

## COUNCIL MINUTES

**September 17, 2012**

Council Chambers

7:00 p.m.

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

**INVOCATION** - Mrs. Loomis

**PLEDGE OF ALLEGIANCE-** Jaime Farmer, Assistant Law Director

### CAUCUS

**MINUTES** of September 4, 2012 Motion by Mr. Rath, second Mrs. Loomis minutes of the August 20, 2012 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

Capital Improvements- Received and Filed

### REPORTS CITY OFFICIALS

**Stephen E Johnson, City Auditor-** Capital Asset Threshold and establishment of Depreciation Schedules- Received and Filed

**Stephen E Johnson, City Auditor-** Operating Report for the month ending August 31, 2012- Received and Filed

### PETITION

### COMMUNICATIONS

**Catherine Scodellaro** - resident of Hudson Ave, sent an email regarding her concern over a fire pit located on a vacant lot between 214,216,218 Hudson Ave and 204 Hudson Ave.- Received and Filed

### PUBLIC HEARING

By: Mrs. Loomis, Mr. Marmie, Mr. Rath

12-31 **AN ORDINANCE VACATING A TWENTY FOOT (20') WIDE ALLEY, AS SHOWN ON THE PLAT OF THE GRANVILLE ROAD ADDITION; SAID PORTION OF ALLEY LYING BETWEEN WILLOWOOD ROAD AND BEECHWOOD ROAD.**

Provided there were no comments from the public for or against Ordinance 12-9, the public hearing was closed; the ordinance went on to a second reading.

Motion by Mrs. Loomis to adopt Ordinance 12-31, second by Mr. Rath

**Ms. Stare-** stated that she emailed Chief Stickradt last week regarding this Ordinance coming up for its second reading at this Council meeting and she asked the Chief whether there were any changes. She stated the Chief stated no thank you and that he was still opposed to the vacating of this

alley.

**Mr. Houdeshell-** stated that he agrees with Ms. Stare and reiterated the difficulty that the Chief had maneuvering the large truck down the alley. He stated that the residents on the street will see an increase in the insurance if the alley is closed.

Motion to adopt was a tie 5 yeas (Mr. Marmie, Mr. Rath, Mr. Bubb, Mr. Guthrie) and 5 nays ( Ms. Stare, Mr. Cost, Mrs. Floyd, Mr. Frost, Mr. Houdeshell)  
Motion passed with the Chair's vote of yea.

#### COMMENTS FROM CITIZENS

**William Butcher-** stated that a couple of years ago the Street Department paved W Main St and did a fantastic job, it was a headache for motorists and some were mad at him for getting the street paved. He supervised the work the Street Department did from his patio. He stated that they did a good job on Granville St too. He also provided a weather report.

**Paul Moran-** 63 N 4<sup>th</sup> St, passed out a copy of his ideas to save the school on W Main St from being torn down. He stated that Mr. Claggett was involved also. He provided an update on sidewalks he discussed in August. He stated that Huntington Bank and Mr. Tire have replaced and or repaired their sidewalks. He stated that he would like to see the City get their sidewalks updated. He stated the areas which need work are along City Hall and at Cedar Hill Cemetery. He announced that Autumn Health Care Facility is having a block party from 5-8.

**Pete Gibney-** 1335 Krebs Dr, he presented a question regarding the house on the corner of 8<sup>th</sup> and Mound Ct that the Department of Development put money into to remodel. He believes that this house is in foreclosure. He inquired as to what the Department of Development was going to do. He stated that he thought things should have been investigated better. He encouraged Council to tell DOD no to their projects. He didn't see where the real estate business was improving much by the list of foreclosures. Given that data he proposed that it may be a good time for the City to reconsider, even though the City has an exaction fee, which he doesn't like, and was imposed during Mayor Bain's session in office, that the City charges an impact fee. He stated that it could be structured differently than the exaction fee and done by a committee of people; he suggested getting people on the Committee that were not so involved with the building and real estate industry.

**Lesia Best-**205 W Church St. Asked for a status update for the building on W Main St that the Kesterson's own. She stated that it was the building with the red x on it and the side of the building is gone. She stated she believed that they also own a property across from the PNC Bank. She stated that she felt it would be a good idea for the City to check on that property on W Church St to avoid it getting like the one on W Main St. She hoped that the City didn't have to pay for anything that has been going on for years and where nothing has been done.

