

COUNCIL MINUTES

October 2, 2017
Council Chambers
7:00 P.M.

7:00 P.M. - President Ellington called the October 2, 2017 Newark City Council Meeting to order.

ROLL CALL- Mr. Cost, Mrs. Floyd, Mr. Fraizer, Ms. Hall, Mr. Lang, Mr. Mangus, Mr. Marmie, Mr. Rath, Mr. Blake, Mr. Bubb

INVOCATION – Mrs. Floyd

PLEDGE OF ALLEGIANCE- President Ellington

CAUCUS- Evoke Rule 11 for Resolution No. 17-73 appropriating monies for the current expenses of the municipal corporation.

MINUTES of September 18, 2017 Motion by Mr. Rath to approve the September 18, 2017 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**

Street- **Received & Filed**

Service- **Received & Filed**

Economic Development- **Received & Filed**

Personnel- **Received & Filed**

Capital Improvement- **Received & Filed**

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

By: Rath, Marmie, Fraizer, Bubb, Floyd, Cost

17-39 AN ORDINANCE AUTHORIZING AND DIRECTING THE NEWARK CITY SAFETY DIRECTOR TO CERTIFY TO THE LICKING COUNTY AUDITOR THE SUM OF \$165,262.06 INCURRED BY THE NEWARK CITY PROPERTY MAINTENANCE DEPARTMENT WITH RESPECT TO PROPERTY MAINTENANCE VIOLATIONS TO BE PLACED AS A LIEN UPON CERTAIN PARCELS OF REAL PROPERTY SITUATED IN THE CITY OF NEWARK, OHIO.

Motion by Mr. Rath to adopt Ordinance No. 17-39, second by Mr. Cost

Mr. Rath- these are liens placed on properties with property maintenance issues, we do this periodically throughout the year.

Motion passed by a vote of 10-0.

ORDINANCES ON FIRST READING

By: Floyd, Cost, Marmie, Rath

17-41 AN ORDINANCE VACATING A PORTION OF BURT AVENUE, RUNNING WEST FROM UNION STREET; SAID STREET RIGHT-OF-WAY IS LOCATED BETWEEN 278 AND 282 UNION STREET.

Held for a second reading

By: Bubb, Floyd, Cost, Rath

17-42 AN ORDINANCE CREATING TWO POSITIONS OF COURT SECURITY BAILIFF WITHIN THE MUNICIPAL COURT AND SETTING COMPENSATION THEREFORE

Held for a second reading

RESOLUTIONS ON SECOND READING

By: Rath, Marmie, Cost, Floyd, Fraizer

17-64 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 to adopt Resolution No. 17-64, second by Mr. Cost

Mr. Rath- the Mayor was going to speak on this tonight but he is home sick so I will just relay to you what he told me. This is a program that is designed to expand and repair the railroad crossing at the Thornwood interchange. It is a joint venture between us, Heath, Hebron and Licking County. This is the next step in the Thornwood expansion that will lead to further development on the west end of Newark.

Motion passed by a vote of 9-1 (Mr. Marmie).

RESOLUTIONS ON FIRST READING

By: Floyd, Cost, Rath

17-65 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-CI
(335, Capital Improvement Fund, \$2,996.45-City Building Projects)

Held for a second reading

By: Marmie, Floyd, Cost, Rath

17-66 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- Expedite
(disappropriation 100, General Fund, \$500.00-Service General, 100, General Fund, \$500.00- Overtime Parks & Cemetery)

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

Mr. Marmie- we need to expedite these items, they need to be paid immediately therefore we need to waive the two day reading rule.

Motion passed by a vote of 10-0.

Motion by Mr. Marmie to adopt Resolution No. 17-66, second by Mrs. Floyd

Motion passed by a vote of 10-0.

