

COUNCIL MINUTES

July 5, 2016

Council Chambers

7:00 P.M.

7:00 P.M. - President Ellington called the July 5, 2016 Newark City Council Meeting to order

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

INVOCATION – Mr. Johnson

PLEDGE OF ALLEGIANCE- President Ellington

CAUCUS- Rule 11

16-58 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION-
Expedite LATE ITEM

MINUTES of June 20, 2016 Motion by Mr. Rath to approve the June 20, 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. Fraizer. **Motion carried by acclamation.**

REPORTS OF STANDING COMMITTEES

Finance-**Received & Filed**

Service-**Received & Filed**

Ways & Means-**Received & Filed**

REPORTS FROM CITY OFFICIALS

Barb Jobses, Income Tax Administrator- income tax revenue report for the period ending June 15, 2016. -**Received & Filed**

COMMENTS FROM CITIZENS

Mark Falls, 193 Green Meadow Dr- Pastor of Newark Baptist Temple in Heath. He lives in the third ward. He came to oppose Ordinance 16-18 because of the ambiguity and certain discrimination that is implied in Sections 1 and 2. Section 2 limits employment protections to minority sexual orientations. If fuller and broader employment is provided to homosexuals, bi-sexuals and Trans genders than heterosexuals will lose. Section 1 appears to include me as a heterosexual in its protections and Section 2 explicitly excludes me. He hoped that Council would have the wisdom to see the discrimination the ordinance may cause and have the courage to stand against it. He was also opposed to the ordinance based on the intensified penalties applied to the crimes committed on the basis of the victim's sexual orientation. Specifically naming sexual orientation in application to ethnic intimidation is unnecessary because appropriate penalties are already delineated in the Ohio Revised Code. He also opposed the ordinance because of the underlining agenda of the LGBT movement throughout the Country. They are not asking for tolerance but for endorsement of behaviors forbidden by many faiths. Christian citizens of Newark have a responsibility to oppose all sexual activity outside of the intimacy of one naturally born man and one naturally born woman joined in marriage. Furthermore our biblical faith does not allow us to recognize sexual identity other than the ones assigned by the creator at conception. As a Christian Jesus is my example he loved all sinners and died in their place but He also gave explicit instruction regarding behavior even of sexuality. As long as they don't seek to propagandize or cause disturbances at our private property homosexuals, bi-sexuals and trans genders are welcome to attend worship services at my church. They will be treated with curtesy and respect. They will hear about God's hatred for sin and God's love for sinners. I too am a sinner. If I love other sinners I too am obligated to speak God's truth and love. An entire community which includes many who oppose this behavior based upon religious convictions should not feel compelled to legitimize sexual behavior that their biblical faith identifies as deviant. I am not here to ask the Council to act upon my religious beliefs. I am asking that the Council not endanger my constitutional right to exercise my faith. I am asking that you not lead our community

to further officially elevate persons because of minority sexual behavior or identity. I am asking that you not marginalize the majority of constituents while giving preference to minority sexual orientations.

Robert Lospan Derby Downs Rd- stated that City Council Ordinance 16-18 while intending to prevent discrimination against city employees may institute a new form of discrimination. That is instead of protecting the LGBT community from discrimination the ordinance seems to discriminate in favor of the LGBT community. In the hiring process employers determine whether applicants have proper qualification for a job. In a professional work place the question in hiring is whether an applicant will do what is needed to be an asset to the potential employer however the new ordinance would give preferential treatment to a specific section of society. Part of the American story is to end all discrimination. In our government, in our work place we are not judged by our personal traits or persuasions. The rights belong to us because we are American Citizens. Being an American Citizen has nothing to do with one's race, religion, color, or gender identity. It is not based on whether one is a part of minority or majority. In the United States today while trying to end discrimination we must not perpetuate it by favoring any section of our society. To avoid further discrimination I would ask the Council to oppose the ordinance.

Allison Storks, Madison Twp- was there to support Ordinance 16-18. She didn't believe that we should even have this ordinance that they should be undeniable rights for everybody. She stated that she believes in the Separation of Church and State. She stated having any form of religion making decisions on how we are effecting people is a bad thing because there are many religions out there, some of them conflict with each other and how are we ever to determine which one is correct?

