

## COUNCIL MINUTES

March 21, 2016  
Council Chambers  
7:00 P.M.

**7:00 P.M.** - President Ellington called the Monday March 21, 2016 Newark City Council Meeting to order.

**ROLL CALL**- Mr. Cost, Mrs. Floyd, Mr. Fraizer, Ms. Hall, Mr. Johnson, Mr. Marmie, Mr. Rath, Mr. Rolletta, Mr. Blake, Mr. Bubb

**INVOCATION** – Mrs. Floyd

**PLEDGE OF ALLEGIANCE**

**CAUCUS**

**MINUTES of March 7, 2016** Motion by Mr. Johnson to approve the March 7, 2016 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. Cost. Motion carried by acclamation.

### APPOINTMENTS

**Council**- reappointment of William Mann and Jeff Anderson to the Community Reinvestment Area Housing Council (CRAHC) upon recommendation of Mark Mauter Development Director- **No Objections, carried by acclamation.**

### REPORTS OF STANDING COMMITTEES

Finance- **Received & Filed**

Service- **Received & Filed**

Street- **Received & Filed**

Economic Development- **Received & Filed**

Safety- **Received & Filed**

### REPORTS FROM CITY OFFICIALS

### COMMUNICATIONS

**Mayor Hall**- presenting a proclamation proclaiming the month of March Developmental Disabilities Awareness Month

**David Greene**- a flyer given to members of Council at the March 7, 2016 meeting inviting them to a presentation at the Library. - **Received & Filed**

**Sally Hewitt**- email asking Council to keep our breed specific legislation- **Received & Filed**

**Larry Tate**- email asking Council to keep our breed specific legislation- **Received & Filed**

**Julie Eyrich Wall**- email asking Council to keep our breed specific legislation- **Received & Filed**

**Liz Adams**- email asking Council to keep our breed specific legislation- **Received & Filed**

**Lynne Tafaro**- email asking Council to keep our breed specific legislation- **Received & Filed**

**Amy Hunter**- email asking Council to keep our breed specific legislation- **Received & Filed**

**Joan Kowal**- email asking Council to keep our breed specific legislation- **Received & Filed**

**Seraphima Glass**- email asking Council to keep our breed specific legislation- **Received & Filed**

### PUBLIC HEARING

**President Ellington opened the public hearing and the Clerk read the Notice of Public Hearing.**

**President Ellington**- this property is 173/175 Elmwood Ave, it is currently zoned as a single family, RH High Density and the owner is asking to go to Multi-Family. My understanding now is that it is a grandfathered duplex. Currently under our zoning code you can have four non-related folks living in a single family residence. I believe the Property

Maintenance Code says three and I think Brian Morehead will be coming to Council in the next few weeks to fix that discrepancy. My understanding is that he can have four non-related folks living in a single family dwelling. If it is a duplex he can have four on one side and four on the other as long as he has enough square footage. The Planning Commission, Director Rhodes has denied this and suggested that he go to a Two Family District to match the property.

**Natalie Cost, 3436 Johnstown-Utica Rd-** I am the owner of 173/175 Elmwood Ave and my understanding of what the property is described as is exactly what you said it was. It is a current legal non-conforming use of a duplex and according to Article 7 it can continue to be used as such. It is already a duplex and will house 8 people; we are asking for two more people to be housed. This is to address the homeless issue, the housing issue that we have in Licking County. We work closely with BHP, Behavior Health Professionals; we place quite a few people through their agency. Coalition of Housing and St. Vincent De Paul works closely with us as well. All of our tenants are screened very thoroughly. It is a drug free, alcohol free residence. I am on the premises of each boarding residence every day. We want to bring more boarding houses to the City of Newark to address the homeless issue we have, it is a great need in this community. We have went out on outreach to invite people to church, we have done that downtown here and unfortunately we have come across quite a few homeless people. One experience my husband and another gentleman from our church had was that someone told them that he was homeless and I am contemplating going out and hurting someone so I can be put in jail to have place to sleep tonight. That is really sad and unfortunate. We firmly believe in giving people second chances that is what we are about. If they want a second chance I am willing to work with people to house them and help them get on their feet. We have four people that were placed with us through these agencies that are now working, being product in society, off the streets, off drugs and in rehab. They are doing really well. I do understand the concern from the residents on Elmwood Ave; it's not a good area. That is a concern of ours as well when we thought of doing a boarding house in that area because of the trouble that is already there. With that said we do take special precaution to who we rent to, we don't just rent to anyone. I am asking that we don't have to go to have it rezoned as multi-family because it already is zoned it is grandfathered in but it is technically zoned single so I can still operate with four on one side and four on the other side legally but I am asking for two more units in there so we can house more people.