By: Marmie, Floyd, Cost, Fraizer, Rath

17-67 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION
(265, HoDAG Fund, \$307, 550.00- Housing Projects)

Held for a second reading

By: Rath, Floyd, Cost, Marmie

17-68 A RESOLUTION OF INTENT TO APPROPRIATE THE REAL ESTATE KNOWN AS PARCEL # 054-271110-00.001, NEWARK LICKING COUNTY, FOR MAINTAINING AND IMPROVING THE MANNING STREET BRIDGE 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. 17-68, second by Mrs. Floyd

Mr. Rath- I typically like to speak on each piece of legislation that I nominate for adoption that has the emergency clause but I will spare you all and speak about the next 5 resolutions at the same time. All five of these are either for the Manning Street Bridge or the Ohio Street Bridge. We are acquiring small pieces of property some of which are even under water. It is a formality to official acquire the small piece of property.

Motion passed by a vote of 10-0.

By: Rath, Floyd, Cost, Marmie

17-69 A RESOLUTION OF INTENT TO APPROPRIATE THE REAL ESTATE KNOWN AS PARCELS #2A AND 2B WD, NEWARK LICKING COUNTY, FOR MAINTAINING AND IMPROVING THE OHIO STREET BRIDGE 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. 17-68, second by Mrs. Floyd

Motion passed by a vote of 10-0.

By: Rath, Floyd, Cost, Marmie

17-70 A RESOLUTION OF INTENT TO APPROPRIATE THE REAL ESTATE KNOWN AS PARCELS # 6 T AND 6 WD, NEWARK LICKING COUNTY, FOR MAINTAINING AND IMPROVING THE OHIO STREET BRIDGE 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. 17-70, second by Mrs. Floyd

Motion passed by a vote of 10-0.

By: Rath, Floyd, Cost, Marmie

17-71 A RESOLUTION OF INTENT TO APPROPRIATE THE REAL ESTATE KNOWN AS PARCELS # 7 T AND 7 WD, NEWARK LICKING COUNTY, FOR MAINTAINING AND IMPROVING THE OHIO STREET BRIDGE 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. 17-70, second by Mrs. Floyd

Motion passed by a vote of 10-0.

By: Rath, Floyd, Marmie, Cost

17-72 A RESOLUTION OF INTENT TO APPROPRIATE THE REAL ESTATE KNOWN AS PARCEL # 054-212748-00.000, NEWARK LICKING COUNTY, FOR MAINTAINING AND IMPROVING THE OHIO STREET BRIDGE 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. 17-70, second by Mrs. Floyd

Motion passed by a vote of 10-0.

COMMENTS FROM CITIZENS

The following citizens spoke out opposed to the moving of the gazebo on Courthouse grounds to an East Main Street location:

Dawn Pettit, 317 Moull St- opposed to moving the gazebo out on East Main Street. She stated she felt that it was a poor attempt to deal with the homeless. This is something the citizens of Newark have stated they are opposed to. I think the gazebo should stay and I have three questions was the Mayor and the County Commissioners the only ones who made this up. Who are the private donors funding the move and what can be done to stop this?

President Ellington- I can tell you that it was not a Council action, I know it was and administrative action. I don't know the answer to your three questions.

Dean Lane, 405 Lexington Ave- opposed the moving of the gazebo. He stated that for 25 years the weekend before Christmas he has bought with his own money candy canes and sat on the gazebo and played Santa Claus while parents took pictures and he didn't charge people anything.

Sheena Able, 648 W. Main St- she was there representing their group Preservation of the Courthouse Park and Gazebo that was created three days ago by Kathy Dickerson Trager and in three days we have 1011 members. She entered into record posts that were made from citizens on their Facebook page in opposition to moving the gazebo. She stated that if it is moved to East Main Street it will be destroyed and have graffiti on it.

Dreama Hughes, Webb St- opposed the gazebo being moved. She feels safe walking downtown and wants us to find a different solution for the homeless people hanging out downtown other than removing the gazebo and picnic benches.

Victorian Conn, 24 Jefferson St- opposed the moving of the gazebo. She was questioning what the city's plan was for that area if the gazebo is moved.

Bill Marty, 625 Cedar Run Rd- opposed the moving of the gazebo and stated that they have had the National Day of Prayer there for 20 years until the construction of the Courthouse and since that is nearing an end they were looking forward to getting back to doing that again.