Brian Grove, 879 Adams Ave- I have lived in Newark for about 22 years and am concerned as a follower of the Lord Jesus Christ and one who believes the Bible from the Book of Genesis through Revelation. I believe in treating all people with love just as God is a God of love. Here is my concern, there is a real danger and I think this is a first step in a lot of dangerous steps concerning my individual rights as a believer of our Lord Jesus Christ. I think that there is a real attack to religious liberty. This happens throughout the country and this is a real example in my opinion of this taking place here. I pastor a church not in Newark but I live in Newark. I have asked a question to many I have called and had good conversations but I have a real concern about religious liberty. If I am pastoring a church and my biblical understanding and my beliefs is that homosexuality is a sin like what the scripture says. If someone approaches and there is a school or some type of ministry outreach of the church are there going to dangers of law suit. Some of the Councilman that I talked to said no that is not what this has to deal with others said we might have to wait to see what the courts say. I respect you, I have been praying for you and I ask God that he give you His wisdom as you consider this.

Dwight Davidson, 144 Beechwood Granville- Pastor of the United Church of Granville. Many of our members are from Newark. I too also believe in the separation of church and state. I don't think that we should allow anyone's religious opinions to dictate the rights of people. People have the freedom to believe that homosexuality is a sin if they would like to just as in the south people believed black people could be property in 1850 if they'd like to on a religious basis but that doesn't absolve you as legislators to provide a just hiring situation for people in the LGBT community. I know people who are part of my congregation that have faced discrimination in the work place because they happen to be LGBT people and they know that they have been turned down for jobs because of this. It is hard especially if you are a trans gender person to get a fair shot at employment and especially when it is illegal for a person to turn you down because of that. At the very least I would implore you to not bring religion into this and think about the people who are in our communities who need employment and deserve not to be discriminated against simply because they were created in a certain way. We know enough about science now a day to know that it is more simple than xx xy. I implore you all to do the right thing and create a just and fair hiring system here in the City of Newark. I applaud you for doing this when the state has not yet done this.

Dennis Moore, 10 Pleasant St- I am a gay man, I shouldn't have to say that and I think that it is sad that I do. I'm an American, I am a Christian American. I was pleased to see 16-18 on this agenda. I'm not pleased when people tend to decide that they have a corner on Christianity. Christianity comes in all flavors. I spent the better part of my life in corporate executive and in that life I could never say that I was going out with my boyfriend this weekend. I had to mask it because I have seen people say that guy is queer I don't think that he should be a part of our team. We are not asking for special rights. I am not an agenda thank you very much, I am an American. I am an American first last and always. When I can't talk about my day or I can't talk about my weekend because I have to hide, it is sad. I would ask the Council to look at this and say these people shouldn't have to hide. Frankly this won't end here because opponents will take it to the state and it will end up much like North Carolina. I encourage you to pass this tonight so people don't have to hide anymore.

Karen Webber, 3790 Milner Rd- she spoke in favor of Ordinance 16-18. Members of the LGBT community are neighbors, co-workers, our friends and our family. They clearly deserve the same protections against discrimination in housing and employment that we take for granted. Our community can only be strengthened by clarifying that we will not allow

such discrimination to take place. I know that some argue that we need to allow discrimination in order to protect religious liberty. I strongly support people to express their faith however our government is secular and it may not privilege the religious beliefs of one group over the civil rights of others. The US Commission on civil rights which is an independent bipartisan agency advises the President and Congress on civil rights matters has stated that sighting religious liberty has a reason for denying one class of citizens equal housing or services is a human rights violation. Religious people who feel that homosexuality is morally wrong are free to hold and express their beliefs they aren't however free to enforce those beliefs on others. We don't want to set a precedence for allowing legal support for bigotry. Unfortunately the terrible events in Orlando last month have painfully reminded us that LGBT people are not free from hate or persecution. Let's show them that we have their backs.

Brad Webber, 3790 Milner Rd- I strongly support Ordinance 16-18 and its' intent to enlarge the protections against ethnic intimidation and discriminatory conduct in employment and housing on the basis of sexual orientation. Yesterday we celebrated the signing of the Declaration of Independence which lists life, liberty and the pursuit of happiness as our unalienable rights. The text goes on to state that it is our responsibility of Federal, State and Local Governments to secure those rights for its' citizens. Ensuring that our laws explicitly extend these rights to Newark's gay, lesbian, bisexual and transgender citizens is not just the obviously right and fair thing to do it is a necessary thing to do in order to uphold the letter and spirit of this founding document of our nation. If we don't do this we are saying that our LGBT brothers and sisters are somehow less than full citizens and are undeserving of these protections. I can't accept that. We should not accept that for our community regardless of what the state decides to do or not do with regard to this issue. I want my community to stand up and do the right thing now. After what happened in Orlando no community can pass the buck. We must take a stand for tolerance, equality and equal protection under the law for our fellow citizens regardless of their sexual orientation.

