

COUNCIL MINUTES

December 17, 2012

Council Chambers

7:00 p.m.

7:00 P.M. - Mr. Ellington called the December 17, 2012 Newark City Council Meeting to order

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

INVOCATION – Mrs. Loomis

PLEDGE OF ALLEGIANCE- Mr. Mauter

CAUCUS: Mr. Marmie- announced that he would be removing Resolution 12-82 from the table.

MINUTES of December 3, 2012 Motion by Mr. Rath, second Mr. Bubb that the minutes of the December 3, 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

Service- Received and Filed

Economic Development- Received and Filed

REPORTS CITY OFFICIALS

Stephen E Johnson- Operating Report for period ending November 30, 2012. - Received and Filed

PETITION

COMMUNICATIONS

Columbia Gas of Ohio- they will be making their annual filing with the Public Utilities Commission of Ohio to set rates for its infrastructure Replacement Program Rider. The application will request an increase of \$28.8 million, to be collected through the Rider IRP beginning May 2013. Under the IRP, Columbia Gas will replace aged cast iron, wrought iron, unprotected coated steel and bare steel distribution pipe, prone- to- fail risers and hazardous customer service lines. - Received and Filed

COMMENTS FROM CITIZENS

William Butcher- 129 W Main St, stated that he would like to see Council meetings back on channel 19, he watched and followed along with his agenda. He really does miss watching that. Weather update also given.

Mrs. Floyd- stated that she would also like to see Channel 19 come back. She stated that she has had citizens ask her about bringing that back. She stated that she knew there are equipment issues at the high school; however it would nice to have the meetings televised again.

ORDINANCES ON 2nd READING

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

12-42 **AN ORDINANCE TO MAKE AN APPROPRIATION FOR THE EXPENDITURES OF THE CITY OF NEWARK, OHIO DURING THE YEAR ENDING, DECEMBER 31, 2013.**

Motion by Mr. Marmie to adopt Ordinance 12-42, second by Mr. Bubb

Ms. Stare- inquired about the statement in the ordinance regarding minus grant funds \$55, 883,814. She asked if one or the other should be changed.

Mr. Ellington- asked if there was a misprint on the ordinance. It was confirmed there was a mistake on the agenda.

Mr. Marmie- confirmed the amount being voted on is \$55,883,814

Motion to adopt Ordinance 12-42 passed by a vote of 10-0.

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

12-43 **AN ORDINANCE TO MAKE APPROPRIATION FOR EXPENDITURES OF THE CITY OF NEWARK, OHIO DURING THE CALENDAR YEAR ENDING, DECEMBER 31, 2013.**

Motion by Mr. Marmie to adopt Ordinance 12-42, second by Mr. Houdeshell

Ms. Stare- stated that the ordinance and the agenda are different on this one also.

Mr. Ellington- asked Mr. Marmie to confirm the amount of \$28, 929,495 which is what is being voted upon.

Mr. Marmie- confirmed the amount

Motion to adopt Ordinance 12-43 passed by a 10-0 vote.

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

12-44 **AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF CHAPTER 1040 OF THE CODIFIED ORDINANCES FOR THE CITY OF NEWARK, OHIO REGARDING DEFINITIONS, GENERAL PROHIBITIONS ON DISCHARGES, LIMITATIONS ON WASTEWATER STRENGTH AND SEWER SERVICE CHARGES DEFINED.**

Motion by Mr. Rath to adopt Ordinance 12-44, second by Mr. Houdeshell

Mr. Rath- stated that this is a series of updated definitions and adjustment to the rates for solid waste disposal, which has not occurred in years.

Motion to adopt Ordinance 12-44 passed by a 9-1 (Mr. Marmie) vote.

ORDINANCES ON 1st READING

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

12-45 **AN ORDINANCE TO MAKE APPROPRIATION FOR EXPENDITURES OF THE CITY OF NEWARK, OHIO DURING THE CALENDAR YEAR ENDING, DECEMBER 31, 2013.**

Motion by Mr. Marmie to waive the two day reading rule on Ordinance 12-45, second by Mrs. Floyd

Mr. Marmie- explained this is grant funding which was held up in Committee therefore it needs to be expedited to avoid having another Council meeting before the end of the year. The funds have to be available January 2, 2013.

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

Motion by Mr. Marmie to adopt Ordinance 12-45, second by Mr. Bubb

Motion to adopt passed by a 10-0 vote.

