

COUNCIL AGENDA

November 4, 2013

Council Chambers

7:00 P.M.

7:00 P.M. - Mr. Ellington called the November 4, 2013 Newark City Council to order

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

Absent- Mr. Houdeshell

INVOCATION – Mrs. Loomis

PLEDGE OF ALLEGIANCE

CAUCUS- Motion by Mrs. Floyd to excuse Mr. Houdeshell, second by Mr. Marmie. Motion was carried with acclamation

MINUTES- October 21, 2013 Motion by Mr. Rath, second by Mr. Bubb that the minutes of October 21, 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**

REPORTS FROM CITY OFFICIALS

COMMUNICATIONS

Mayor Hall- presented a Proclamation proclaiming November, 2013 as Hire a Veteran Month

COMMENTS FROM CITIZENS

William Butcher- 129 W Main St, commented that he witnessed a couple of drivers not yielding for emergency vehicles and asked what the City was going to do about that. He also provided a weather update.

David Greene- 1791 Olympic Ct, I know people are focused on the elections tomorrow but I wanted to bring up a concern. This has to do with the Meritor plant in Heath. I don't know if Council has spoken about this before I have made a lot of Council meeting but I have missed some so I am not sure. I had the chance to meet with some workers at Meritor over the weekend. I know the Meritor plant is in Heath but there are a number of workers who live in Newark that work there, as well as the history of the Meritor plant being Arvin Meritor and Rockwell before that. There are quite a number of people from Newark who have some relationship to that plant and workers in the plant. Rockwell in its' peak had somewhere around 3,000 or 2,400 workers. The 2010 Census listed that Arvin Meritor at that time had 350. The current number of workers at the plant is 160 after 20 people have been laid off. Meritor is talking about removing the equipment from the plant and lying off the assembly line at that plant and lying off an additional 65 workers which would leave 95 workers. The sense of the workers at the plant or at least what I hear is that the plant will be closing or will be gradually closing. The equipment and the drivers are moving to larger North Carolina. They are concerned about the loss of jobs, pay cuts, loss of insurance and pensions as well as the loss of factory production. I should mention too that there are people talking at Heath City Council about this same issue currently.

Some people would say that the workers or the union have priced themselves out of a job. I want to refute which I think is a myth. I think that Meritor workers currently make sort of the upper end of the pay scale and there are a lot of lower end, it somewhere around \$45,000.00 for full time work for a year. I don't consider that pricing yourself out of work I consider that necessary jobs for the economy and to support families. There have been a lot of meetings between Meritor and the workers of the plant and a lot of negotiations, a lot of concessions. They have given up wages, some insurance they have giving up some pension and some workers are ever working part time at the plant. I don't know if you are aware of this or not, maybe you are, Meritor on the other hand is a fortune 500 company. They had sales of 4.9 billion dollars last year and 63 million dollars in profits. The workers at Meritor are not rich but Meritor is a very well off corporation. In the glowing description that we often hear in the city about improved conditions, I think that it is important to talk about and address the problems of plant closings or reduction in the work force. I know that people on Council members of Council and Mayor made a real effort to try to keep Meijer's here when it was closing down. I am asking City

Council what can you and I do about the situation.

Lesia Best-205 W Church St, since I am a veteran I have a little interest in this and you just presented a proclamation about hiring veterans I was just curious how many veterans the City has on its' payroll and what it does to reach out to veterans organizations to make that a priority to hire them.

James Childers-1550 Lamae Ave, thanked Mr. Johnson and Mr. Guthrie for coming to their block watch meeting on the north end side. Sgt. McKee said that was the biggest one he has seen so far. I was very proud because the three streets next to me we haven't had anyone come, we have had a lot of people come now. We started out with 18-30 to over 60 at this point. He said Sgt. McKee advised them that he had gotten emails from people on Sherwood Downs. He said that people in Potters Grove want to start a block watch over there.

He stated that he had a situation with a new neighbor that lives in Don Edwards's old house. He said there is a couple who was speeding down the road and that his neighbor went down and said something to them and she was very rude about it and said she was in a hurry and sped off. Two hours later she did the same thing so I called the Sherriff because I live in the County. The problem he was inquiring about was how there could be a speed limit sign that was just put in that says 25 MPH and then the Sherriff told him that once passed that sign it is 35 MPH even though it has been a dead end, Lamae has always been a dead end. He then relayed a confrontation he had with the neighbor's husband who was told to slow down.

