

COUNCIL MINUTES

October 7, 2013

Council Chambers

7:00 P.M.

7:00 P.M. – Mr. Ellington called the October 7, 2013 Newark City Council meeting to order

ROLL CALL- Mr. Bubb, Mr. Cost, Mrs. Floyd, Mr. Guthrie, Mr. Houdeshell, Mr. Johnson, Mrs. Loomis, Mr. Marmie, Mr. Rath, Ms. Stare

INVOCATION – Mrs. Loomis

PLEDGE OF ALLEGIANCE- Mrs. Loomis

CAUCUS

MINUTES- September 16, 2013 Motion by Mr. Rath, second by Mr. Houdeshell that the minutes of September 16, 2013 council meeting be approved 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 STANDING COMMITTEES

Finance- **Received and Filed**

Service- **Received and Filed**

Capital Improvements- **Received and Filed**

Personnel- **Received and Filed**

REPORTS FROM CITY OFFICIALS

COMMUNICATIONS

Pat Tiberi, Representative of Congress- letter of response to Mr. Ellington regarding the H.R. 25, Fair Tax Act-**Received and Filed**

Ohio Department of Commerce, Division of Liquor- Notice of hearing for the transfer of liquor license to John E Guy dba Pounders Pub- **Received and Filed**

Ohio Department of Commerce, Division of Liquor- Notice of hearing for Trent Cowgill regarding the application for a new liquor license at 927 N 21st St- **Received and Filed**

COMMENTS FROM CITIZENS

William Butcher- 129 W Main St, suggested that the City of Newark bring back the Flint Festival and he asked when something was going to be done with the school across the street from him.

James Childers- 1550 Lemae Ave, he stated he is the block watch captain and he thanked Mr. Johnson for coming to their meeting. He commented that since the last Council meeting where he asked for more officers over on Goosepond that he had only seen a few but understood that they are busy. He requested that the Newark Police Department look into Newark Village Square Apartments, Log Pond, Applewood and Newark Green Apartments because there has been a lot of activity going on especially at Newark Village he said there was a lot of drug trafficking and domestic violence. He asked for something to be done about these bars: Somewhere Else, Tony's and Buggy's. He said they have been a trouble spot for years and someone was going to get killed down there. He asked that King Rd be paved; he stated that filling in the pot holes over by CTEC only made it worse. He announced that their next block watch meeting is October 22nd 6:00 pm at 161 Myrtle Ave. He thanked the pastor for allowing them to use the church. He asked when they were going to get their block watch signs. He stated that he would like to see a couple more officers hired even though the budget is tight.

Dave McElfresh-153 N 39th St, this probably should have been addressed in Committees but I was unable to attend. In regards to Resolution 13-85, there is a lot of stuff coming out of the salaries accounts on the Safety side; one thing that stuck out for Fire was the EMS supplies. I know we had to come and get some before and this is like a second installment. My question is those were supposed to be paid out of EMS billing money and I am just trying to figure out if that number is down so that percentage is down, whether the percentage got changed or why there weren't enough EMS dollars coming out of the EMS billing.

ORDINANCES ON FIRST READING

By: Mrs. Floyd, Mr. Cost, Ms. Stare, Houdeshell, Rath

13-32 AN ORDINANCE SETTING COMPENSATION AND STATING POLICY WITH RESPECT TO THE POSITION OF ADULT PROBATION DIRECTOR IN THE ADULT PROBATION DEPARTMENT AND REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE.

Held to First Reading

RESOLUTIONS ON SECOND READING

By: Mr. Marmie, Mr. Houdeshell, Mrs. Floyd, Ms. Stare, Mr. Cost, Mr. Rath

13-80 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) A ONE YEAR USE OF FUNDS/ACTION PLAN ALONG WITH AN APPLICATION FOR FY 2014 FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG), AS REQUIRED BY 24 CFR PART 91.220, FOR VARIOUS PROGRAMS RELATED TO HOUSING AND COMMUNITY DEVELOPMENT.

