

COUNCIL MINUTES

December 3, 2018

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the Monday December 3, 2018 Newark City Council Meeting to order.

ROLL CALL- Bubb, Cost, Fennell, Fraizer, Hall, Labutis, Lang, Marmie, Rath, Blake

INVOCATION – Mr. Blake

PLEDGE OF ALLEGIANCE

CAUCUS- Rule 11-

President Ellington- these will be considered in miscellaneous tonight because both Mr. Marmie and Mr. Cost have agreed to use Rule 11 to vote on these items.

18-97 A RESOLUTION OF INTENT TO APPROPRIATE THE REAL ESTATE KNOWN AS PARCEL #054-191250-00.00, NEWARK, LICKING COUNTY, FOR MAINTAINING AND IMPROVING ARLINGTON AVENUE WITHIN THE CITY OF NEWARK, OHIO; AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE OWNER OF SUCH LANDS AS REQUIRED BY LAW; AND DECLARING AN EMERGENCY

18-98 A RESOLUTION OF INTENT TO APPROPRIATE THE REAL ESTATE KNOWN AS PARCEL #054-19223400.00, NEWARK, LICKING COUNTY, FOR MAINTAINING AND IMPROVING ARLINGTON AVENUE WITHIN THE CITY OF NEWARK, OHIO; AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE OWNER OF SUCH LANDS AS REQUIRED BY LAW; AND DECLARING AN EMERGENCY

MINUTES of November 19, 2018 Motion by Mr. Labutis to approve the November 19, 2018 Newark City Council Minutes as presented and the reading be dispensed with in view of the fact each member of Council has received written summary of same, second by Mr. Fraizer. **Motion carried by acclamation.**

REPORTS OF STANDING COMMITTEES

Finance- **Received & Filed**

Service- **Received & Filed**

REPORTS FROM CITY OFFICIALS

Stephen Johnson, City Auditor- operating report for the period ending October 31, 2018- **Received & Filed**

Barb Jobes- City Tax Administrator- tax revenue report for the period ending October 31, 2018.- **Received & Filed**

Barb Jobes- City Tax Administrator- tax revenue report for the period ending November 15, 2018.- **Received & Filed**

COMMUNICATIONS

Andrew Christianson 29 N 12th St- an email to Council regarding a parking problem in front of his house. **Received & Filed**

Licking Memorial Hospital Development Council and Golf Gala Committee- invitation to City Council to become a sponsor of the 2019 Golf Gala to assist Licking Memorial with providing quality healthcare for our community with state-of-the-art technology and capital expansions. **Received & Filed**

PUBLIC HEARINGS

By: Rath, Marmie, Lang

18-28 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 1621 N 21ST STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF GO- GENERAL OFFICE ZONING DISTRICT TO GC- GENERAL COMMERCIAL ZONING DISTRICT.

Planning Commission Recommended No Change in Zoning, property was recommended to stay as it is currently zoned GO, General Office District

President Ellington opened the public hearing

Bob Klochner, 289 Myrtle Ave- stated that they are extremely happy about the vote of the Planning Commission and hopes that Council gives that serious consideration when making their vote.

Virginia Beach, 162 Myrtle Ave – wanted to express her support for the Planning Commission’s recommendation. It was a result of them working together for a resolution that supports a limited intrusion of a business into a residential area. We expect all of you to respect their work and follow their recommendations.

Motion by Mr. Rath to adopt Ordinance No. 18- 28, second by Mr. Fraizer

Mr. Rath- based on the Planning Commission’s recommendation I will be voting against Ordinance No. 18-28 and I recommend everyone else do so.

Mr. Fraizer- based on the recommendation of the Planning Commission’s recommendation and the residents I am going to support General Office District, it is in both parties wishes, although I see 21st Street becoming a general business district. It might be an overtime process and this just might be a step in the right direction. My biggest reservation was the general commercial designation that originally came forward so I don’t oppose the general office designation.

