

Service Committee Minutes

Honorable Council
City of Newark, Ohio
August 01, 2013

There was a meeting of the Service Committee in Council Chambers following the Safety Committee, on Monday, July 29, 2013. These members were present:

Jeff Rath, Chair	Carol Floyd, sub for Ed Houdeshell
Shirley Stare	Ryan Bubb
Duke Frost	

We wish to report:

1. **Ordinance No. 13-22** annexing certain territory, generally described as being .284 acres more or less, (lot 182), located in Newark Township, to the City of Newark, Ohio was considered.

Motion to send to full Council by Mr. Frost, second by Mr. Bubb

Motion passed by a 5-0 vote

2. **Ordinance No. 13-23** amending the Property Maintenance Code for the City of Newark, Ohio to provide standard fees for certain abatement actions was considered.

Director Spurgeon- as you know the Property Maintenance Ad Hoc Committee has been working hard looking at our current Property Maintenance Ordinance for our community. One challenge we are having up on the fourth floor is the current language empowers me to get the costs of recovering the abatements. That is quite a challenge figuring it down to the penny. What it costs to cut grass, pick up trash that type of thing. The Committee has kicked this around and we would really ask the Council to support this. This will allow us to more efficiently conduct affairs to clean the neighborhoods up. We are asking opposed to an actual cost where we have to sit down with a calculator it is just a flat fee.

Mr. Houdeshell- he asked if the fees were high enough, he referenced the weeds being \$100.00, he stated he thought that we could have easily have \$200.00 in that

Director Spurgeon- you are absolutely right Councilman, the Committee has discussed at length do we want this to be a punitive action and the Committee felt no, we didn't want to. There are opportunities within the Property Maintenance Ordinance to assess fines related which would be a more punitive piece of that. This is just a good faith effort to recover those costs. We did estimate them just a touch high with the thought being if we are going to make an error we are erring on the side of the taxpayer. We don't want to be in the trash and grass cutting business but we also discussed that punitive piece as well.

Ms. Stare- that is what I was wondering, where you more or less came up the figures.

Director Spurgeon- we figured a lawn on a standard a half-acre residential lot, garbage was sending two folks out with a half-ton with a dump on it. Whether there are 2 bags or 20 bags there is a fixed cost to send two workers out to do that. Tires is more the expensive of disposing of them, it is quite the expensive to have somebody dispose of those for you.

Motion to send to full Council by Mr. Bubb, second by Mr. Frost

Motion passed by a 5-0 vote

3. **Ordinance No. 13-26** an ordinance authorizing all actions necessary to effect a governmental electricity aggregation program with opt-out provisions pursuant to section 4928.20, Ohio revised code, directing the licking county board of elections to submit a ballot question to the electors, authorizing the service director to enter into contract with the selected electricity generator, and declaring an emergency was considered.

Brenda Coffee with Integrity Energy of Worthington and Patty Campbell of RD Energy Granville-

attended last Committee meeting and came back tonight after the legislation was submitted to the Law Director's office to answer any questions Committee members may have.

Mr. Bubb- do you have a cost structure set, can you explain the cost structure how this would go starting off if this were to pass

Patty Campbell- if this were to pass we would go ahead and petition AEP, they would go ahead and give us all of the kilowatt hours annual usage for all of the residents that qualify and all the small commercial that qualify. So we would pool all of those numbers together and we would go ahead and purchase at that time a commodity of electric supply at whatever the rate is at the time that day because it can fluctuate a little bit up and down. We would have a number for you to look at at the time to go forward and that would be after it was passed by the citizens and after they went through the things that they are mandated to do by the PUCO.

Mr. Rath- my thought on this is if we pass this today we are passing it on with the emergency clause without a whole lot of time to look into this. I know that we have done this before and it failed, the voters said they didn't want it. We have an opportunity that Mr. Rhodes has explained to us where he is negotiating a rate of the City and it is an Opt In Program. This is an Opt Out Program and we don't even know what the price is now. I am personally not in favor of this.

Mr. Frost- I am opposed to this it is kind of rushed, the voters already had a chance once and they said no. People want to be able to make a choice. I think that is something that is key; the citizens. I would rather put this on the floor and kill it to be candid with you and vote against it if it is called because that is what I plan to do with it.

Ms. Stare- my only concern is that it was put the voters before and it was vetoed and I think if it were put before the voters again the same thing would happen I think people as individuals like to make their own decisions.

Brenda Coffee- the voters can do whatever they want to do but I think that the whole climate has changed since it was out forth in front of the voters back in 2011. At that point and time the offer that was on the table was a 6% savings which I can understand 6% isn't really worth their time to go into a lot of detail and learning. Now due to the rate structure on AEP and the actual market conditions themselves we are saving communities anywhere from 15-25% on their electric bill so there is a big difference there.

Mr. Rath- explained that the savings is on the usage not the actual dollar amount of the bill. For example if he had a \$200.00 bill his bill wouldn't go down to \$150.00, my bill might go down to \$180.00.

Brenda Coffee- you are exactly right.

Mr. Rath- to say that it is a 25% savings on my electric bill, in my mind is misleading.