**Ryan Glit, resident of the boarding house at 91 East North St room A-** their rooming house saved my life I was recently released from prison with no address in November. When funds ran out I contemplated killing myself because of my mental illness and my fear of being homeless. They opened up their home to me I had no money and I have been staying there ever since. They have invited me to church and since then I have felt like a part of a community, a part of something greater than myself. They have made me feel like family and I thank them for that. This is a great need. I know of at least four other people in our rooming house on East North that could have been homeless. There are some people late on rent and they don't pressure them about it they tell them to give it to them when they can, we know you are trying and we respect that.

**Vernon Smith, 1838 Willow Ridge Dr Heath-** founder of a ministry who had two rooming houses on Hudson Ave that were more than full because of need that has already been expressed by Natalie so well. When the second rooming house was taken over by the owner our program was shut down and we didn't have anywhere to house people and the calls just kept coming in then I found out about Barry and Natalie Cost. I am relieved knowing that there is somewhere people can be referred to and we be treated well and fairly. I am thrilled as to what I see happening there.

**Greg Sheets, 3016 Mt. Vernon Rd-** the Cost's and I have been partners at one time purchasing houses and some of them I wish that you'd just put an X on but we have sat in some of these meeting before and heard the burden of Newark that some of these houses are run down and eyesores. I have lived here all my life and I have seen some of these houses go down but I think that if you looked at our houses we have brought up the value. We have made many improvements to the point that the City of Newark asked us to take one of the houses and invest in it so it's not like they are going to take the house and it's going to be run down and be horrible. They and myself have taken the houses and improved them so I think that you can be rest assured that what they are going to do is going to be beneficial to Newark as well.

**Ryan Glit-** just speaking of perspective I was there and saw the house a week before I moved in and just in that week the house had been renovated so much. They put in new drywall, new tile floor throughout, central air, new electric and a new front porch. They turned a rundown house into a beautiful home for many people.

**Mrs. Floyd-** asked Director Rhodes to explain why the Planning Commission didn't recommend the zoning change.

**Director Rhodes-** maybe 8 years ago when we redid the zoning in the City of Newark, we looked at every street and every neighborhood of the entire city and at that point we put designations in those areas. We designated this area at that time to be single family residence. In this particular case this house was already a duplex, which it is an illegally allowed duplex under the current zoning so in my recommendation I didn't want to change it to a rooming house status

but to a TFR status and have them come to the Board of Zoning Appeals which would make it a legally allowed duplex which would give the Engineer's office and Zoning the ability to approve any structural changes. When it is an illegally allowed property to approve changes they can't. Under the current zoning as a duplex they can have four unrelated people that live in each half. We can't take that right away but we didn't feel as though we wanted to go one step further and allow five per half.

**Mr. Rath-** if we pass this and change the zoning to MFR does that allow two additional people? Mrs. Cost said two additional people, is that two additional people per address or just two additional people total as in one additional person per address?

**Director Rhodes-** it would be one additional person per address, two additional people total.

**President Ellington-** that is also based on square footage correct?

**Director Rhodes-** yes

**Mr. Rath-** I'm sorry I am just slightly confused on your explanation. You said that right now it is an illegally allowed duplex and you wanted it to be zoned so it could be a legally allowed duplex so that you can approve structural changes.

**Director Rhodes-** that is correct

**Mr. Rath-** does MFR comply with that or is there a different zoning that you wanted it to be?

**Director Rhodes-** TFR.

**Mr. Rath-** you would approve a TFR but that would not increase the occupancy?

**Director Rhodes-** We are somewhat obligated to approve TFR because that is what it was prior to the zoning changes. They need to go to the Temporary Board of Revision for a duplex zoning which would allow them to have four unrelated people per half. Being a legal duplex would allow us to approve any structural changes. An illegally allowed duplex doesn't allow us to approve structural changes at this point because it is an illegally allowed duplex. If they don't want to make any changes to it they don't have to come to the Board of Zoning Appeals. It is one of those pieces that got caught in the middle when we decided that area needed to be single family residential. That is the way we see the future of it but you can't take away the right that was put in place of the zoning change.

**President Ellington-** just to straighten up Mr. Rath's question, if it is approved for MFR which is what they asked for they can make changes if they want?

**Director Rhodes-** yes if it was approved and they would also be allowed to have additional people in the house.

**Mrs. Floyd-** asked Mrs. Cost a question, I live about a block away from that house and I walked over there today and I only saw one address on the door in front that said 173. Is there only one door?

**Natalie Cost-** no ma'am there is a door on the side to an upstairs entrance.

**Mrs. Floyd-** on the south side?

**Natalie Cost-** yes ma'am. May I add that Mr. Rhodes said that the description on the property is an ill-legal non-conforming, am I correct?

**President Ellington-** I believe that is what he said

**Natalie Cost-** in the letter that he gave us it is current legal, legal, I no i in front of it, non-conforming so we have the right to do with it what we want right now and it would be grandfathered and stay the way that it is, a duplex and operate the same.