Mr. Cost- I would like to extend my support for the Planning Commission’s decision as well. I think what the Planning Commission did was find a compromise that will work well for everyone involved. The gentleman who owns both pieces of property talked about extending the school and now he will be able to expand the school and I know the neighbors welcome the school as opposed to a commercial business. They want to keep the residential neighborhood as it is. I think that it is a good compromise that serves everybody well.

Mr. Rath- just a point of clarification, Ordinance 18-28 that we are voting on now is currently General Office and the vote is to change it to GC, General Commercial zoning. Voting no will keep it General Office.

President Ellington- it would take 7 votes to overturn this and make it General Commercial and the Planning Commission recommended it stay GO, General Office.

Mr. Marmie- so the property owner has changed is that what happened or is it that he is willing to go along with the Planning Commission’s recommendation? Does he still want General Commercial?

Clerk of Council- during the public hearing at Planning Commission the owner asked for it to be rezoned General Business because he stated that the company that applied for him applied wrong by putting down GC but the Planning Commission didn’t recommend GB, General Business as he requested.

Motion to adopt failed by a vote of 10-0.

By: Rath, Marmie, Lang

18-29 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 158 MYRTLE AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF RM, SINGLE FAMILY RESIDENCE MEDIUM DENSITY ZONING DISTRICT TO GC- GENERAL COMMERCIAL ZONING DISTRICT.

Planning Commission recommended this property be changed to GO, General Office District

Motion by Mr. Rath to adopt Ordinance 18-29, second by Mr. Fraizer

Mr. Rath- I would like to make a motion to amend Ordinance 18-29 to Ordinance 18-29 A which is in our packet which would change the zoning classification from RM, Residential Medium density district to GO, General Office zoning district.

Motion by Mr. Rath to amend Ordinance No. 18-29 A to change GC, General Commercial to GO, General Office District, second by Mr. Fraizer

Mr. Rath- based on the Planning Commission’s recommendation I will be supporting Ordinance 18-29 A.

Mr. Fraizer- I will also be supporting Ordinance 18-29 A because it does allows for additional opportunities to the property owner, it is a step in the right direction. It takes in consideration the residential properties and the actual usage of that street.

Motion to amend passed by a vote of 10-0.

Motion to adopt Ordinance No. 18-29 A as amended passed by a vote of 10-0.

By: Rath, Marmie, Cost, Fraizer

18-96 A RESOLUTION APPROVING THE RENEWAL APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT AND DECLARING AN EMERGENCY

There were no citizens present to speak for or against this application.

President Ellington closed the public hearing.

Motion to adopt Resolution No. 18-96 by Mr. Rath, second by Mr. Fraizer

Mr. Rath- this is an emergency due to a timeline issue.

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

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

By: Cost, Marmie, Labutis, Lang, Rath, Fraizer

18-35 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DIVISION OF WATER AND WASTEWATER, BY CREATING THE CLASSIFICATIONS OF PROJECT ENGINEER AND ENVIRONMENTAL SYSTEMS TECHNICIAN WITHIN THE DIVISION AND SETTING THE COMPENSATION THEREFORE, AND ESTABLISHING ALL OTHER POSITIONS WITHIN THE DIVISION.

Motion by Mr. Bubb to adopt Ordinance No. 18-35, second by Mr. Fraizer

Motion passed by a vote of 10-0.

By: Cost, Marmie, Labutis, Lang, Rath, Fraizer

18-36 AN ORDINANCE AMENDING THE BASE WAGE AND SALARY TABLE OF THE CITY OF NEWARK FOR THE POSITION OF STREET AND TRAFFIC ENGINEER WITH A STRENGTH AUTHORIZATION OF ONE (1), IN THE DIVISION OF ENGINEERING.

Motion by Mr. Bubb to adopt Ordinance No. 18-35, second by Mr. Fraizer

Motion passed by a vote of 10-0.

By: Cost, Marmie, Labutis, Lang, Rath, Fraizer

18-37 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DEPARTMENT OF PUBLIC SAFETY, DIVISION OF PROPERTY MAINTENANCE BY CREATING THE CLASSIFICATION OF PROPERTY MAINTENANCE CODE OFFICIAL/REHAB SPECIALIST SUPERVISOR, AND SETTING THE COMPENSATION THEREFORE

Motion by Mr. Bubb to adopt Ordinance No. 18-35, second by Mr. Fraizer

Motion passed by a vote of 10-0.