ORDINANCES ON SECOND READING

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

13-33 AN ORDINANCE ENACTING AMENDMENTS TO NEWARK'S SEWER USE AND SEWER CHARGES ORDINANCE (91-59); DIRECTING LIMITED PUBLICATION OF THE SEWER USE AND SEWER CHARGES ORDINANCE

Motion by Mr. Rath to adopt Ordinance 13-33, second by Mr. Bubb

Mr. Marmie- I am still working on gathering some information on this and on these charges based on our storm water utility and what is actually being spend. It is not Roger's fault; I don't want anyone to think that it is my inability to get with him to gather some additional information. I would just like to keep sewer rates down and I know that we have a storm water utility and the sewer separation is involved in part of that. I would like a little bit more time; I would like to table this for two weeks.

Mr. Marmie motioned to table, Mrs. Loomis seconded the motion

Motion to table passed by a 9-0 vote and will be tabled until November 18th.

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

13-34 AN ORDINANCE SETTING COMPENSATION WITH RESPECT TO CERTAIN ELECTED OFFICIALS AND REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH

Motion by Mr. Bubb to adopt Ordinance 13-34, second by Mr. Cost

Mr. Bubb- for anyone here tonight new to this legislation it just represents a 0% raise increase, no raise at all for Ward Council representatives along with the City Treasurer. In two years the At Large along with the Mayor, Law Director is reevaluated at that time

Motion to adopt Ordinance 13-34 passed by a 9-0 vote.

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

13-35 AN ORDINANCE ADOPTING SECTION 1048.14 OF THE CODIFIED ORDINANCES AUTHORIZING THE ESTABLISHMENT AND CERTIFICATION OF A LIEN UPON REAL ESTATE FOR DELINQUENT WATER CHARGES WITHIN THE CITY OF NEWARK, OHIO

Motion by Mr. Rath to adopt Ordinance 13-35, second by Mr. Bubb

Mr. Rath- this enables the Water company to put a lien on a properties with delinquent water bills without asking Council's permission. It does require them to inform us of that act but it enables them to put a lien on for delinquent water bills earlier, hopefully getting our lien ahead of others.

Ms. Stare- my only comment is and I did ask Mr. Loomis about this is if an apartment complex would be involved in this and he said yes. Quite honestly I am going to vote no for it because I managed 108 apartments and basically the payment is usually always made but sometimes it is delinquent if someone moves out. I just think that is too much when you have that many apartments in the city that would be in the same predicament and to put a lien on an apartment especially if it could be owned by a corporation.

Mr. Rath- I will address that, as far as a lien going on an apartment and it being owned by a corporation, as long as that payment is made and the delinquent bill is satisfied the lien will be removed. There is ample notification given to the property owner as well as the resident well before shut offs and liens occur.

Motion to adopt ordinance 13-35 passed by a 8-1 (Ms. Stare) vote.

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

13-36 AN ORDINANCE CREATING CHAPTER 1450 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO TO BEGIN THE PROCESS OF DESIGNATING NEWARK, OHIO AS A CERTIFIED LOCAL GOVERNMENT AND THE CREATION OF AN HISTORIC DISTRICT OVERLAY FOR THE PURPOSE OF HISTORIC PRESERVATION

Motion by Mrs. Loomis to adopt Ordinance 13-36, second by Mrs. Floyd

Mrs. Loomis- I need Councilmembers to look at Section 1450.04, section a. I need to amend the second full sentence under Meetings and Recordings. Currently it says that the Committee shall not meet less than twice per year and it needs to say not less than four times per year, it needs to meet quarterly.

Second by Mr. Marmie to amend Ordinance 13-36

Motion to amend Ordinance 13-36 passed by a vote of 9-0.

Mr. Ellington- Ordinance 13-36 is now Ordinance 13-36 A

Mr. Guthrie- asked the Law Director if he could assume this Committee would be subject to the Sunshine Law

Law Director- confirmed it would be

Mrs. Loomis- I wanted to thank Fred Ernest and Mayor Hall, I think that this is one step in a series of many that is helping our city become more progressive with the public-private partnership. I would appreciate full support.