**President Ellington-** correct, I believe that is what he said yes besides the illegal part

**Natalie Cost-** the illegal part we can't do anything with it right now

**Director Rhodes-** those are just words, you have a duplex and you can operate it like a duplex right now. If you want to make building changes inside the house you have to go to the Board of Zoning Appeals so that we change the zoning to make it a legal duplex. We are kind of mincing words, if you want to go in there and tear walls up and move things than come to the Board of Zoning Appeals which would give you the authority to do that which would give us the authority to approve such changes. If you want to operate it as a duplex right now you don't have to come in and do anything and under our current zoning laws you can have up to 4 unrelated people live in each side. That is the current law.

**Mr. Fraizer-** I am a big fan of what you are doing let's start with that, is there an onsite coordinator who will be living at the residence?

**Natalie Cost-** no, there is a gentleman who works for our company, we have a lead abatement company, so we are general contractors, he works with us and does maintenance there but I am in the property every day. I clean the property, I check on my people.

**Mr. Fraizer-** as far as the lease agreements go for the property is there any sort of curriculum or drug testing or anything like that?

**Natalie Cost-** I don't do drug testing, I do a background check. Everyone is up front with me, especially if they are coming through BHP or Coalition of Housing. It was stated in the house rules when they moved in and they sign it so they are acknowledging it. It is grounds for immediate termination.

**Mr. Rath-** you said that you do a background check, what excludes them from being allowed to stay there?

**Natalie Cost-** violent, domestic violence, hard core felony or more recent drug charges, things like that that is more hard core. We do have recovering addicts, recovering alcoholics and sex offenders there. We have people who are trying to recover and they don't need that in their environment. They are trying to do better and get better so we exclude a person if it is a hard core felony.

**Mr. Johnson-** if this changes to multi-family does it only include this residence or does it include the whole block?

**President Ellington-** just this residence

**Mr. Johnson-** it just includes this residence?

**Natalie Cost-** yes sir

**Mr. Fraizer-** if this doesn't pass and you are only allowed to have four residents in each house do you still plan to operate business as usual?

**Natalie Cost-** yes sir

**Mr. Fraizer-** what is the real need to have this changed in order for you to have an extra resident? Is it more people off the streets?

**Natalie Cost-** it would be two more people and yes

**Mr. Fraizer-** how many people do you currently have in the residence?

**Natalie Cost-** currently there are five

**President Ellington-** how many properties do you have in Newark?

**Natalie Cost-** we have 11 properties, 3 are boarding houses. The property that Mr. Sheets was talking about that the City of Newark asked us to take is actually 16 N 5<sup>th</sup> St and that is a boarding house now.

**President Ellington-** the other 8 are single family?

**Natalie Cost-** there are only three that boarding houses, Elmwood, 16 N 5<sup>th</sup> and 89/91 East North. The rest are all homes.

**Mr. Rath-** asked Director Rhodes if we were to change this particular residence to MFR than what happens to the residences on either side of the property. Are we now obligated to change them to MFR if somebody comes and asks us?

**Director Rhodes-** this is something that Doug Marmie and I have argued about for years. Honestly it would be Council's decision but if the MFR is in place it makes a stronger argument for the next house to have the same zoning because the property lines are attached. Ultimately it ends up being a Council decision on the direction of this. Council did speak when we changed that area to single family when we redid the zoning so this would be an amendment to that. The other thing too tonight there seems to be a lot of people in the crowds in favor of this but at Planning Commission it was just the opposite. We had people in the crowd that were opposed to it so there are opposing views and we came out of Planning Commission that night opposed to it in part of what we heard that night and in part because the Zoning Code which a lot of us worked on and put a whole lot of time and energy into analyzing the whole city, did we get it perfect? Absolutely not, have we made changes to it? Yes. It is a project that is constantly changing and in motion and tonight is part of that.

**Mr. Cost-** David at some point if this property would sell what would the zoning go back to?

**Director Rhodes-** that is a very good question, it would still be a duplex unless let's say Mr. Ellington bought the property and he wanted it to be single family and he went in and made it a single family residence in which was occupied for I believe 6 months then it would lose its' right to be an illegally allowed duplex. They intent to use it as a duplex so if they came to the Board of Zoning Appeals they would make it a legally allowed duplex which would allow them to make building changes.

**Mr. Cost-** asked for clarification on the definition of a duplex

**Director Rhodes-** when I saw duplex I mean a house that is split in half and two different families live in it and then if you boil it down a little bit further our code says in a single house or half of a house up to 4 unrelated people can live in that residence so in a duplex you could have you to 8 unrelated. That is what is currently on the books so we are bound by that.

**Ms. Hall-** you mentioned square footage, if this is voted multi-family there may not be approval for an extra person in each one because of the square footage?