**Mr. Ellington-** clarified which building on W Main Ms. Best was referring to.

**Mr. Guthrie-** Asked for feedback on the property on 8<sup>th</sup> and Mound St. He stated he didn't know what happens once the property is sold. He inquired whether there was any obligation on the purchaser that the City is not aware of.

**Mr. Ellington-** asked Mr. Mauter to update councilmembers at the next Economic Development Committee meeting.

**Mr. Ellington-** provided an update on the real estate business in Licking County it may be a little better but no a lot.

ORDINANCE ON 2nd READING

- 12-30 By: Mrs. Loomis, Mrs. Floyd, Ms. Stare, Mr. Marmie, Mr. Rath, Mr. Cost  
**AN ORDINANCE AMENDING THE POSITION CLASSIFICATION/PAY RANGE AND POSITION AUTHORIZATION TABLES OF THE CITY OF NEWARK, DIVISION OF CEMETERY AND PARKS TO ABOLISH ONE (1) FULL TIME POSITION OF EQUIPMENT OPERATOR AND CREATING ONE (1) FULL TIME POSITION OF CEMETERY AND PARKS CREW LEADER**

Motion by Mr. Bubb, second by Mr. Marmie to adopt Ordinance 12-30  
**Mr. Bubb**- stated that this ordinance will drastically improve the efficiency of the Cemetery and Parks and will allow the Crew Leader to give direction. He encouraged fellow councilmembers to support the ordinance  
**Mr. Guthrie**- inquired if this ordinance would remove anyone from the bargaining unit.  
**Mr. Marmie**- responded no  
Motion passed with a vote of 10-0.

- 12-32 By: Mrs. Loomis, Mrs. Floyd, Ms. Stare, Mr. Marmie, Mr. Rath  
**AN ORDINANCE AMENDING THE POSITION CLASSIFICATION/PAY RANGE AND POSITION AUTHORIZATION TABLES OF THE CITY OF NEWARK BY INCREASING THE STRENGTH AUTHORIZATION FOR THE POSITION OF UTILITY OPERATOR - WWTP FROM ONE (1) TO TWO (2) EACH; AND DECREASING THE STRENGTH AUTHORIZATION OF THE WASTEWATER TREATMENT PLANT OPERATIONS TECHNICIAN FROM TWO (2) TO ONE (1)**

Motion by Mr. Bubb to adopt Ordinance 12-32, second by Mr. Marmie  
**Mrs. Floyd**- stated that there have been several instances where we have been changing departments, though she will vote in favor of this ordinance, she wanted to make sure that as we are changing these for efficiencies that we are being consonant of the contracts we have with City workers so that we don't have issues coming up in the future.  
Motion passed with a vote of 9 yeas (Mr. Marmie, Mr. Rath, Ms. Stare, Mr. Bubb, Mr. Cost, Mrs. Floyd, Mr. Frost, Mr. Houdeshell, Mrs. Loomis) and 1 nay (Mr. Guthrie)

- 12-33 By: Mrs. Loomis, Mrs. Floyd, Ms. Stare, Mr. Marmie, Mr. Cost, Mr. Rath  
**AN ORDINANCE EXTENDING THE AUTHORITY OF THE TEMPORARY BOARD OF ZONING DISTRICT REVISION**

Motion by Mrs. Loomis, second by Mr. Cost to adopt Ordinance 12-33  
**Mrs. Loomis**- stated that adopting this ordinance is something that they need to do by Charter.  
Motion passed by a vote of 10-0.

ORDINANCES ON 1st READING

- 12-34 **AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 363 NORTH 21<sup>ST</sup> STREET, CITY OF NEWARK, LICKING COUNTY, OHIO FROM THAT OF SINGLE FAMILY RESIDENCE -RL-LOW DENSITY DISTRICT, TO LB-LIMITED INTENSINSITY BUSINESS DISTRICT**

**Mr. Ellington** - advised councilmembers and audience this ordinance should not be on the agenda; it needs to go to Committee first and is being sent to Service Committee. Therefore there was not a reading of this ordinance.

