Steve Martin); 153 Compensated Absences Fund-\$900.00 (Payout- Jennifer Bumpus)**

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

**Mr. Blake-** this involves employee payouts

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

**Motion to adopt Resolution 15-96 by Mr. Blake, second by Mrs. Floyd**

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

**COMMENTS FROM CITIZENS**

**William Butcher, 263 Union St-** complaining about speeders on Union Street and also that people are not stopping for school buses. He also mentioned a costume party at Sparks and wouldn't be able to come to Spooky town on Saturday.

**Paul Moran, 63 N 4<sup>th</sup> St-** commented that the biggest clutter of signs is on street light poles and the fact that there weren't designed to be billboards. He also stated that he felt bike lanes were a complete waste of everything and that they had no place on a busy street whether it is wide or narrow. Susie's Shoppe at 17 West Main Street was also mentioned as being a recently closed business as well as Downtown Nutrition at 32 N 3<sup>rd</sup> St. He stated that the city lost quite a person by the passing of Bob Simon.

**ADMINISTRATION**

**MISCELLANEOUS**

**Mr. Bubb-** Paul you are spot on about Bob Simon. He was a great man and very effective in our community. I grew up down the street from Bob and his children. He was a great man and I appreciate you bringing that up. As I was driving to my office this morning it was nice to hear on the radio, it was kind of a broadcast commercial but basically the message was that Owens Corning is hiring. That is good to hear when you are driving around Newark.

**Mrs. Floyd-** I just want to mention the Parks and Recreations Safe Trick or Treat on the Square. It is Thursday October 29<sup>th</sup>. I mention this every year because if you have never been down there, go down it is so much fun. It starts a half hour before regular trick or treat so it starts at 5:00 and goes until 6:30 and then the City's trick or treat goes from 5:30 until 7:00. There are close to 1,000 kids down there plus families. Whole families come down dressed up and the idea is that the Firefighters and Police are there and a lot of service organizations pass out things. I am there usually freezing passing out coupons for Wendy's frostys. It is a fun and safe place for kids to go.

**Mr. Guthrie-** before I make my miscellaneous comments I would like to ask a question of yourself and Mr. Marmie.

**President Ellington-** sure ask

**Mr. Guthrie-** regarding my ethics legislation the decision has been made between you folks to delay it until November 9<sup>th</sup> and I would like to know the reason for that.

**President Ellington-** you asked for the legislation, I assigned it to the Rules Committee and the Committee Chairman decides when it is.

**Mr. Marmie-** I just feel that is the date I want to hear it and if there is a legitimate reason why it needs to be expedited prior to that date then I would consider that.

**Mr. Guthrie-** my request Mr. Marmie is that it be held on that date for the purpose that I will not be here November 9<sup>th</sup>. I have very few meetings before I leave office. I worked hard to try to put something together here and I would like to get it expedited and I would be grateful if you would call a Rules Committee.

**Mr. Marmie-** I can call it for two weeks after tonight. I can't have it next week.

**Mr. Guthrie-** is there a reason, can we discuss that?

**Mr. Marmie-** it's a personal reason just like yours.

**Mr. Guthrie-** You aren't going to be here Mr. Marmie?

**Mr. Marmie-** I will be here that evening

**Mr. Guthrie-** Mr. President Mrs. Floyd and I can call a meeting for next Monday. Mrs. Floyd would you join me in doing that?

**President Ellington-** I'm not sure you can call a committee meeting without the committee chairman

**Mr. Guthrie-** yes I think we can

**President Ellington-** I don't believe so

**Mr. Guthrie-** the Vice Chair can't call a meeting?

**Director Sassen-** only in the absence of the Committee Chair and the Committee Chair is not absent. There is no provision in the rules for a committee meeting to be called by anyone but the Chair.

**President Ellington-** I am just trying to follow the rules Mr. Guthrie.

**Mr. Guthrie-** Mr. President, Mr. Marmie I think that it is outrageous. I think that it is outrageous because

**President Ellington-** you are certainly entitled to your opinion.

**Mr. Guthrie-** well and I am going to share it. You know I have been... I have an agreement with the Ohio Ethics Commission not to name any names of anyone on this Council in this City Hall regarding what is going on with them and my discussions with them and I am not going to break that. I had no intentions of breaking that commitment by having a hearing on my ethics legislation next Monday night. I don't know that there has been another referral that has been held up for a purpose like this. We know that Mrs. Floyd and I are going to be here and that someone could take Mr. Marmie's place. Could someone on this Council tell me why I can't have a hearing when you know that I can't be here on December the 9<sup>th</sup>? Can someone tell me why we can't accommodate that request?

**President Ellington-** because I believe it is against the rules and besides that fact there have been several times when Committee Chairs haven't done something. There have been times Mrs. Floyd hasn't called a Personnel Committee meeting a couple of times you haven't been here a few weeks, it happens all the time.

**Mr. Guthrie-** Mr. Ellington are you telling me that my request to be accommodated is against the rules? That is my request

**President Ellington-** yes that is what I am saying.

**Mr. Guthrie-** I guess I am directing my request at Mr. Marmie to accommodate my request to have it next week while we know at least two members of the committee are going to be present.

**Mr. Marmie-** I am not saying that I am not going to be present; I am not having the meeting that evening. End of story.