**Director Rhodes-** there is some square footage requirements. I have not personally been in the house I don't know what the square footage of it is but our Zoning Inspector Nate would identify how big the house is and he would work the metrics to determine how many people could stay in there based on the square footage of the house.

**Ms. Hall-** so we might go through this and it might be multi-family and it would still be 4 on each side

**Director Rhodes-** I can't speak to that but if you are asking hypothetically if that could happen, yes hypothetically it could.

**Mrs. Floyd-** when people came to the Planning Commission meeting and were opposed to this were those people neighbors?

**Director Rhodes-** yes and they were people who had lived there a long time in single family residences

**Mr. Rath-** I had a question for Mrs. Floyd being the 7<sup>th</sup> Ward Council Rep and living in the neighborhood what is your opinion?

**Mr. Marmie-** point of order that will lead to debate

**President Ellington-** you will have to wait until she has discussion which we will have here in a minute.

**Mr. Fraizer-** Director Rhodes, if we move this to multifamily boarding house designation and it sells and they have that multifamily designation they are allowed to create a boarding house or continue operating a boarding house or does it default back to the duplex?

**Director Rhodes-** no it would be a boarding house and could be sold as a boarding house and used as a boarding house. However let's use another example, Don bought that house and he wanted it to be single residence which is what we designated the street to be and he brought it to the Temporary Board of Revision and said I have this house with a multifamily designation and I would like it to be single family because I want to make it consistent with what is in the neighborhood. They would probably grant him that and I believe that as long as it was used that way for 6 months it would be single family. There is a time frame in there I'm not sure but I think it is 6 months.

**President Ellington-** we are going to let Mrs. Cost speak once more and then we are going to close the public hearing, read it for a second time and then if there is any debate we will have it then we will vote.

**Natalie Cost-** in regards to the square footage of the house, Joe Paul he is the city inspector that has to come and inspect the property to make sure the square footage is accurate for each room has already done so. He has passed the inspection we are waiting for the decision to come from here before they will issue the license for us.

**President Ellington-** so he said that you could have 10 people?

**Natalie Cost-** yes, the square footage is there. Also if we ever sold the property we would put it back to a single home

**President Ellington-** I don't think that helps

**Natalie Cost-** for a boarding house you have to carry insurance, commercial insurance and that person at that time would have to be approved just like we did for it to be a boarding house.

The public hearing was then closed.

**By: Mr. Rath, Mr. Marmie**

**ORDINANCE NO. 16-01** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 173 AND 175 ELMWOOD AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF SINGLE FAMILY RESIDENCE RH- HIGH DENSITY DISTRICT, TO MFR- MULTI-FAMILY RESIDENCE DISTRICT.

**Mr. Marmie-** I have been privy to a number of zoning change requests, there have been a number of incidences that like the Cost's. I commend you on what you are doing I am a champion at what you are doing.

**Mr. Rath-** point of order

**President Ellington-** I need to let Mr. Rath make a motion to adopt first

**Motion by Mr. Rath to adopt Ordinance 16-01, second by Mr. Bubb**

**Mr. Marmie-** I commend what they are doing however way back in the day we did a favor for a property that was a berry barn and we made it commercial so they could sell stoves out of that barn. It was a great thing the berry barn was great but now we have a commercial property in the middle of that residential housing because of that request for an individual who was doing the right thing at the right time. I honestly think that you are doing the right thing at the right time however we have to look at that use no matter who the owner is, no matter what the use is. No matter if it is a boarding house being ran as well as yours or a boarding house that isn't being ran as well as yours. Therefore we have to look at the residences in the area, what the area is zoned for and what we should do as far as maintaining the integrity of that neighborhood and the property owners rights, not only yours but also those surrounding you. Again I commend you, I think that you are doing a great thing here but I can't support changing it because you will not always be the owners and someone could change that because of the zoning classification change. It is in stone and even if you tell us

that you are going to change it back it doesn't mean that it is going to happen. Things happen and things change, they always do and particular ownership of a property. I can't support it at this time because of the neighborhood that it sits in. I agree with Mr. Rhodes the lesser would be more appropriate based on what it is and because it is a duplex but I can't support additional and making it a boarding house just because of that.

**President Ellington-** just to remind everyone because the Planning Commission did deny this it will take 7 votes to pass it.

**Mrs. Floyd-** I live very close to that property and I have lived there a very long time and I have known other times when there were other rooming houses on Elmwood Ave not too far from my house and it was not good for the neighborhood. I know how you are running yours and I agree with Mr. Marmie I commend you on that because there is a need no doubt with the homeless situation that we have but you are going to provide enough of a home for 8 people opposed to 10 if we deny this. I can't change the condition of the neighborhood for that. Sometimes we have to think long term and that isn't always easy for people to understand but we have to think about what it is going to be like in the future. The next owner may not have the good intentions you do and may not be there on a daily basis to check on it and to make sure there isn't any alcohol and drugs. I know that drugs have been a real issue in that area of the community so it is not something that I can support.