RESOLUTIONS ON 2ND READING

12-66 By: Mr. Marmie, Mrs. Floyd, Ms. Stare, Mrs. Loomis, Mr. Rath  
**A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING AS NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.**

Motion to adopt Resolution 12-66 by Mr. Marmie, second by Mr. Bubb  
Motion passed with a 10-0 vote.

12-67 By: Mr. Marmie, Mrs. Loomis, Mrs. Floyd, Ms. Stare, Mr. Rath, Mr. Cost  
**A RESOLUTION APPROPRIATING AND DISAPPROPRIATING MONIES FOR CURRENT EXPENSES** (Human Resources/Professional Services- \$18,000, Parks & Cemetery/Prepaid Vaults- \$7,000, CSO/Sewer Projects- \$525,000, Safety Grant Fund- \$50, 600, Police/Compensated Absences-\$16,500, **DISAPPROPRIATION** Water Projects- \$300,000)

Motion to adopt Resolution 12-67 by Mr. Marmie, second by Mrs. Floyd  
Motion passes by a vote of 10-0.

12-69 By: Mr. Rath, Mrs. Loomis, Mrs. Floyd, Ms. Stare. Mr. Marmie, Mr. Cost  
**A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT APPLICATIONS TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENTS PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED**

Motion by Mr. Rath, second by Mr. Cost  
**Mr. Rath-** stated that this is grant money that will be used to repair the bridge on West Church St along with a cooperative budget between Heath, Granville and Newark to pave W Main St, 30<sup>th</sup> St and Cherry Valley Rd.  
Motion passed with a vote of 10-0.

RESOLUTIONS ON 1st READING

12-71 By: Mr. Marmie, Mrs. Floyd, Mrs. Loomis, Mr. Rath, Ms. Stare, Mr. Cost  
**A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUMIT 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 2013 FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG), AS REQUIRED BY 24 CFR PART 91.220, FOR VARIOUS PROGRAMS RELATED TO HOUSING AND COMMUNITY DEVELOPMENT.**

Held to first reading

12-72 By: Mr. Marmie, Mrs. Floyd, Mrs. Loomis, Mr. Rath, Ms. Stare, Mr. Cost  
**A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (Termination Vacation \$700.00, Termination Comp \$750.00)**

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

**Mr. Marmie-** stated this is for an employee payout therefore it needs to be expedited

Motion to waive the two day reading rule passed with a vote of 10-0.

Motion by Mr. Marmie to adopt Resolution No 12-72, second by Mrs. Floyd

Motion to adopt passed with a vote of 10-0.

12-73 By: Mr. Marmie, Mrs. Floyd, Mrs. Loomis, Mr. Rath, Ms. Stare, Mr. Cost  
**A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION** (JAG Fund-Equip.\$6,000&LCSO Share-\$5,287;SWU Garfield McKinley Sewer Project Phase 4; Water Fund, Service Contract-USGS agreement for flood warning \$15,000; Storm Water Fund, Service Contract-USGS agreement for flood warning \$15,000; Bed Tax Disbursement for NASA, \$19,876)

Held to first reading

12-74 By: Mrs. Floyd, Mrs. Loomis, Mr. Rath, Ms. Stare, Mr. Marmie  
**A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION** (Capital Improvements Fund, \$27,682.47 mowing equipment for Parks & Cemetery)

Held to first reading

#### COMMENTS FROM CITIZENS

**William Butcher-** 129 W Main St, stated that there would be more street paving this Fall and next Summer and Spring. Provided a weather update and that Saturday is the first day of Fall.

**Kaitlyn-** 63 N 4<sup>th</sup> St, stated that she was disappointed that there were a few people on the council that were talking, everybody else was paying attention and one person had their arms crossed while citizens were speaking. She stated that she felt that if the members didn't want to pay attention than that they should not be part of the Committee.

**Pete Gibney-** 1335 Krebs Dr, stated that he agreed with the citizen who just stated her comments though he did not notice what she stated she observed. Inquired as to the status to when the railroad crossing was going to be fixed at 30<sup>th</sup> St.