By: Cost, Marmie, Labutis, Lang, Rath, Fraizer

18-38 AN ORDINANCE AMENDING THE PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT FOR THE POSITON OF CODE ENFORCER / REHAB SPECIALIST AND SETTING COMPENSATION THEREFORE.

Motion by Mr. Bubb to adopt Ordinance No. 18-35, second by Mr. Fraizer

Motion passed by a vote of 10-0.

ORDINANCES ON FIRST READING

By: Marmie, Rath, Cost, Lang, Fraizer

18-39 TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$2,000,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF BUCKEYE CORRIDOR STORMWATER PLAN SEWER IMPROVEMENTS, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Motion by Mr. Marmie to adopt Ordinance No. 18-39, second by Mr. Fraizer

Motion passed by a vote of 10-0.

By: Rath, Marmie, Cost, Labutis, Lang, Fraizer

18-40 AN ORDINANCE ANNEXING CERTAIN TERRITORY, GENERALLY DESCRIBED AS BEING 0.53 ACRES MORE OR LESS LOCATED IN NEWTON TOWNSHIP TO THE CITY OF NEWARK

Held for a second reading

By: Rath, Marmie, Cost, Labutis, Lang, Fraizer

18-41 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1905 MT. VERNON ROAD, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF NEWLY-ANNEXED PROPERTY, TO MB-MEDIUM INTENSITY BUSINESS DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Referred to Planning Commission

By: Rath, Marmie, Lang, Fraizer

18-42 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 0 CHERRY STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF RH- HIGH DENSITY SINGLE FAMILY RESIDENCE DISTRICT, TO MFR, MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Referred to Planning Commission

By: Marmie, Rath, Cost, Lang, Fraizer

18-43 TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$1,000,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF WATER SYSTEM IMPROVEMENTS, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Motion to adopt Ordinance No. 18-43 by Mr. Marmie, second by Mr. Fraizer

Motion passed by a vote of 10-0.

By: Marmie, Rath, Cost, Lang, Fraizer

18-44 AN ORDINANCE CONSOLIDATING TWO BOND ANTICIPATION NOTE ISSUES OF THE CITY OF NEWARK, OHIO AND DECLARING AN EMERGENCY

Motion by Mr. Marmie to adopt Ordinance No. 18-44, second by Mr. Fraizer

Motion passed by a vote of 10-0.

RESOLUTIONS ON SECOND READING

By: Cost, Marmie, Labutis, Rath, Lang, Fraizer

18-87 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION - CI (335 Capt Imp-\$24,045.00-Maintenance of streets)

Motion by Mr. Lang to adopt Resolution No. 18-87, second by Mr. Fraizer

Motion passed by a vote of 10-0.

By: Rath, Cost, Marmie, Labutis, Fraizer, Lang

18-89 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 AGREEMENT ON BEHALF OF THE CITY OF NEWARK FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES (FOURTH STREET SEPARATION PROJECT) AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

Motion to adopt Resolution No. 18-89 by Mr. Rath, second by Mr. Cost

Motion passed by a vote of 10-0.

By: Marmie, Labutis, Cost, Rath, Lang

18-90 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (100 General Fund-\$75,000.00: Pending Refunds)

Motion by Mr. Marmie to adopt Resolution No. 18-90, second by Mr. Fraizer

Motion passed by a vote of 10-0.

RESOLUTIONS ON FIRST READING

By: Marmie, Cost, Labutis, Lang, Rath, Fraizer

18-92 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE OHIO ATTORNEY GENERAL FOR THE OHIO LAW ENFORCEMENT BODY ARMOR PROGRAM FUNDING DURING 2019.