**Mr. Johnson-** this one property is going to be rezoned and I don't like to see single parcels be rezoned to make something acceptable. The property was zoned that way because they wanted single residence and if we were making the whole area multifamily then I would probably vote for it but I'm not going to vote for this because it is only one property.

**Mr. Fraizer-** Natalie what you are doing is great and I commend you and I feel that you were called to do this because you have dedicated so much time, effort and investment and you really want to make a difference in our community. I want you to continue to make a difference; I want you to continue to make a difference in our community and I want you to continue buying houses for people who are homeless. The issue that is at stake for this proposal is to add two people and I understand that it is heart breaking when you have two people but the is that you can find additional housing and residence for those two people and on the plus side you can provide housing for four people on each side of the duplex to get out of the street and have a new crack at a successful life. Continue to be involved, don't be discouraged. I think this is a step for ultimate good so I want to encourage you to continue to find properties and to continue to invest and to continue to be a good role figure to them.

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

#### **COMMENTS FROM CITIZENS**

**William Butcher, 263 Union St-** stated that Union Street and Cherry Valley Road need to be paved and some of the allies. He provided a weather update.

#### **ORDINANCES ON SECOND READING**

**By: Mr. Rath, Mr. Marmie, Mr. Cost, Mrs. Floyd, Mr. Fraizer**

**16-03** AN ORDINANCE AMENDING THE PROPERTY MAINTENANCE CODE FOR THE CITY OF NEWARK, OHIO TO PROVIDE STANDARD FEES FOR CERTAIN ABATEMENT ACTIONS

**Motion by Mr. Rath to adopt Ordinance 16-03, second by Mr. Bubb**

**Motion passed by a vote of 10-0.**

#### **ORDINANCES ON FIRST READING**

**By: Mr. Rath, Mr. Marmie, Mr. Cost**

**16-04** AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCE AND A RESOLUTION AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION PF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY

**Motion by Mr. Rath to adopt Ordinance 16-04, second by Mr. Johnson**

**Mr. Rath-** this is a matter of formality to bring our ordinances in conjunction with the state. It is an annual event sponsored by the Law Director.

**Motion passed by a vote of 10-0.**

**By: Mr. Rath, Mr. Marmie, Mr. Cost**

**16-05** AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT, SUBJECT TO THE APPROPRIATION OF FUNDS, WITH THE COMBINED GENERAL HEALTH DISTRICT OF LICKING COUNTY FOR THE CONTINUED DELIVERY OF PUBLIC HEALTH SERVICES TO THE CITY OF NEWARK, OHIO

**Held For a Second Reading**

**By: Mr. Rath, Mr. Marmie, Mr. Cost**

**16-06** AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF \$370,000.00 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF IMPROVEMENTS TO THE CITY'S LANDFILL AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

**Motion by Mr. Marmie to adopt Ordinance 16-06, second by Mrs. Floyd**

**Motion passed by a vote of 10-0.**

**By: Mr. Fraizer, Mr. Marmie, Mr. Rath**

**16-07A** AN ORDINANCE AMENDING CHAPTER 618 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO REGARDING BREED SPECIFIC VICIOUS DOG DESIGNATION

**Held For a Second Reading**

**By: Mr. Marmie, Mr. Cost, Mr. Rath**

**16-08** AN ORDINANCE VACATING AN ALLEY DEDICATED BY ORDINANCE 47-94, BEING A STRIP OF LAND SIXTEEN (16) FEET WIDE OFF THE EAST SIDE OF LOT 72 AS SHOWN ON THE PLAT OF THE BELLEVISTA ANNEX, AT PLAT BOOK 3, PAGE 277, OF THE LICKING COUNTY PLAT RECORDS; SAID ALLEY IS LOCATED SOUTH OF LINWOOD AVENUE.

**Held For a Second Reading**

**By: Mr. Marmie, Mr. Cost, Mr. Rath**

**16-09** AN ORDINANCE VACATING A PORTION OF ALLEY AS SHOWN ON THE PLAT OF THE B.B. JONES AND D.H. WATKINS' ADDITION AT PLAT BOOK 4, PAGE 116, OF THE LICKING COUNTY PLAT RECORDS; SAID PORTION OF ALLEY IS LOCATED EAST OF NORTH HAZELWOOD AVENUE.