Kathy Dickerson Trager- I started the website and I invite you all to go there and read all the comments. She stated that she has read this area will be used for 75 parking spaces for Courthouse employees. She stated when she looks at the gazebo she remembers a time when her grandchild played with his truck there.

Tom, 31st St- opposed to the gazebo being moved and he noticed that the trim around the roof was already being taken off.

Jen Kanagy, 2584 Uplandview Ct- she stated that she has spoken to a couple of hundred people in the last few days between going door to door and social media and has had only one positive comment about moving the gazebo and that was from a business owner otherwise everybody else wants to keep the gazebo where it is. I just wanted to state that for everyone I have spoken to.

Julie Barrett, 42 N 31st St- opposed to the moving of the gazebo and hopes that whoever is in charge of that will reconsider and if nothing else put it to a vote.

President Ellington- I don't know much about the parking plan but I do believe they are not going to be parking around the Courthouse.

MISCELLANEOUS

Safety Director Baum- I have participated in a couple parking meetings and as far as I know there are absolutely no plans for parking around the Courthouse or to remove green space to create additional parking for Courthouse employees. A couple of the security concerns for the gazebo in its' current condition; number one it's not ADA compliant, number two we did have a problem with homeless people sleeping under it, in it and around it. Homeless problem aside, separate issue that is a problem. People can't sleep on the Courthouse. I would point out that change is tough and nobody particularly likes it. There are benches around the square as opposed to on the Courthouse lawn, I don't know if we are plus or minus as far as benches go but the benches on the Courthouse which were viewed as a problem with people on the Courthouse Square during the day from 1978 the security is not the same for government buildings anymore. We are going to be installing security devices here in the city building, we are going to lock down the exterior doors and there are going to be a couple of Bailiffs here. It is going to cost money and people are going to be inconvenienced coming into the city building when we install that to get where they want to go as a visitor. As far as the gazebo, homeless people sleeping, on it, under it and around it when you are having an event on the Courthouse lawn the County felt that they needed to open the first floor of the Courthouse for restrooms. I have heard a few comments and I respect them about not wanting to move things to another location but our Courthouse lawn isn't necessarily the site for regular venues. I haven't heard anything about eliminated car shows or the Courthouse lighting but to move the gazebo is a security matter. It was an administrative decision. There were issues with vandalism during concerts. The last three that I can think of were broken handrail, broken statue and a nonfunctional fountain. Is it popular, no, we didn't think that it would be popular with everybody but was it necessary yes it was necessary. That is the security perspective for moving the gazebo. I didn't grow up here, I didn't take my children to the gazebo here so I don't have those memories but I understand that is going to cause some discomfort.

Mr. Cost- first of all I would like to thank everybody for coming tonight and feeling like you can express your views in an open and honest manner. I am going to be the first to say I am not happy about seeing it being moved. To me the gazebo is part of the Courthouse; it has been there for 30 years. It has become a significant part of the downtown of the square. I'm sure what they are planning on doing with it as a memorial park at the Children's Home site will be very well done but I personally hate to see it happen. The parking meetings that I have been to they have decided that the parking will not be expanded around the Courthouse. The only parking that will be there is where the police bring in prisoners and defendants for trials. They are going to have that parking lot so that judges can park there and police cars can park there and actually be able to turn around. I understand your feelings and like Safety Director Baum said change is very difficult. I will be the first one to admit I struggled with it.

Mrs. Floyd- I will say ditto on the parking issue, I have been to two parking meetings as well as Mr. Cost has and basically they are not going to have major parking other than what is already required. I will say I agree with you people, I really do. Since I was 4 years old I have lived within a mile of the Courthouse square, I can see the top of the Courthouse from my house. I have always felt safe on the square, I volunteer at the Midland so I am down there late at night and have to walk over to the Park National Bank lot or where ever I happen to park for the concert. I do not want us to become a community of them and us and sometimes I am afraid we have become that. I know some business people are concerned with some of what happens downtown but I do not want us to become a community of where us the nice normal average people don't want the them, the people who are homeless or don't have very much or those that stay