Motion to adopt Ordinance 13-36 A passed by a 9-0 vote.

ORDINANCES ON FIRST READING

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

13-37 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1550 NORTH 21ST STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF NEWARK TOWNSHIP TO MB (MEDIUM INTENSITY BUSINESS) DISTRICT

Referred to Planning Commission

RESOLUTIONS ON SECOND READING

By: Mr. Rath, Ms. Stare

13-86 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR UPGRADES TO IMPROVE PUBLIC ACCESS AT THE WATER OFFICE

Motion by Mr. Rath to adopt Resolution 13-86, second by Mr. Bubb

Mr. Marmie- I debated in my own mind on which direction to go with this and I think that one of the key factors was something that Roger indicated at the very end of the committee meetings. This is basically just for them to proceed forward with the process, no decisions have been made, and nothing can be done without the appropriation of funds. They can't even move forward to look into it without this part of the process. I am going to support them moving forward to at least examine whether it is a feasible thing. Mr. Rhodes the Service Director indicated that he was going to do everything within his power to have employees in the City do some of the work and thus reducing the cost.

Motion to adopt Resolution 13-86 passed by a 7-2 (Mr. Guthrie and Mrs. Loomis) vote.

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

13-92 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- NON EMERGENCY
(100 General Fund: Reimbursement of Jeff Hotchkiss & Greg Vickers for fuel costs associated with the Summer Youth Program-Mobile Beautification Patrol-\$5073.78; 100 General Fund: Donations for Courthouse Fountain-\$1,100.00; 237 CHIP Grant: Appropriate funds that were previously appropriated in 2012)

Motion by Mr. Marmie to adopt Resolution 13-92, second by Mrs. Floyd

Mr. Marmie- I need to make an amendment to Section 3. The amount of \$2,150.75 to \$2,532.06. It appears that when they were reviewing some of the numbers some of the charges that were 2012 & 2013 had moved from one grant to the other now they are short \$381.31 to have a full draw on the Chip 11 grant.

Second by Mr. Bubb to amend Resolution 13-92.

Motion to amend passed by a 9-0 vote.

Motion to adopt Resolution 13-92 A passed by a 9-0 vote.

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

13-93 A RESOLUTION SUPPORTING THE NEWARK DEVELOPMENT PARTNERS AND THE HISTORICAL DISTRICT OF NEWARK IN ITS EFFORTS TO OBTAIN OHIO STATE HISTORIC PRESERVATION TAX CREDITS FOR THE REDEVELOPMENT OF PROPERTIES LOCATED AT 36-38 SOUTH 3RD STREET OWNED BY ARGYLE PROPERTIES LLC

Motion by Mrs. Loomis to adopt Resolution 13-93, second by Mrs. Floyd

Mrs. Loomis- this again is a local business owner who is requesting that we do this for her so that she can further improve her property downtown. This doesn't cost us anything and she is putting a lot of her own capital into it and I think that it is something worthwhile.

Motion to adopt passed by a 9-0 vote

RESOLUTIONS ON FIRST READING

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

13-94 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- EMERGENCY (338 Court Capital Improvement Fund-\$30,000.00) Hook up expenses for new generator for City Hall

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

Mr. Marmie- these are funds for a generator and the courts have utilized some of their funds. We really need to expedite this because we are getting into that time of year where we may need that generator to supply power to this building and we want to get it all hooked up prior to that.

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

Motion by Mr. Marmie to adopt Resolution 13-94, second by Mr. Cost

Mr. Guthrie- I think this is a good example of the Courts, administration and Council working together to make something good happen. Mr. Rhodes and I talked to the judges about seeking their support for this project and they didn't have to do it but we are really grateful they did. It is a very positive thing about our relationship with the Court.

Motion to adopt Resolution 13-94 passed by a 9-0 vote.