**Held For a Second Reading**

#### **RESOLUTIONS ON SECOND READING**

**By: Mr. Marmie, Mr. Cost, Mrs. Floyd, Mr. Rath**

**16-23** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

**Motion by Mr. Marmie to adopt Resolution 16-23, second by Mrs. Floyd**

**Motion passed by a vote of 10-0.**

#### **RESOLUTIONS ON FIRST READING**

**By: Mr. Marmie, Mr. Cost**

**16-24** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- Expedite

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

**Mr. Marmie-** we always expedite these requests for payouts so we can get the money to these individuals as quickly as we can

**Motion passed by a vote of 10-0.**

**Motion by Mr. Marmie to adopt Resolution 16-24, second by Mrs. Floyd**

**Motion passed by a vote of 10-0.**

**By: Mr. Rath, Mr. Cost, Mr. Marmie**

**16-25** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO NEGOTIATE AND ENTER INTO CONTRACT, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE DESIGN AND CONSTRUCTION OF A RIVERBANK FILTRATION SYSTEM PROJECT. PURSUANT TO ARTICLE 10.02 (D) OF THE CHARTER OF THE CITY OF NEWARK, THIS CONTRACT FOR PROFESSIONAL SERVICES DOES NOT REQUIRE COMPETITIVE BIDDING.

**Held For a Second Reading**

**By: Mr. Marmie, Mr. Cost, Mr. Rath**

**16-26** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

**Held For a Second Reading**

**By: Mr. Marmie, Mr. Cost, Mr. Rath, Mr. Fraizer**

**16-27** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LEASE PURCHASE AGREEMENT WITHOUT COMPETITIVE BIDDING FOR THE ACQUISITION OF ONE FIRE TRUCK, TO SELL AN EXISTING FIRE TRUCK AND APPLY THE SELLING PRICE AGAINST THE PURCHASE THEREOF AND DECLARING AN EMERGENCY

**Motion to adopt by Mr. Marmie, second by Mr. Cost**

**Motion passed by a vote of 10-0.**

**By: Mr. Marmie, Mr. Cost, Mr. Rath**

**16-28** A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY, OFFICE OF CRIMINAL JUSTICE SERVICES FOR A 2016 OHIO COMMUNITY-POLICE RELATIONS GRANT

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

**Mr. Marmie-** we need to expedite this for an application deadline.

**Motion passed by a vote of 10-0.**

**Motion by Mr. Marmie to adopt Resolution 16-28, second by Mrs. Floyd**

**Motion passed by a vote of 10-0.**

#### **COMMENTS FROM CITIZENS**

**William Butcher, 263 Union St-** wants to know what the city is going to do about motorists not stopping for emergency vehicles.

**Karen Johnston, 207 Brendon Dr-** in our neighborhood we have had several families move in with aggressive, menacing types of dogs that are off of their property. It is not comfortable to have to walk with pepper spray in your pocket and a club to protect yourself or your dog that you're walking in the neighborhood because people don't comply. Dogs follow breed, Golden Retrievers retrieve, Labs will retrieve, herding dogs will herd, Pointers will point, Pit Bulls were bred for fighting bulls originally, that is how they got their name but do to people they have been bred in general for dog fighting and various things. You just never know what the dogs breeding is that you are getting unless you have a very reliable expensive dog. People say not all Pit Bulls are bad, I agree. I have seen some nice Pit Bulls in training classes but the point is you never know what they are going to do. 41% of the Pit Bull fatalities last year were by family dogs on family members or friends and they never thought that would happen. As far as multiple dogs and being maintained, there is a whole different makeup in a dogs' mentality when a dog is in a group than when it's alone. When one dog barks another



barks, if one dog runs over to check something out the other does too. There is more danger in multiple dog ownership than in single ownership of dogs that could pose a risk. Large dogs pose a risk. I have had a German Shepard, they are the most likely to bite they just don't kill us. 50 % of those fatal dog bites last year were by multiple dog attacks, two or more dogs. I fell that standard needs to stay. The new standard has four categories of dogs and in the ordinance it states that nuisance is menacing or biting off property. I don't know about you but I think biting is more than just a nuisance. I have been dog bit and it is not fun. It is not an inconvenience or an annoyance which is what a nuisance is in the dictionary. I don't think the classifications are exactly valid. There is no requirement in the new laws for euthanization of a dog if it has bit someone or another dog as when I am walking my dog and they are charging from off their property being vicious they could kill my dog and yet there wouldn't be a requirement for that to happen to the other dog. That doesn't seem just or fair. I sent you emails regarding statistics on dog fatalities last year so I won't go into all of them but Pit Bulls accounted for under 10% of the total dog population but they accounted for 82% of deaths of the 28 out of 34. 41% of those were children 9 and under, 59% were adults and of that 59% of adults 65% were adults 61 and older. There are a lot of older people and children in our neighborhood. A dog that bites an adult on the leg is a child in the face. Only 9% of those fatalities resulted in any meaningful criminal charges. I am very much opposed to change in the regulations.