at St. Vincent de Paul at night or Salvation Army that have to leave during the day, where do they go. I know that is not something that government can solve totally. I know there are some problems with the gazebo not being ADA on the other hand I want us to be an inclusive community that welcomes everybody. I think moving it is not a good idea, it's not a popular idea and it is probably going to create a problem for some people. I am an east ender I grew up in the east end, I taught at Lincoln for 30 years. I had many children from the Children's Home when I was teaching, I know where the children's home site is I was there when it was torn down; I'm not sure it is going to be used there. I know they said they are going to put a nice little park there but it is off the beaten path and unfortunately back to the us and them thing there are some people who are proud of the fact that there have never spent any time in the east end of Newark and I find that a sad commentary. I hope we are not a community that operates in that way. As Mr. Ellington said this was not a Council decision it is strictly an administrative decision between the City and County administration. That's not something Council did anything about nor is it something we have any control over but I will say I agree with you the gazebo should stay there.

Mr. Fraizer- to continue on with the gazebo topic, Dawn I thought that you had some great questions. The first one, the Mayor and County Commissioners have it in their authority to make this decision it is not a Council action. We found out about it a lot the same way you did. There were previous conversations about it then we found out the hard way. As far as private donors you are going to have to ask the administration for the list of those then what can we do about it is probably the most important question. What you are doing is exactly what you should be doing. You should be speaking out, you should be vocal, and you should communicate to the administration and the County administration. Go into the County Commissioners meeting and express yourself, write to the Advocate, write to whoever you can, your State and local officials. That goes a long way in our community; having you guys come in here was very impressive because we like to see civic action and basically a voice. I try to be very careful about our government, I am on the legislative side this was an administrative decision, and they are allowed to make administrative actions however we all represent the people. Please continue to express yourself, continue to be vocal and thank you for coming here.

Ms. Hall- I would like to thank you all for being here tonight as well. I don't want to see the gazebo moved from downtown either however the east side would be neat with a park and a gazebo. Why not, people picnic there as well and would enjoy a park out there as well but if this gazebo isn't up to code then let's bring it up to code. She called for a Ways & Means committee.

Mr. Lang- I would like to echo everyone's thoughts. I think that it is great to have everybody come out here tonight even though you are coming before a body that didn't have any power to do anything about the decision that was made but we do absolutely appreciate that you came out to speak. It is important that we hear from the citizens. I think Mark did a great job of laying out the action that you should be taking.

Mr. Mangus- like everyone else I would like to thank you all for coming out this evening. I have lived in Newark since 1998 and I only know of the gazebo being on the Courthouse grounds. I have taken my kids to walk around the Courthouse in December when the lights are up and one of their favorite stops is the gazebo just to run around and mom and dad are getting tired so we sit in the gazebo. As everyone has said this was not a Council decision, change is difficult. Like Dee I'm happy to see a park going in on the east end. I wish we had two gazebos, one downtown still and one in the east end. Thank you for coming and make your voices heard. Lobby the administration and lobby the County Commissioners and maybe a change could take place.

Mr. Marmie- I too want to thank all of you for coming. Everybody has pretty much said everything that could have been said. I have been here my entire life since 1964 so I did see it being built; I saw when it first came about. It is a sad day whenever there is change. The administration made a decision upon safety so if something needs to be done then that is where it needs to be done at but I do appreciate your voices and listening to your concerns. If there is something that can be done then it has to come from all of you as well as us, we are voicing our opinion up here tonight same as you. He called for a Finance Committee meeting. He also brought Resolution No. 17-73 to the table evoking rule 11.

By: Marmie, Floyd, Cost, Rath

Resolution No. 17-73 appropriating monies for the current expenses of the municipal corporation.

Mr. Marmie made a motion to waive the two day reading rule, second by Mrs. Floyd

Mr. Marmie- the reason this needs to be expedited is because we will be paying additional storage for this salt if we don't expedite this.

Motion passed by a vote of 10-0.