**Motion by Mr. Marmie to adopt Resolution 13-82, second by Mrs. Floyd
Motion passed by a 10-0 vote.**

By: Mr. Marmie, Mr. Houdeshell, Mrs. Floyd, Ms. Stare, Mr. Cost, Mr. Rath

13-82 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- NON EMERGENCY (621/661 Water/Sewer Dept Fund-\$120,000.00: Replacement of service vehicles; 297 Fire Prevention Grant Fund-\$543.00: Fire Prevention Grant Home Inspector Services; 264 Lead Grant Fund-\$6,114.00: To cover future lead projects payroll; DISAPPROPRIATION 264 Lead Grant Fund-\$6,114.00: To cover future lead projects payroll; 221 Street/Traffic-\$12,068.00: Supplies to be ADA compliant; 100 General Fund-\$24,000.00: City Hall Building Repairs; 228 Income Tax Fund-\$14,452.80: 2012 JEDZ distribution to Newark Tax Office)

**Motion by Mr. Marmie to adopt Resolution 13-82, second by Mrs. Floyd
Motion passed by a vote of 10-0.**

By: Mr. Rath, Mrs. Floyd, Mr. Cost, Ms. Stare, Mr. Houdeshell, Mrs. Loomis, Mr. Marmie

13-83 PRELIMINARY LEGISLATION FOR RESURFACING AND RELATED WORK ON ST. CLAIR STREET AND MOUNT VERNON RD WITHIN THE CITY OF NEWARK

**Motion by Mr. Rath to adopt Resolution 13-83, second by Mr. Cost
Motion passed by a 10-0 vote.**

RESOLUTIONS ON FIRST READING

By: Mr. Marmie, Mrs. Floyd, Mr. Houdeshell, Ms. Stare, Mr. Cost, Mr. Rath

13-84 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- NON EMERGENCY (265 HODAG Fund-\$4,000.00: Payroll costs, DISAPPROPRIATION Contingency 265 HODAG Fund-\$4,000.00, 232 Transit Fund-\$15,000.00: Payroll Costs, DISAPPROPRIATION Contingency 232 Transit Fund-\$15,000.00, 263 LEAD Grant Fund-\$7,452.66: Refund to HUD, DISAPPROPRIATION Services General 263 LEAD Grant Fund-\$7,452.66: Refund to HUD, 100 General Fund-\$1,000.00: Donation for Courthouse fountain, 334 Construction Note Fund-\$34,617.00: Service Complex upgrades including the impound lot, 100 General Fund-\$1,200.00: donation for Courthouse fountain, 262 Home RLF-\$2,476.00 Payroll expenses, DISAPPROPRIATION Contingency 262 Home RLF-\$2,476.00, 100 General Fund-\$1,469.85: repair of fence, 100 General Fund-\$10,000.00 initial issuance of uniforms and equipment to 2 new officers, DISAPPROPRIATION Salaries 100 General Fund-\$10,000.00, 100 General Fund-\$877.50: Clothing repair/replacement, DISAPPROPRIATION Salaries 100 General Fund-\$877.50)

Held to First Reading

By: Mr. Marmie, Mrs. Floyd, Mr. Houdeshell, Ms. Stare, Mr. Cost, Mr. Rath

13-85 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- EMERGENCY (231 Probation Grant Fund-\$91,974.80: New Probation Improvement Grant, 100 general Fund-\$50,000.00: EMS Supplies & Vehicle Maint, DISAPPROPRIATION Fire, Uniformed Salaries 100 General Fund-\$50,000.00: EMS Supplies & Vehicle

Maint, 272 License Plate Permissive Tax Fund- \$275,000.00: Resurfacing N Cedar St & intersection improvements 30th St and W Church St, 153 Compensated Absences-\$2,800.00: Rebecca Lavendar retirement payout, 100 General Fund-\$2,375.29: police firearm supplies, DISAPPROPRIATION Salaries 100 General Fund-\$2,375.29, 100 General Fund-\$10,000.00: Monitoring hardware/software & Vet services for prosecution of the law, DISAPPROPRIATION Salaries 100 General Fund-\$10,000.00)

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

Mr. Marmie- a number of these items we are down to zero dollars and in order to continue the operation in certain departments we have to transfer these funds from one account to another. There is also an employee payout and finally for the resurfacing we just got that information late and we want to take advantage of some resurfacing so we need those expedited.