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

13-95 A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- NON EMERGENCY (221 Street/Traffic Fund-\$17,000.00 Traffic Control parts & supplies: Insurance reimbursements for damages repaired to City property; 100 General Fund-\$9,400.00: Donations for Courthouse Foundation)

Held to First Reading

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

13-96 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO APPLY FOR, ACCEPT AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENTS ON BEHALF OF THE CITY OF NEWARK FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES (DOWNTOWN SEWER SEPARATION) AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN

Held to First Reading

COMMENTS FROM CITIZENS

William Butcher- 129 W Main St, he asked what was going to happen with the old school

ADMINISTRATION

Mayor Hall- welcomed the scouts who were in the audience. He congratulated Newark High School football that beat Lancaster in Friday night. Those guys had a learning year and they never gave up and it was outstanding. Yesterday was the 26th annual Rolling Thunder Toy Run which starts at Toys R Us goes down 79, down 21st St out W Main around the square to E Main then to the Salvation Army. There were 550-600 motorcycles each one had to donate a new unwrapped toy and I think they got about \$900.00 in cash. What a great community, 26 years of that, what a great way to start the holidays. He thanked all the organizers for that.

MISCELLANEOUS

Mr. Cost- congratulated the Mayor for picking a good of weather for trick or treat; I think it was a good decision. I would like to remind everyone to vote tomorrow.

Mrs. Floyd- called for a Ways and Means Committee meeting for next week. Barb Jobes is going to give an update on House Bill 5 the income tax is about. We have already gotten some emails about it and it wouldn't hurt to read over that before she comes so if you have questions you can ask them. Ed Houdeshell, I am not sure how he is doing, I left a message on his home phone but I have not heard anything. I did send the card and flowers. I always see Election Day as one of the most important days of the year because it is what makes democracy what it is. If people don't vote then they really don't have any say in their Government. I am glad to see the Scouts here working on a Citizenship award as a retired Civics teacher it warms my heart to see people care about their Government. The fountain dedication at noon was very nice; Tim Bubb gave me a piece of the ribbon so if anybody on Council would like part of it to keep as a souvenir I brought scissors. She stated that inside of today's Advocate there is a big picture of the motorcycles from Rolling Thunder. Everyone vote.

Mr. Johnson- I hope everybody will vote that is extremely important. Director Rhodes told me that the neighborhood block watch signs have been ordered and will be put up as soon as they are here.

Mr. Guthrie- I want to certainly mention the fountain. I want to thank the administration, Mayor Hall, Mr. Rhodes, Chuck Jackson and all the people who donated to the fountain, it is really exciting. By fluke last week I got a picture of it with the Courthouse lights on. I happened to be downtown and the Courthouse lights weren't supposed to be on, Mr. Bubb indicated today that it was a fluke they were on so I thought wow this is cool so I got a neat picture on my phone with the Courthouse lights in the background. I found out today thanks to Mr. Rhodes that if you got to picture 5 or 6 on the Advocate today you are going to see one cute little boy at the ribbon cutting. Now the Advocate had the wisdom to cut his grandfather out of the picture and it happens to be my grandson. I appreciate the fact that Mr. Greene brought up Arvin Meritor, Rockwell had a great history in our community and I of course know that we all feel very bad and I'm sure the administration will do what they can and maybe already have to work with the powers to be there to try to keep that plant a part of our community. When I think about the point that Mr. Greene made about the auto workers out there, the auto workers have in the last decade, if folks could look at what our auto workers were making a decade ago compared to what they are making today their entry level wage is nothing compared to what it was a decade ago so they have made great concessions in the last decade. Those folks just want and they deserve a livable wage. I wanted to mention the block watch Mr. Childers brought up, something sort of neat about that particular block watch is that it is collaboration between the Licking County Sherriff's Department and the Newark Police Department. Sgt. McKee was there and Deputy Barr I believe is his name and it was neat, it is a good block watch and I look forward to attending again with Mr. Johnson in his Ward. He then asked President Ellington if he could ask the Law Director a question, granted he asked: Mr. Law Director the Ordinance 13-36 when we have these rate increases, the reason I am asking this is because I would like to see the Committee take a look at it, you specifically pass legislation that would cover the cost of this separation project, is that increase sunsetted at some point? Does that rate increase come off or is that permanent?

Law Director- it depends on the language of the Ordinance and I don't have it in front of me so I can't answer your question.