RESOLUTIONS ON 2nd READING

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

12-92 **A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION**

Motion by Mr. Marmie to adopt Resolution 12-92, second by Mrs. Floyd

Motion passed by a vote of 10-0.

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

12-94 **A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE A CONTRACT FOR REIMBURSEMENT OF LEGAL REPRESENTATION OF INDIGENT PERSONS FOR CALENDAR YEAR 2013 WITH THE LICKING COUNTY BOARD OF COMMISSIONERS FOR THE CITY OF NEWARK, LICKING COUNTY, OHIO.**

Motion to adopt Resolution 12-94 by Mr. Rath, second by Mr. Cost

Motion passed by a vote of 10-0.

RESOLUTIONS ON 1st READING

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

12-82 **A RESOLUTION TO ALLOW FOR THE TRANSFER OF OWNERSHIP OF CERTAIN MOTOR VEHICLES AND RELATED PROPERTY TO THE BOARD OF COUNTY COMMISSIONERS OF LICKING COUNTY, OHIO AND/OR THE LICKING COUNTY TRANSIT BOARD FOR USE IN OPERATION OF THE COUNTY-WIDE PUBLIC TRANSIT SYSTEM; THEN AND NOW CERTIFICATION AND DECLARING AN EMERGENCY.**

Motion to adopt Resolution 12-82 by Mrs. Loomis, second by Ms. Stare

Law Director- asked Mrs. Loomis about the letter that was received by the FTA authorizing the transfer which referenced other personal property (non-rolling stock), meaning a computer and three bus shelters. He asked if we were intending to transfer those items to the County with this piece of legislation or if a separate piece of legislation would be done.

Mrs. Loomis- answered she believed that we were going to do a separate piece of legislation.

Mr. Cost- stated that the top section reads and other related property, and then asked if that would cover the additional items.

Law Director- stated that it would not cover the items since it is in the preamble, it needed to be in one of the sections below.

Mr. Guthrie- asked the Law Director if they could amend the resolution or if there was a concern that the Committee wanted to take it up.

Law Director- stated that there wouldn't be a procedural reason why the resolution couldn't be amended. He also stated that he was not aware whether Mr. Mauter had a reason or whether a reason was discussed at Committee because he was not able to attend that meeting.

Mr. Guthrie- made a motion to amend Resolution 12-82 to include the three additional items that the FTA approved

Director Mauter- stated that the three items are three bus shelters which are being stored at the Service Complex at this time, a computer monitor, and a computer CPU.

Mrs. Floyd seconded Mr. Guthrie's motion to amend Resolution 12-82.

Mr. Marmie- stated that they discussed the possibility of adding those items; at least he was a part of that discussion. He stated that it substantially changes the legislation which was not in Council Chambers at the appropriate time, not only that but Mr. Mauter indicated that these items didn't need to be transferred by January 2, 2013. He explained that was why it was determined that it was going to be a separate piece of legislation. They wanted to make sure that they were transparent to the community and that they weren't changing legislation and adding things on, like we can't do with Finance items. He also stated that he was not going to support the amendment for that reason.

Motion to amend Resolution 12-82 passed by a vote of 7-3 (Mrs. Loomis, Mr. Marmie, Mr. Rath)

Mr. Frost- asked the Law Director about the language used for the emergency clause on this piece of legislation; he wanted to know if it was sufficient. It states that it is in the best interest of the City of Newark.

Law Director- answered that the rule states the reason for the emergency clause needs to be stated in Committee however it doesn't need to find its way into the legislation. Historically what the legislation has said by way of the preamble is the Charter language, that it is necessary for the health, welfare, etc. It is good practice to include the reason in the legislation however it doesn't need to.

Mr. Frost- asked if it just need to say the Charter language or declaring an emergency for....

Law Director- responded to do it right that it ought to state Charter language and it should recite the basis for why the emergency clause is being evoked, but it is not fatal if it does not.

Motion to pass Resolution 12-83 A passed by a vote of 10-0.

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

12-96 **A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF NEWARK TO PAY BILLS ON BEHALF OF THE FIRE CHIEF PURSUANT TO SECTION 5705.41 (D), THEN AND NOW CERTIFICATION; AND DECLARING AN EMERGENCY.**

Motion by Mr. Marmie to adopt Resolution 12-96, second by Mr. Bubb
Motion passed by a vote of 10-0.