Motion passed by a 9 yeas-1 nay (Mr. Guthrie)

Motion to adopt Resolution 13-85 by Mr. Marmie, second by Mr. Bubb

Mr. Guthrie- I am going to vote for this but I just wanted to note that Mr. McElfresh brought up a good point. I understand why that transfer has to occur on that \$50,000.00. My concern is that when we are taking large sums out of the salary account then those dollars are not there to fill vacancies. I think that we need to be real conscience about that because we have vacancies, and in my opinion, which I hope most of you share my opinion, in both the Police and Fire Departments that should be filled. I guess the other point that I wanted to make is and maybe Mr. Spurgeon can fill us in on where we are regarding complying with the formula for EMS fund distribution. I just wanted to note that I do have a little concern about that issue but I am going to support the legislation.

Mr. Marmie- there was some changes made to the formula because we used to have an overabundance in the EMS supplies and as far as compliance of that it would be the Auditor's office and I am sure we are in compliance because we can't deviate from the legislation as far as the amounts that are going into each one of those accounts. As far as an explanation for some of these transfers that are taking place, it comes down to the majority of the budget was for salary dollars and we didn't have enough money to fill in the operation costs and there were some salary dollars in there in order to transfer over so they are being utilized. I agree we always need firefighters and police officers to maintain the safety of our citizens. Currently our firefighters and police officers do a great job. They are doing a lot more with a lot less. I commend our police officers and firefighters for what they do every day with less.

Motion passed by a vote of 10-0.

By: Mrs. Floyd, Mr. Houdeshell, Ms. Stare, Mr. Cost, Mr. Rath

13-87 A FINAL RESOLUTION ENACTED BY THE CITY OF NEWARK, OHIO, HEREINAFTER REFERRED TO AS THE LEGISLATIVE AUTHORITY/LOCAL PUBLIC AGENCY OR "LPA", IN THE MATTER OF RESURFACING AND RELATED WORK ON SR 79 AND CR 805 (NORTH CEDAR STREET), LYING WITHIN THE CITY OF NEWARK AND DECLARING AN EMERGENCY

Motion by Mr. Marmie to adopt Resolution 13-87, second by Mrs. Floyd

Motion passed by a 10-0 vote.

By: Mrs. Floyd, Mr. Houdeshell, Mr. Marmie, Ms. Stare, Mr. Cost, Mr. Rath

13-88 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- CI NON EMERGENCY (335 Capital Improvement Fund-\$7,836.67: Computer hardware/software for NPD security upgrades)

Held to First Reading

By: Mr. Marmie, Mrs. Floyd, Ms. Stare, Mr. Cost, Mr. Rath

13-89 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION WITH REGARD TO RETENTION OF OUTSIDE LEGAL COUNSEL

Held to First Reading

COMMENTS FROM CITIZENS

Paul Moran- 63 N 4th St, he had three items he wished to discuss. First he inquired when the Veteran's House was going to be operating. Secondly, he suggested a retail center be located where the parking lot on 3rd St by Farmers Market is now. He presented a drawing to Councilmembers demonstrating that. Third, the City Transit building at 295 Wilson St he noticed that one of the doors was busted out and that there is a pile of glass on the sidewalk. On the other side of the building across from the tracks there is a red swastika and some white letters on the corner of the building. I know a lot of taxpayer money went into buying this and it has been sitting empty ever since the City bought it. I know it is going to be used for Transit purposes I was informed that. He suggested that we put lights or a security camera up. He said that the second building behind it looked ok. He said it would be a tragedy if someone burnt it down next and was hopefully someone would look into this.

William Butcher- 129 W Main St, he asked about the parking lot next to him and he said that there are teenagers tearing up the playground equipment at the old school across from him.

ADMINISTRATION

Mayor Hall- W. Church Bridge out by Texas Roadhouse is coming along good, the weather has been cooperative. Over the weekend I was able to tap out to a couple of those business and they said that they have not seen a decline in their business and they are doing well. They had the cranes out today removing the beams. A nice local company has been working until 7-8 at night at times there. He mentioned that when he was at the hotel Friday for an early morning breakfast that there were quite a few people having breakfast heading to the Presidents Club golf tournament. So the hotel housed people from out of state going to that tournament.