Held for a second reading

By: Marmie, Cost, Labutis, Rath, Lang, Fraizer

18-93 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION - Expedite (100 General Fund: \$8,300.00- Impound Lot Clerk Benefits & Salaries; 621 Water Dept Fund: \$30,000.00-Chemicals)

Motion by Mr. Marmie to waive the two day reading rule on Resolution No. 19-93, second by Mr. Fraizer

Mr. Marmie- it is getting close to the end of the year as far as the budget and there are some funds that are running short so we need to expedite this to get the money in those accounts.

Motion passed by a vote of 10-0.

Motion to adopt Resolution No. 18-93 by Mr. Marmie, second by Mr. Fraizer

Motion passed by a vote of 10-0.

By: Marmie, Cost, Labutis, Lang, Rath, Fraizer

18-94 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (209 Hotel/Motel Fund: \$89,824.68-Bed Tax Distribution; 100 General Fund:\$2,488.80-Fire Uniformed Overtime)

Held for a second reading

By: Rath, Cost, Marmie, Labutis, Fraizer, Lang

18-95 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LEASE PURCHASE AGREEMENT FOR THE LEASE-PURCHASE OF A NEW ELECTRONIC SCOREBOARD FOR USE AT DON EDWARDS PARK BASEBALL FACILITY

Held for a second reading

COMMENTS FROM CITIZENS

Virginia Beach, 162 Myrtle Ave- I would like to thank all of you for being considerate to the residents in the area by voting the way that the Planning Commission recommended. Thank You so much.

Bob Klochner, 269 Myrtle Ave- thank you very much for being considerate of our residential area on Myrtle Ave.

David Greene, 1791 Olympic Court- he asked that Council consider some issues, one of those issues was transportation. I know that years ago people met around this issue and that the City of Newark gave some of their control and authority over the issue of transportation to the county more fully in different ways. I don't think this exempts the Council from their responsibility as advocates for the citizens and residents of the city. To the credit of Mark Fraizer he proposed some changes in transportation in the county and that is the possible role that I see for people on Council to be advocates at all levels of transportation. It is an extreme hardship for a significant amount of the population. The second issue I would encourage you to revisit is rental registration. The Department of Property Maintenance has done a good job of going after violations in housing several people have pushed for rental registration and licensing in the city.

MISCELLANEOUS

Director Sassen- I will ultimately leave it to Council to decide whether the change in Council schedule has been successful or not but I would like to note that some of us here the Clerk and my office it has presented some difficulties but I wanted to make it clear especially tonight with the nature of the agenda we have been able to overcome those difficulties by using Rule 11. I would like to thank Mr. Cost and Mr. Marmie for being so willing to use Rule 11 even though it is somewhat confusing to the casual reader of the agenda it does make the day to day work in City Hall a lot easier especially in light of Council's change in the schedule.

Mr. Fraizer- thank you to Bob and Virginia for coming and continually being outspoken on the issue. The greatest part of government is listening to the people and it is hard to listen when their voices aren't presented so thank you for your participation. Dave I didn't really have a plan to talk about transportation but since you brought it up, there is an absolute need for better transportation and with the change that we are seeing at the county level an opportunity to improve the transportation systems that are underlining for the dispatching and coordination as well as providing more competitive salaries, better drivers and better schedules in order to maintain those drivers as well. The hope is that we will move into a flex route transportation system with stops throughout the city. What we see is if we improve the infrastructure that hope is that the usage goes up and the cost goes down. Hopefully by partnering with the Licking County Transit Board and the other organizations in our community maybe we can provide that sooner rather than later.

Mr. Lang- I had the opportunity last week to ride along with the Newark Police Department and I wanted to thank Officer Evans. It was eye opening sitting with him, I think that he is one of our finest just from my observation. I watched him race towards a shots fired report, take down a drug dealer by coordinating with CODE, it was impressive to watch him work. I sent my comments to Director Baum and I hope that he appreciates the sentiment. I would also like to mention Officer Arndt and Officer Purtee who were working with Officer Evans that night. I went home feeling a little safer with my family. I'd like to commend Director Baum and the Police Department for all they do.