#### MISCELLANEOUS

**Director Spurgeon-** stated that himself, Director Mauter and the Mayor have had many conversations about what they are going to do with commercial properties; he stated that they have had a lot of success with residential properties as a result of the AG Demo funding. The next step in the process is decided what they are going to do with these commercial properties that are quite frankly unsightly and unsafe. He stated that when they are made aware of an immediate safety hazard we have to do something. Therefore regarding the property on W Main St, that wall was bulging. The owners of the property have a long and well documented history of an inability to become compliant since 2007. We expended some of the public treasury to fix that immediate threat and they will make a robust effort to recover those funds through the foreclosure process through the County Auditor's office. Moving forward, there has been much dialogue with a family member, the owner of the property is out of state, indisposed and not in a position to take phone calls. The hope is that they can either sell the property or become compliant. If they don't we will have to discuss using more of the public treasury to do something with that property. He stated that they are not turning a blind eye to they know there is a big hole on W Main St but they are trying to give them some time to comply or sell on their own.

#### ADMINISTRATION

**Mayor Hall-** concurred what Mr. Spurgeon stated regarding the property on W Main St. He stated that the property is an eye sore and that they understand the safety concerns going into the winter season with that building. He stated that

they are trying to get compliance the right way without having to expend tax payers' dollars. He also advised that it was top on the agenda.

He also provided a status on the repairs to the railroad tracks which Mr. Gibney inquired about. He stated that they are trying to work with the railroad company to get the tracks fixed on 30<sup>th</sup> St and 21<sup>st</sup> St. He stated that they have a drawing of what the railroad intends to do to repair the tracks. He advised that the City is not allowed to come within 15 feet of the tracks when they pave. He stated that they are working hard to get the tracks fixed.

**Mr. Marmie-** called for a Finance Committee meeting. He also responded to the citizen's comment regarding him folding his arms. He wanted it to be known that he could repeat and or recite the issues that were discussed that evening and was paying attention.

He advised Mr. Gibney that he disagreed with his suggestion that the City should charge impact fees. He stated that he does not believe that the City should charge those who are usually in compliance additional fees and stated that those who are not in compliance or won't abide by the impact fees won't pay them anyways. He stated that that is what they found to occur when they did charge those fees. He stated the bottom line was that it wasn't fair and equitable. He further stated that he doesn't believe in increasing the cost of doing business in Newark just for an additional tax in his opinion.

He agrees with Mr. Ellington's assessment of the real estate business. He stated that he believes that the rental numbers have not decreased even though there are home sales. He stated he felt that people may be upgrading due to the interest rates but not reducing the number of rental properties that we need in our municipality.

He commented that he enjoyed doing the parade on Sunday and felt that it was good that all of Council joined together to do the parade together. He thanked the Mayor for putting things together and other City workers and Mayor's team that were there. The City had a good turn out and representation. He felt that it was a demonstration of our support for the community.

**Mr. Rath-** called for a Service Committee meeting. He stated that Mr. Gibney has been commenting on the 30<sup>th</sup> St railroad crossing as long as he has been on Council and this is the first he has heard that there is progress and is happy that there is such. He also hoped that they are including an ADA crossing, which was his biggest concern. He stated that there was someone in a wheelchair that had to go out into the street to cross the railroad. He stated that there should be a place to do so safely.

He too appreciated the fact that Council came together as one to do the parade. He also thanked the Mayor for providing lunch.

**Ms. Stare-** stated that she was disappointed that the ordinance regarding the alley being vacated passed, especially considering the authority and recommendation of Chief Stickradt and the respect that we should have for our leaders. She was disappointed that we did not follow his recommendation. She also stated she enjoyed that parade as well.

**Mr. Bubb-** asked for a quick update from the Service Director regarding the public auction that took place last weekend since it affects the General Fund.

**Director Rhodes-** stated the auction raised \$24,645

**Mr. Bubb-** encouraged members of Council and audience to check out the hometown hero section of Sunny 95's website or stated that you can hear it on the radio. He stated that Newark is featured this month with our hometown hero, Pastor Scott Hayes. He felt that it was an excellent nomination by the Mayor. He advised everyone that Scott Hayes runs a jail ministry, that he turned the old Hazelwood School into a community center and that they just put a dental chair in there to help under privileged children with getting their teeth fixed. Scott Hayes is also the owner of Psalms Café.