**Mr. Guthrie-** ok Mr. President it is an outrage, it is an outrage.

**Mr. Marmie-** what is the reason for rushing it then? Why do you want to have it next week?

**Mr. Guthrie-** I explained that we need time to deal with this.

**Mr. Marmie-** we can do it on the week after the 19<sup>th</sup>, you are going to be here.

**Mr. Guthrie-** we need time to deal with this Mr. Marmie.

**President Ellington-** the next committee meeting would be on the 23<sup>rd</sup>

**Mr. Guthrie-** I will be honest with everyone here, ethics legislation should be discussed before elections not after elections

**Mr. Marmie-** and there is the bottom line.

**Mr. Guthrie-** tell me what is wrong that position

**Mr. Marmie-** it is a political move

**Mr. Guthrie-** I told you that no names would be discussed and if somebody could look at my proposal. Two hours, two hours folks of free on line training every two years for Elected and Appointed Officials but we don't want to talk about that next week and changing our Rules of Council to simply say that members of Council need to be cognizant of Ohio's Ethics Laws.

**President Ellington-** I don't see anything wrong with your proposal in fact I would support it. I'm just telling you what the rules say.

**Mr. Guthrie-** then let's have a hearing and not obstruct the discussion. I want everyone here to know I would not do this to any of you. None of you under any circumstance and no one can point in the five plus years that I was President of Council that I obstructed discussion in any way. I am going to call a Recreation Committee meeting at least maybe we can take a report from the administration on our Parks Department next week. By the way because of this obstruction I am going to be talking about this from now until the day I leave office because it is shameful. It is shameful. There is nothing that should be offensive to anybody in that legislation that is about as bi-partisan as anything could be before this Council. The only other point that I want to make Mr. President is that I want to thank Mr. Moran for bringing up Bob Simon; a wonderful man who lived in the same house in the high south end for decades. He has a wonderful family and I am very grateful that you brought it up Mr. Moran.

**Mr. Marmie-** I in no way shape or form am obstructing anything and the accusation that I am when I indicated that the meeting and the information will be conducted on November 9th at committee meetings. That is in no way shape or form an obstruction of allowing something to come to committee and to be accused of that is just...

**Mr. Guthrie-** it's the truth.

**Mr. Marmie-** Mr. President I guess that if I am going to have gears and comments during my comment section with that I pass.

**President Ellington-** that's true, sorry. Mr. Guthrie you were out of order.

**Mr. Rath-** fun night. I just have two quick comments. William I appreciate you bringing up the potholes on Cherry Valley Rd. I don't want them filled I want them paved. It is a major entrance into the City of Newark where they anticipate a significant increase of traffic flow with the intersection coming to Cherry Valley and 16. It is time that we took care of that corridor. It is also a major entrance leading to the largest employer in Licking County being Licking Memorial Health Systems. So I definitely want to see some significant improvements on Cherry Valley Rd; not just pothole repair but paving and some other things as well. Mr. Moran when you compile a list by the end of the year of businesses that have closed in the downtown area I would encourage you to also compile a list of businesses that have opened in the downtown area over the last twelve months. If you have an opportunity to compare the business revenues lost versus the open that would be an interesting statistic.

**Mr. Blake-** I attended an Open House on Saturday at Owens Corning, Fiberglas, our Newark Plant and Denny Rogers the Plant Manager hosted a bunch of kid's activities and had a nice meal for the employees. Mr. Bubb's comments related to that they are hiring. I thought that was a real good little celebration that the Plant Manager offered to the employees. I know several hundred of them attended. They had tours of the plant also. It was a good event for our community especially with Owens being a corner stone of our community. Yesterday I attended another celebration and our own Law Director Doug Sassen was a movie star in the documentary Up River. It was about poverty and barriers with people getting employment. This Council unanimously supported the ban the box effort that we went through. It was an hour long documentary and I think the Newark Think Tank on Poverty and particularly Doug Swift the Director of that film did a really good job and Doug you should shy down you did well in that. It was dealing with difficult issues. Poverty and other barriers are very difficult issues that several of our citizens are dealing with but the film portrayed things in a real light with what that organization did last year. William I am glad that you are going to a Halloween party this Saturday but next Saturday you get to come to another one because the one at Don Edwards Park is the following Saturday. Plans are coming together real nicely for Spooky Town Bash. Thank you Mrs. Floyd and Mr. Ellington for volunteering on our website for that event and we will make sure we get you a t-shirt for that. I wanted to say thank you to Director Spurgeon, I had a constituent living on Maholm St that had an issue that he got frustrated about because he had been dealing with it for some time. Thank you for reaching out to him and your Department Property Maintenance regarding his issues on Maholm St. We are having a wonderful investment into downtown Newark but that issue we are having with the old Newark Electric Plating building and the old Elks Lodge right there. Second Street is a gate way into our downtown and hopefully we can find some remedies to deal with the vacant commercial properties sitting right there as a blight in our neighborhood. I will continue to work with you on that. He called for a Finance Committee meeting.

**President Ellington-** Our next committee meeting will be the 26<sup>th</sup> at 5:30 and our next City Council meeting is November 2<sup>nd</sup>. Once again I would just like to add my job as President is to try to run this meeting and follow the rules. That is what I try to do.

**ADJOURNMENT-** Motion by Mr. Rath to adjourn, second by Mr. Marmie. Motion carried by acclamation.

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**Autumn Klein, Clerk of Council**

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**Don Ellington, President**