**Allen Baker, 334 Gregory Dr-** I was attacked three Saturdays ago by a Pit Bull on our street. It just tore my pants. I went onto the porch to tell the people to put their dog back on their property because it had ran out into the street and grabbed me by the pants but they wouldn't answer the doorbell so I called the police. The officer told me to go back off the property and go home and he would come talk with them. I went back to my house and the policeman came and talked with me and asked what happened and wanted to know if the dog drew blood. I told him it didn't just tore my pants. He went down to talk with them and the dog attacked him and they had to send him to the emergency room. I was called last Saturday and told the dog had been put down. I don't know why people would have to have vicious dogs in a neighborhood where we have old people and grandkids. That dog could have killed a kid, it weighed 75 pounds. I think people with Pit Bulls shouldn't have more than one in a neighborhood where there are older people and young kids.

**Jim Haren, 143 Gregory Dr-** I live across the street from the people that have these dogs and I simply want you to know that I am in compliance with these folks. Those dogs are mean and they scare people. We have people walk our neighborhood it is an inner circle. Nobody feels safe and I would like to ask Council to consider that these are vicious mean animals.

## **MISCELLANEOUS**

**Mayor Hall-** this past week the Red Cross had the Hero's Breakfast and we had some individuals in our Police and Fire Departments recognized and we are very proud of that. Both departments do wonderful things every day. These individuals were in life threatening situations and did the right thing, wonderful things to save lives so I wanted to thank them for that. They are very discreet and shy about taking those awards but I think it says something great about both units. This past Saturday Big Brothers and Sisters had there Bowl for Kids and I want to thank everyone in the community, corporations, individuals that raised an enormous amount of money. Any previous record they had was broken. When we went into the third shift of bowlers we had reached their goal which made their Director happy. It was a wonderful event and certainly reaches out to the youth in our community. Thank you again for the community support.

**President Ellington-** I heard it was something like \$135,000.00

**Mayor Hall-** yes their goal was \$120,000.00, last year was \$105,000.00 and they surpassed that so this year they sat it at \$120,000.00 and were nervous.

**Mrs. Floyd-** on Saturday I went down to Little Bear to buy a few groceries and there weren't very many people in there so I asked the clerk if business was way down and she responded yes. I would encourage everybody in here to go to the Little Bear a couple of times; it is easy to get to. Go down Fourth Street to Walnut and you can go into the parking lot and out the same way. It is a nice little store with a nice deli. Also support Kick's Bookstore, Sweet 23 and Lapaloma, it is all torn up and people can't get to it. Please support these downtown businesses that are hurting. By the end of May it will be beautiful and we will all love it but we need to keep the grocery store in downtown Newark. We isn't have one for a little while and that was not a good scene. I mentioned in the prayer Jimmy Mceachern, "Crazy Jimmy" has stage 4 lung cancer and I think that they have given him 6 months to live. Many of us have seen him at a lot of community events taking pictures. They are having a fund raiser for he and his family tomorrow night from 5-7 at the Maennerchor. It is a spaghetti dinner. The cost is \$7.00 and anybody who can go please go because Jimmy has done a lot for the community and it is a very difficult time for his family. I am on an outreach committee, I know the Mayor is on the board

and Jeremy is involved with the United Way, Deb Dingus in charge of the United Way is going to walk the county for 50 days. She is 50 this year and they are trying to raise \$50,000.00 for the United Way. She is going to sleep out; she is going to hit every township and every school district. I volunteer in the office a couple of days a week and she said she would really like to see some city officials involved. On April the 7<sup>th</sup> and 8<sup>th</sup> she is going to be in Newark. The kickoff breakfast is at the Double Tree on the morning of the 7<sup>th</sup> and then she is going to be at the Canal Market District, Little Texas, Ben Franklin and Newark High School. She is going to sleep out that night at OSU Newark COTC and then the next day she is going to have a conference at OSU Newark then be at CTEC then she is going to sleep out a night at Chestnut Assisted Living. Most of us I think, think of the United Way has a fundraiser which it is but she has worked really hard to make people aware of the homeless issue in the community. She wants people to go walk with her as long or short of a distance you can. The final day is May 26<sup>th</sup> she will be walking from True Core in Heath to downtown Newark where they will have a final celebration in the courtyard at The Works. It would be encouraging to her to see some city officials who are involved in that endeavor as well. There is a fundraising sheet on the back if you want to raise some money for the concern. Last I heard I think they had \$18,000.00. Happy Easter.