Mr. Marmie- called a Finance Committee meeting for Monday December 10th at 5:45 to discuss the budget for 2019. Called a Finance Committee meeting for Monday December 17th at 5:45 P.M. I want to briefly comment on the schedule as far as what is happening. I know that we have invoked Rule 11 at various times in order to make sure things are running smoothly. Honestly looking back 10 years ago everything was last minute and I think that we have greatly improved as far as what this Council does and making sure that there is a transgression of time and that there is time in between for everybody to see and read everything. From the Clerk getting the agendas out on the Thursday prior honestly like I said we were doing things Monday morning for Monday evening meeting and that is when we were getting the information so it has greatly improved. I don't want to go back and I am glad with where we are at with the organization and how organized it is.

Mr. Rath- brought Resolution No. 18-97 and 18-98 to the table

By: Rath, Cost, Marmie, Labutis, Lang, Fraizer

18-97 A RESOLUTION OF INTENT TO APPROPRIATE THE REAL ESTATE KNOWN AS PARCEL #054-191250-00.00, NEWARK, LICKING COUNTY, FOR MAINTAINING AND IMPROVING ARLINGTON AVENUE WITHIN THE CITY OF NEWARK, OHIO; AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE OWNER OF SUCH LANDS AS REQUIRED BY LAW; AND DECLARING AN EMERGENCY

Motion by Mr. Rath to adopt Resolution No. 18-97, second by Mr. Cost

Mr. Rath- I will speak to both of these, this is a temporary easement for putting in a sidewalk for Safe Routes to School which is the reason for the emergency along with the timeline. We communicated with both of the owners of these properties and neither has responded so we are paying a fair market value.

Motion passed by a vote of 10-0.

By: Rath, Cost, Marmie, Labutis, Lang, Fraizer

18-98 A RESOLUTION OF INTENT TO APPROPRIATE THE REAL ESTATE KNOWN AS PARCEL #054-19223400.00, NEWARK, LICKING COUNTY, FOR MAINTAINING AND IMPROVING ARLINGTON AVENUE WITHIN THE CITY OF NEWARK, OHIO; AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE OWNER OF SUCH LANDS AS REQUIRED BY LAW; AND DECLARING AN EMERGENCY

Motion by Mr. Rath to adopt Resolution No. 18-98, second by Mr. Cost

Mr. Rath- the same reason as before just a different parcel.

Motion passed by a vote of 10-0

Mr. Rath- called for a Service Committee meeting for December 17th. I am looking forward to my ride along which starts 12 hours from now with Officer Beech. Mr. Rhodes thank you for our new top to our Council

Chambers. We recently had a passing of a past President George H. W. Bush and I would feel this body remiss if we didn't recognize that so I would ask that we have a moment of silence.

Mr. Blake- I just wanted to echo that this is the holiday season and several of our social service agencies and other organizations are having sort of an end of the year celebrations to talk about all of the celebrations and successes they have had throughout the year. It is a reminder to me and hopefully to others that at some point you have to move from charity to social justice and actually deal with some of the hardships that people are dealing with in our community so I do appreciate Mr. Greene's comments related to people who are out walking to work, appointments and just live their lives. Transportation is most definitely a barrier that we need to be advocates on. I am excited that this Wednesday there are a group of community leaders in coordination with Deb Dingus from the United Way that are going on a field trip to Columbus specifically on the topic of homelessness. We are going to discuss and open relationships with people in some of the Columbus organizations. We're not Columbus but we do deal with some urban issues. It is always wise to not re-create the wheel but to steal some ideas. I agree with you on the rental registration comments, that was prior to me coming on to this Council so it has been 5-6 years since this body has considered that. I know you have good information and I am sure others up here on this body have good information related to that so I would be curious to meet with you to discuss that.

President Ellington- thank you to everyone coming, the next meeting will be Monday December 10th for a Finance Committee to discuss the budget. We will meet again on December 17th at 5:45 P.M. for committees and 7:00 P.M. for Council where we will probably be voting on the budget.

Mr. Marmie- the administration will be getting in touch with us to go over the budget with Council members making sure that we are in compliance with the Sunshine Law.

ADJOURNMENT- Motion by Mr. Cost, second by Mr. Labutis. Motion was carried by acclamation.