MISCELLANEOUS

Mrs. Floyd- Halloween was mentioned tonight so I want to let everyone know that Safe Trick or Treat is around the square on October 31st. It is a great event and it is safe. She said that she passed out candy last year for the Downtown Newark Association and that there were 600 kids who came. I appreciate the fact that there are so many block watches going on and I try to remind people to not do anything themselves but to get license plates numbers and take pictures to be the eyes and the ears of the Police Department.

Mr. Guthrie- he complimented the Mayor on what a nice job the City did on Beacon St. He stated that he stopped before the meeting to take a look at the fountain and he said that it is going to be something that we can be very proud of. I have advocated for a long time for improvements to that fountain, Mayor you and a lot of folks have made that happen. Chuck Jackson is over there working with the crew from Florida making sure it is all set. It is just going to be a great addition to our City and it is my understanding that the fountain in front of The Foundations is going to be back in service in one manner or another. I think that is a great thing, water attracts people to the community. Mr. Moran your comment about 295 Wilson St, I appreciate you being on top of that and I am sure that the administration will do what has to be done to make sure that the swastika is removed. Wilson St is quite frankly an example of a property that should have never been purchased by this City. I know that this administration is doing everything they can do to find a use for it and that is a good thing and I commend them for that. The purchase of that property in my opinion was a shameful moment for this City. I think that it was a complete waste of money to buy a piece of property with an inflated value.

Mr. Houdeshell- announced that the block watch meeting for the east end is the 3rd Tuesday of the month at the church on O'Bannon Ave after the railroad tracks on the left hand side. He told the Mayor that sometimes they have a hard time getting an officer to attend their meetings. He stated that the people who drive around at night on their block watch have been through the training. He stated it was an active block watch and the oldest.

Mrs. Loomis- called for a Personnel Committee meeting and that she would be co-sponsoring a piece of legislation with Mr. Bubb for a 0% pay raise for Council.

Mr. Marmie- called for a Finance Committee meeting. He regarded Mr. Childers and advised him that he could tell him that there was already a lot of money spent on King Rd for the widening of it. As far as the resurfacing or fixing of that we do our best with the paving dollars that we have and I am sure that we will get to it as soon as we can. I know that road was widened a few years ago and that corner because it was very narrow back in the day. EMS money, I do know that the majority of those EMS billing funds still go back to EMS, whether it is in EMS Supplies and if the formula was tweaked the majority of the money goes back into EMS. There is a small percentage that goes into the General Fund for over flow for the cash carry over but it is a small percentage. If the majority of it doesn't go into the EMS it becomes a tax incentive fee for service. I did monitor that and when they did the slight adjustment I ensured that it stayed with the firefighters. So I know the money is going there for sure. He thanked Brian Morehead for all four lanes of ST RT 16 being open. I also want to echo about the fountain I was down there before the meeting to look at it; it is going to be incredible. They were working at it until dark. I believe that there should be water running in it before the end of the week. It is something that is really neat for downtown and the square.

Mr. Rath- called a Service Committee meeting. He stated that they don't have a block watch in his neighborhood, there just hasn't been an interest. He wanted to give the Newark Police Department recognition for catching a guy who was breaking into houses and stealing from them in his neighborhood. He also relayed a compliment he received from a resident on River Rd regarding the placement of speed limit signs on River Rd by the Street Department and the lady that she spoke to at the Street Department took time with her and was very nice. She was also impressed because the lady at the Street Department got Captain Zellner to speak to her as well about speeding on her road and the time that he took discussing her concern.

Ms. Stare- said that it was evident by the comments that she heard that evening that we have a lot of good employees with the City of Newark. She was also happy to see Mr. Houdeshell there that evening.

Mr. Ellington- thanked everyone for coming and their comments. He announced that the next meeting on Monday October 14th will be for Committees at 5:30 and then October 21st Council will meet at 7:00pm.

ADJOURNMENT- being no further business to discuss Mrs. Loomis made a motion that the October 7, 2013 Newark City Council meeting be adjourned, second by Mr. Rath. The meeting was adjourned at 7:44pm.