**Mr. Fraizer-** I am excited with the direction that the city is going with 16-03 Property Maintenance Code and with 16-27 the purchase of a new Fire Department, we are starting to address the needs that are in our community and that is improving property maintenance and maintaining our neighborhoods as well as investing in capital improvements which is buying fire trucks to make sure that we have public safety forces in the future. To address Jim, Karen and Allen, I hear what you were saying but the current situation that you are in is under the current law and so what we are seeing is that if we maintain this BSL law you are going to continue to have the same problems. The goal is to treat vicious dogs just as that, as vicious dogs and to have our safety forces address vicious dogs that are actually vicious instead of chasing Pit Bulls that have never done anything to anybody. With the current designations of Nuisance, Dangerous and Vicious dogs the hope is that we can address dog owners to maintain control of their animals and to prevent them from running the neighborhoods and attacking you and hold people to higher account when they do. The goal is to ultimately improve your public safety in your neighborhoods and to hold vicious dogs and vicious dog owners accountable for that. I understand that your concern is that it will open this up to allow vicious dogs to be held and multiple owners but honestly this strengthens the laws and enabling a safer community for all of us to live in. I appreciate you guys being vocal about this issue and bringing it to Council and voicing your concerns and I hope that you will continue to do that in the future.

**Mr. Marmie-** called a Finance Committee Meeting. I hope that we pray for Washington DC, we have Newark Catholic High School visiting there this week and we also have Wilson. They made it safely and hopefully they will have a great experience. I want to wish everyone a happy resurrection day.

**Mr. Rath-** I too want to promote the fundraiser tomorrow for Crazy Jimmy at the Newark Maennerchor, I am going to do the best I can to get there. In the interest of March being Developmental Disabilities month I just want to let you know that today is National Down syndrome day. I have a friend who has a couple of Down syndrome boys who is also a pediatric doctor that does a lot for Down syndrome in Licking County. As far as the public hearing today I voted no for the zoning for two reasons. One most typically I am going to vote against spot zoning which is what that exactly was and then two I am almost always going to vote what the Ward Councilperson thinks because that is their neighborhood and that is why I asked Mrs. Floyd specifically and that she voted against it just reaffirmed it. As far as the dog ordinance goes I agree with Mr. Fraizer we are right along the same lines there. I have been spear heading this from the beginning and my goal has always been to make it incredibly difficult for a vicious dog to live in Newark and to make it incredibly painful for somebody to own a vicious dog. The one thing that the ordinance does not change is that you cannot still have more than one vicious dog if you are allowed to keep a vicious dog at all and all of the restrictions to vicious dogs remain. The biggest problem that we have with dog bites and dog bites in the City of Newark and nationwide for that matter is reporting. The dog that is on the porch that comes out to the street and bites your pants is breaking the law and the way that this new ordinance is written is if that dog comes out and breaks the law by running loose off a leash three times then they are now considered a dangerous dog and have the restrictions of a dangerous dog but it could run lose all day ever day but if it's not reported and never convicted then we can't do that. By eliminating all of the vicious dogs in Newark that are vicious simply by the shape of their head or by what someone might think is a breed which incidentally really never existed but by eliminating all of those vicious dogs that frees up our Animal Control Officers time, an immense amount of time so he can actually address the dog that you have in your neighborhood that is menacing at best and vicious at worst. I think that the ordinance is definitely for the better. The last two things that I had to say was Happy Birthday Amber, Happy Birthday Autumn and Happy Easter to everyone.

**Mr. Blake-** it was nice to see tonight that Council supported some tools for our city workers regarding the Property Maintenance ordinance. I think that they do a fine job. I know that in my Ward and my neighborhoods that I represent we get a hold of Joe Paul and George quite often and now with it being spring that shift is even going to be more so I just wanted to publicly say to the Mayor and the staff in that department we appreciate the work that they do and hopefully these new tools will give them more authority to get some more improvements in our city, protect properties, make it safer and make the appearance greater. Then of course with the Chief I know he is probably back there smiling because he got a new fire truck tonight, not a full fire department like I think I heard but a fire truck. I am glad to be able to support that and give them the tools that they need to serve our citizens. I want to thank publicly the Mayor and Roger Loomis, the Youth Council went up to the Water Plant last week, they learned a lot of chemistry on how we take water from the river and make it drinkable. I think they enjoyed it and always appreciate the Mayor working with me on this collaboration. Next month we are going to go to the Waste Water Treatment. We saw the water at the beginning so now we will see it at the end.

**Mr. Bubb-** I just wanted to welcome a couple of businesses to Newark and a couple of business owners I guess back to Newark. One being The Barrel and Boar and Alex Athen in downtown Newark. I had a chance to go there Saturday, it is a very nice place and I encourage everybody to go there along with Al Lewis and Mr. Tire back in business at the corner of 6<sup>th</sup> and Main. It is good to have those folks back in Newark operating a business, hope all goes well for them and hope to see many more coming here in the future.

**President Ellington-** next Monday March 28<sup>th</sup> committees will meet at 5:30 and Council will meet again on Monday April the 4<sup>th</sup> at 7:00 P.M. that is when the dog ordinance will be read for a second time and voted on if you are interested in that which I think a few of you are. We appreciate you coming and we appreciate your attention, thank you very much. This is your Newark City Council so we try to do the best we can to help you.

**ADJOURNMENT- Motion by Mr. Rath to adjourn, second by Mr. Cost 8:20 P.M.**