Brenda Coffee- I agree with you we apologize for that. I guess we are so involved with it that we understand that it is on the generation and transmission portion not on the entire bill but it is still a 25% on that.

Patty Campbell- the previous supplier didn't offer budget billing, that is very important to the citizens to know if you shop by yourself and somebody calls you on the phone and says hey I want you to transfer to us this is what we are going to charge you, it sounds great on the phone. They don't know who they are dealing it they are grass roots, we are right here. I think what you are doing is taking away their right to figure out what they want to do. We are not going to change the utility it is still AEP.

Mr. Rath- I am still not taking away their right to figure out what they want to do at all because they can still go to Apples to Apples and pick from a variety of suppliers and opt in, we are not eliminating their choice in any way shape or form.

Mr. Houdeshell- I looked into the last time and didn't go for it, same things now, I will vote against it.

Motion by Mr. Frost, second by Mr. Houdeshell to not send Ordinance 13-26 to full Council.

Mr. Cost- the last time that we were together on this it was my understanding that this decision had to be made tonight because if we don't make this decision tonight then we are out of time to get it on the ballot. My question is, is there a reason that we could see how this works out in the course of the next year and have the time to consider it for the next election cycle. If we see that things are as good as they are presenting it, I don't see any reason for us to be rushed into a decision tonight.

Mr. Rath- the rush is if we want it on the November ballot, it has to pass here tonight. If we want it on the primary ballot in May or the general election next year in November it can certainly be brought up again.

Patty Campbell- stated that was an excellent point by Mr. Cost and asked to be considered again.

Mr. Rath- advised her to go through the Service Director Dave Rhodes

Motion to not send to full Council passed by a 0-5 vote

Ordinance No. 13-27 an ordinance authorizing and directing the Newark City Division of Water and Wastewater, through the Director of Public Service, to certify to the Licking County Auditor, the sum of \$51, 949.04 for costs incurred by the Newark City Division of Water and Wastewater for Storm water, water and sewer fees to be placed as a lien upon certain parcels of real property was considered.

Roger Loomis- stated that this is just the collection process to collect unpaid bills.

Motion to send to full Council by Mr. Bubb, second by Mr. Frost

Motion passed by a 5-0 vote

4. **Resolution No. 13-67** preliminary legislation for 30th & Church St to improve turn lanes, widen radius of roadway, upgrade traffic signal, replace sidewalk and curb ramps, repair and resurface pavement at intersection was considered.

Brian Morehead- explained that the next five pieces of legislation are from ODOT and are the first step in these projects. The year for construction on the intersection of Church St and 30th is 2015; we will begin right of way acquisition yet this year to be ready for that.

Mr. Rath- when you say right of way acquisitions are there going to be whole properties purchased

Brian Morehead- yes, the property at the south east corner of 30th and Church St, there will be 22 properties that we will be acquiring.

Mr. Frost- so the LPA is us ODOT wants to do some stuff and we have to do some additional repairs that they are going to ask us to do in relation to what they are going to do there, is that correct?

Brian Morehead- for any work within the municipality of Newark, ODOT asks for permission to begin that process and that is what all of these preliminary pieces of legislation are. Before we are ready to go out to bid we will have another piece of legislation that comes from ODOT which is called their final piece of legislation and that has all the cost estimates and that sort of thing with it.

Motion to send to full Council by Mr. Bubb, second by Mr. Houdeshell

Motion passed by a 5-0 vote

5. **Resolution No. 13-68** consent legislation for Williams St garage phase 3, project consists of final mitigation studies, acquisition of the affected properties, demolition of the properties and site cleanup was considered.

Brian Morehead- these are the properties related to the old ODOT site off of S. Williams St

Motion to send to full Council by Mr. Bubb, second by Mr. Frost

Motion passed by a 5-0 vote

6. **Resolution No. 13-69** preliminary legislation for resurfacing with related work on state route 16 including work on ramps was considered.

Brian Morehead- this is a project that ODOT will be doing in 2014. It is on ST RT 16 resurfacing will begin at Dayton Rd going east bound into Muskingham County and a small portion in the city.

Motion to send to full Council by Mr. Bubb, second by Mr. Frost

Motion passed by a 5-0 vote

7. **Resolution No. 13-70** preliminary legislation for state route 79 in the city of Newark, resurfacing of Cedar St from Main St intersection to end of curb section was considered.

Brian Morehead- basically this is Cedar St from East Main St northward to our corporate limit.

Mrs. Floyd- when would this be done?

Brian Morehead- 2014 I believe

Motion to send to full Council by Mr. Bubb, second by Mr. Frost

Motion passed by a 5-0 vote

8. **Resolution No. 13-71** preliminary legislation for upgrading signals in the city of Newark at SR 16 and Dayton Rd and West Main St and 30th St was considered.

Brian Morehead- we have received some safety funding through ODOT to upgrade the signal at ST RT 16 and Dayton Rd and W Main and 30th. Mostly minor changes to those but both of those signals will have the backer plates that are more visible and upgrades to the cabinets and the signals themselves. Scheduled for late 2014 or 2015

Motion to send to full Council by Mr. Bubb, second by Mr. Houdeshell

Motion passed by a 5-0 vote

Jeff Rath, Chair