Motion to adopt Resolution No. 17-73, second by Mrs. Floyd

Mr. Marmie- this is for salt although we are not in the salt season we did commit to purchasing this and if we don't purchase it in this year's budget then we will have to pay for storage of it which would cost us more and we would still eventually have to pay for it. This will actually save us money by doing this now versus later.

Motion passed by a vote of 10-0.

I would be remiss if I also didn't comment on the tragedy that occurred in Las Vegas. Mrs. Floyd mentioned it in the invocation, it is sad and I hope that all the prayers are out there for all of those family members who have family members whose lives were lost and those injured. It is amazing to me the changes are that are occurring in the United States that something like that could happen at what is supposed to be a positive event. My heart goes out to those family members who lost a loved one and to those who have a family member that was injured.

Mr. Rath- thank you all for coming here we appreciate it. I commend you for doing that and like everybody else has said keep it up. Make your voices heard and amplify that by adding more people to it. I agree with Mr. Baum in saying that not everybody likes change; in fact most people don't like change. We have had a lot of change in the downtown area and a lot of people were resistant to that and I think people have come to like what we have done so far. I don't know that I agree with this particular change. Matter of fact I do know that I disagree with this particular change. I would love to see the gazebo stay there. It is a nice landmark and a nice addition to the downtown area. We would love to see it stay there. As far as Las Vegas goes I do know that we had two Newark residents who were not only in Las Vegas at that time but were also at the concert. Fortunately both of them go out unscathed. I wish them safe travels home.

Mr. Blake- considering everything that has happened over the last 24 hours I also want to send thoughts and prayers to all of the families dealing with the situation in Las Vegas with the many innocent deaths and unnecessary harm that has plagued the city, Las Vegas Nevada. It also makes me think could something like that happen here? We recently had a shooting in our county and it makes me wonder as we were hired by the people to protect them, do we have adequate resources to handle situations of such tragedy? Those are conversations that we need to have. You just don't know these days you have to be prepared. Something positive for the Safety Department and Steve Baum I am looking forward to joining the Citizens Police Academy which is starting on Wednesday night. With regards to the gazebo I think it is more than just a structure. People have had rallies there, they have had weddings there, and we have had community events there and family events there. It symbolizes much more than just a structure. My frustration with this ordeal is that we have had meetings about wanting to develop a vision for our city about where we want to go, we have had public meetings and private meetings but there has been this plan being developed as to where we want Newark to be in the next 10, 15, 20 years. I agree with all of my fellow colleagues here. The Mayor who is not sitting here tonight that is who you need to be addressing your concerns and comments to because it was he and his staff that made that decision to join with Commissioners to do so. So it is disturbing because it brings about this vision that is unneeded. We have so many other issues that we need to debate, discuss and work on as a community but this is an unneeded distraction to real issues that exist in our city. Thank you for coming tonight, I know there was a few of you who created this Facebook page over the last few days and you have over 1,000 people participating. Tomorrow at 9:00 A.M. go over to the County building the Commissioners meeting is at 9:00 A.M. so go over there and come back here. I didn't know that they were already dismantling the gazebo but that is disheartening considering the article just came out recently. Make your voices heard, make it as loud as you can. Thank you for coming here tonight and please don't give up. He called an Economic Development Committee meeting.

Mr. Bubb- called for a Personnel Committee meeting

President Ellington- I would like to add my thanks for everybody coming tonight and having your voices heard. I know I didn't let you speak another time but there are certain rules I have to follow about when you can speak and when you can't so don't take it personally. I too grew up in the east end like Mr. Marmie I was born in like 65; I had Mrs. Floyd as an 8th grade teacher, what does that tell you? I appreciate your comments. Jeremy had a great idea about going over to the Commissioners meeting at 9:00 A.M. The reason the Mayor is not here is that he is under the weather. He is here about every Council meeting so come back. I had no idea that they had started dismantling either so your best bet is to keep up what you are doing. Committees will meet Monday October 9th at 5:30 we don't have that day off. City Council will meet October 16th at 7:00 P.M.

ADJOURNMENT- Motion by Mr. Cost, second by Mr. Lang. Motion carried by acclamation.