Mr. Guthrie- ok Miss Chairman I think we should look at that. The last thing that I want to mention, it is my understanding that we have a retirement in I don't know whether it is Streets or Traffic, but if that is the case, I am going to say something that I have said for a long time I think that Streets and Traffic should be merged. I think we ought to get some more boots on the ground in there and if this is accurate that there is a retirement there seems like it might be an opportunity to do it. It may not be the most popular thing in the world to do but I think we ought to take a look at it.

Mrs. Loomis- thanked the boy scouts and stated that they send their prayers for Ed Houdeshell and asked Carol if she should speak to them if she could relay that. The North Williams Day Avenue block watch had their first annual trick treat and was successful, they had about 100 kids. Congratulated Coach Butler, who is also Mark Butler who works for the Water Department on Newark's win. She thanked everyone for passing Ordinance 13-36 and wasn't sure what Mr. Guthrie meant when he brought it up but it was the ordinance creating the new codified ordinance for the Certified Local Government. I think that it is a fantastic step forward for this administration, Mr. Ernest and Mayor Hall, you are doing a great job and I appreciate what you are doing for downtown.

Mr. Marmie- called for a Finance Committee meeting, just to address Mr. Childers a little bit and I am not going to say that I am an expert on the speed limit in the County but I do know if it's not posted it is automatically 35 and in some jurisdictions it goes to 45. I know that occurs in various parts around the City where you are in the City you are in the Township then you are back in the City. There are streets like that and one example is Horns Hill Rd, the speed changes and the only signs out there are the ones that the City has. Our ordinances and laws are different than theirs' and that is just the short of it. If you want specific reasons for their speed limits you will have to go to them they are the ones who make their laws. He thanked the boy scouts for coming and he encouraged them to go to the voting polls. Tomorrow is a very important day where you exercise your right; it is a privilege for you to vote. He stated that he heard something from somebody today, second hand, but it was one of the saddest things that he had heard in a long time. This person was so sick of Government and everything that is going on they were deciding that they were never going to vote again. That is the worst thing that could ever happen in this society and I hope that everybody doesn't take on that kind of attitude and that we continue to exercise our right to vote and continue to do our best even if you are one voice, do your best to make that voice heard. Finally, I want to announce that Mr. Guthrie I believe your wishes are going to come true, the administration is working on making sure that does happen that it is combined and that there will just be one management person over those two departments.

Mr. Rath- called for a Service Committee meeting, he asked if he could ask Mr. Guthrie for a point of clarification. It was granted. He asked Mr. Guthrie about him referencing 13-36 but I believe that you were talking about 13-33 that had to do with the sewer separation?

Mr. Guthrie- stated that he was referring to the rate increase and he apologized.

Mr. Rath- he stated that it goes to Service and that he would check on that for him.

Mr. Guthrie- I recognize that it does, the reason I said what I said refers to Mr. Marmie because he put the hold on it and I wanted him to look at.

Mr. Rath- congratulated Newark Catholics high school volleyball team for making the State tournament since 2008. I would encourage you to vote sometime tomorrow sometime between 6:30 AM and 7:30 PM however if you choose to vote tomorrow or you choose not to vote tomorrow please thank a veteran because they are the ones who defended your right to do so or not do so.

Ms. Stare- it is great to see the boy scouts here tonight. I just want to recognize our Parks and Recreation Department Jeff Hotchkiss and Chuck Jackson and the Mayor for changing beggar's night to Sunday evening. We had about 1000 people down there. The dedication of the fountain was marvelous and she encouraged people to go around the square in the evening because the fountain changes hues and to do it soon because when the weather freezes then that is when they will turn the water off. It is a great asset to the downtown.

Mr. Bubb- called a Personnel Committee and thanked the Boy Scouts for coming.

Mr. Ellington- I would like to thank everyone for attending and participating in your Newark City Council. Tomorrow is Election Day don't forget to exercise your right to vote. City Hall will be closed November 11th for Veterans Day so Committees will Be Tuesday November 12th at 5:30 and the next Council meeting is November 18th at 7:00 PM.

ADJOURNMENT- being no further business to discuss Mr. Rath made a motion to adjourn, second by Mr. Cost. Adjournment 7:56 PM.