**Mr. Cost-** called a Rules Committee. He thanked the Mayor and his wife for going above and beyond on the parade and that they made it nice for everyone. He stated

that he appreciated everyone being involved. He also stated that he thought it was encouraging to read that there was a job expo at the New Metropolitan Hotel and 37 companies showed up and had 400 people to interview. The economy is not great but he stated that he felt it was encouraging to hear those companies were interested in our people and our people are showing up to look for the work.

**Mrs. Floyd-** stated that the 7<sup>th</sup> ward is having a block watch meeting on Saturday at Central Christian Church. She stated she would not be able to attend however plans to attend future meetings.

She stated that she knows of someone who got a job due to the job fair. She also commented on the communication that we received from Catherine Scodellaro regarding a fire pit. She encouraged individuals if they see a fire to call the Fire Department right away while the fire is going on and ask them to do something with it.

She also enjoyed the parade on Sunday and having everyone there. Sunday was the anniversary of the Midland Theatre. She feels that the Midland being downtown is a great draw and with the new Metropolitan Hotel there are going to be some package deals.

She reported that 225 years ago that day was the birthday of the signing of the US Constitution. She feels that it is the greatest document ever written. She stated she felt the people who wrote the document had such insight to write a document that would say how our government would be set up with as few amendments that we have and considering how much the world has changed over the course of 225 years.

**Mr. Frost-** called for a Capital Improvements Committee.

**Mr. Guthrie-** called for a Safety Committee meeting. He stated that Mr. Rath has a proposal concerning the vicious dog issue that will be discussed.

He thanked Director Rhodes for the job he has done concerning the public auctions and the money the auctions have raised.

He thanked Mr. Marmie, Mayor and department heads for the efforts that are going into bringing the appropriations through with as few waives as possible.

He commented that the Metropolitan Hotel is a nice addition to our downtown as well as Heartland Bank. He stated the appearance of the building is a nice welcome to downtown. He encouraged everyone to check out the Capitol Steps which is coming to the Midland. He voiced his concern and disappointment with ODOT that there are public vehicles sitting in the grass on a business property at ADR. He stated it is a field office for ODOT. He stated he contacted ODOT about this but nothing has been done.

**Mr. Houdeshell-** apologized for missing the parade on Sunday he stated he is battling health issues regarding his medication. He stated that if there is a fire he thinks vacating the alley was a mistake.

**Mrs. Loomis-** called for an Economic Development Committee meeting. She stated that they are going to discuss the findings from the last meeting on Thursday September 20, 2012. The plan is to allow the committee, council and administration to hear the finding or proposal from the Ad Hoc Committee then allow them an opportunity to digest the information. The information will be brought back on October 8, 2012 to decide whether to move it out of Committee to full Council or not. She encouraged everyone to attend the rental registration meeting Thursday September 20, 2012 at 5:30.

She too enjoyed the parade and thought that Mr. Cost's idea to attend together was a good idea. She was impressed with Mrs. Hall's enthusiasm.

She responded to Mr. Gibney's question regarding the funding that the Department of Development used on the house on Mound that is being foreclosed. She asked Mr. Mauter to report that at the next Economic Development meeting as well. She stated she too has asked that question and her understanding is that yes there is grant money involved but it is treated as a loss. She stated that she believes any grant money that the homeowner was obligated to pay back is gone. She stated they would ask Mr. Mauter for clarification.

Regarding the alley she stated she has said all she is going to say about that but we have been vacating alleys in that area from 1959-2001. If we did not have a decision to make here then we would not need the Street Committee and would instead rely upon Chief Stickradt' s recommendation. She stated she is glad that everyone got to vote the way they wanted or felt was necessary but she was glad that it did pass because the residents left the last Council meeting thinking that it was going to.

She thanked Mr. Moran for his write up that he gave to Councilmembers during the first citizens comments. She stated she appreciated that it was positive. She stated that she thought he had good ideas and according to Mr. Bubb it has been done before.

She thanked Director Rhodes for going out of his way to find a solution to a problem brought to him. He does it quickly as well. She also complimented Mr. Cost, 4<sup>th</sup> ward and stated he is the same way. She thanked Mayor and Jamie Farmer for their assistance today regarding an issue.

#### **ADJOURNMENT**

There being no further business for discussion, motion by Mr. Rath, second by Mr. Marmie to adjourn. Motion carried by acclamation and the meeting adjourned at 7:51 P.M.