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

12-97 **A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF NEWARK TO PAY BILLS ON BEHALF OF THE ADULT PROBATION DIRECTOR PURSUANT TO SECTION 5705.41 (D), THEN AND NOW CERTIFICATION; AND DECLARING AN EMERGENCY.**

Motion by Mr. Marmie to adopt Resolution 12-97, second by Mr. Bubb
Motion passed by a 10-0 vote.

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

12-98 **A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION.**

Motion by Mr. Marmie to waive the two day reading rule, second by Mrs. Floyd
Mr. Marmie- explained that there is a payout and accounts that need cleaned up before year end.
Motion passed by a vote of 10-0.
Motion to adopt Resolution 12-98 by Mr. Marmie, second by Mrs. Floyd
Motion passed by a 10-0 vote.

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

12-99 **A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO SOLICIT BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF CERTAIN UTILITY SERVICES FOR THE VARIOUS FACILITIES OF THE CITY OF NEWARK, OHIO.**

Held to First Reading

COMMENTS FROM CITIZENS

William Butcher- 129 W Main St, stated that a building that there were complaints has had work done to it.

ADMINISTRATION

Mayor Hall- thanked Council and the employees of Newark for all that have been accomplished by working together this year. He feels as though there have been a lot of good things accomplished and is looking forward to 2013. Moving forward he hopes that they can make Newark a better place to live. He wished everyone a safe and Happy Holiday.

Mr. Bubb- stated that he had an opportunity to speak to representatives from the YMCA, to date they have booked the fields for 7 tournaments, 3 and 5 day tournaments, which equates to overnight stays in Newark. He stated that he thought that was the original intention, to serve the youth along with attracting people to the south end baseball fields. The Settlers are returning and Granville Christian Academy has reserved the field for their home games in addition to the with the normal Babe Ruth schedule. He stated he thinks the YMCA is doing a great job. He wished everyone a Merry Christmas and Happy New Year.

Mr. Cost- wanted to echo what the Mayor said; he felt that it has been a good year. He stated he had enjoyed his first year on Council and that it has been an honor to serve with the other members of Council.

Mrs. Floyd- She agrees that it has been a good year in the City and that we have gotten a lot done. She then wished everyone a Merry Christmas.

Mr. Frost- Merry Christmas and a safe and Happy New Year.

Mr. Guthrie- said that his thoughts and prayers go out to those in Newtown Connecticut. He stated that there are many things to thank the Mayor for but he in particular wanted to thank him for the day and night improvements to the Hollander Pool.

Mr. Houdeshell- thanked everyone on Council for their support and said he feels as though they get along pretty well. Merry Christmas and Happy New Year.

Mrs. Loomis- Merry Christmas and Happy New Year. She too has enjoyed her first year on Council.

Mr. Marmie- he commented that he feels they have set a precedence tonight that they probably should not have. He said it indicates to him that he can add things to Finance, as far as legislation regarding late items. He said it could be added to the legislation at Committee, which is something that he thought that they never wanted to do. He stated tonight's precedence t shows that it must be something Council wants to do. He thanked Autumn for all that she does. He didn't call for a Finance Committee meeting because he is hoping that we don't need one, but if we do it will January 2, 2013. Lastly he wished everyone Merry Christmas and Happy New Year.

Mr. Rath- said he felt that Mr. Rhodes did a good job on the streets last year and was confident that he would do a great job again this year. He agreed with William Butcher regarding City Council being broadcasted. He was amazed at all the people who came up to him and recognized him in the community from the television. He stated that he feels that it adds to the transparency and informs the citizens that we serve of what they are doing. He would support getting the Council meetings back on T.V. He wished everyone Merry Christmas and Happy New Year.

Ms. Stare- commented that she felt that the reason they amended Resolution 12-82 was because it was at year end and they wanted to get everything finalized. She stated that if not she believes they would have went through with another resolution. She thinks that the Mayor and his cabinet have done a wonderful job and that they are easy to get along with. She said Council did a good job too and that it has been a good year.

MISCELLANEOUS

Mr. Ellington- announced that City Hall will be closed Monday December 24th & 25th for the Holiday. He announced there will not be another City Council meeting until January 7, 2013. If a Committee meeting is necessary it will be January 2, 2013. He thanked everyone for their tolerance while he adjusted to his new position on Council and he hopes that they can keep improving. He thanked Autumn also for a nice job.

ADJOURNMENT- No further business to discuss Mr. Rath made a motion to adjourn, second by Mrs. Loomis. Motion was carried by acclamation. Council meeting adjourned at 7:38 P.M.