Susan Camp, 1619 Krebs Ct- was in support of Ordinance 16-18. I do remember the founding fathers saying something about the separation of church and state and certain un alienable rights and all people being created equal. I would applaud this Council if they would approve this so we can show Ohio and the world that we are a city to be reckoned with. We are doing wonderful things in our town it is so exciting to see it grow and evolve and I want everyone to be included in that.

Daniel Crawford, 163 S 2nd St- in support of Ordinance 16-18. He introduced his children Austin and Madison whom he brought with him that evening. He told how his children accompanied him to a wedding for two of his friends in the gazebo downtown last year after the Supreme Court struck down the ban on gay and lesbian marriages as unconstitutional. He stated that not only were his children witnessing history but he felt as though he was teaching them that there was nothing to be afraid of seeing two people who love each other bring that to a marriage. He thanked Jeremy for bringing the legislation up and stated he's been a brave champion not only because it was a personal matter but because he can see the need to defend others when they can't defend themselves. He also stated that at some point in the evening Jeremy deserved a round of applause.

Mary Borges, Forry Ave- teacher at McGuffey Elementary. She came to support Ordinance 16-18 and Jeremy. She stated that she feels very strongly about separation of church and state especially as a teacher. Our kids come as they come and by the time they are 10 years old I can tell if they are going to be part of the LGBT community. She wants those children to know that everything is the same for them as it is for everyone else. The kids need to know that the life they are living is ok for them to live in Newark.

Callie Rucker, 130 Delmar Ave- she was in support of Ordinance 16-18. She stated that we could believe whatever we want to but we needed to be a community working together and love one another.

Wendy Danielson, 701 E Main St- I have seen all over the country how the LGBT community has come in and destroyed small businesses of which I own one. I think that we all suffer discrimination. My question is what makes the LGBT community so special that they deserve their own whatever it's called to take care of their discrimination? I can see small businesses in this community going south if I'm told who I have to hire and who I don't. If I'm going to be told who I have to hire in my small business it is going to shut me down and I hate to see that happen to a lot of small businesses in this community. Again I ask what makes the LGBT community so special that they deserve this?

Nate Humphrey, 1954 Licking View Dr Heath- you have seen both sides of this tonight and neither of them are necessarily bigoted in their desire to beat down the other individual. Though we say you can't remove your religious opinion from this. I would like to mention that this is not even a religious opinion. He stated that the legislation was not put together as responsibly as it could have been. It does give those that may have experienced discrimination in the past some help in the future but it doesn't necessarily help those that are fine right now it kind of put things against them. Though it may be the desire of the LGBT community to not be discriminated against I would trust that even in doing they would not want to turn the table against others. I am just going to be honest with you I don't want anything like this passed ever but if it is going to be passed can we at least out it off now so that in the future a more responsible

document be put together that doesn't leave one side of the equation in a difficult situation in the aspect of if someone perhaps for their religious beliefs chooses not to hire someone because of what they would describe as their orientation. Phone calls have been made and some of you don't know what will happen to churches or other non-profit organizations for someone turning them away. Will they be come after or are they safe in saying that? A document can be put together that protects them.

Dave McElfresh, 153 N 39th St- speaking as President of Local IFF 109 regarding Ordinance 16-17. I know most of you come to these meetings with your minds already made up on how you plan to vote on issues. I hope you will keep an open mind and take in account my comments at a minimum and possibly table Ordinance 16-17 until it can be discussed at the bargaining table. I would first like to say as I did a couple of weeks ago, this is clearly an issue that is subject to collective bargaining and must be negotiated. I have been advised that the City knows that they have to negotiate this position but they want to go ahead and create the position and then negotiate. Why not wait for the collective bargaining process to happen? I will submit that question to be answered officially before you vote on it. Is the city planning on filling this before they negotiate and if they're not then what is the need to rush? Once again this is a solution looking for a problem. How does this help with public safety? Does this do anything to make our city or citizens safer? I sat and listened as this was proposed a couple of weeks ago and then I watched the video several times. I would like to respond to a several comments that were made. Currently our Assistant Chiefs are and have always been in the bargaining unit and our second in command to the Fire Chief for as long as anyone alive today can remember. Why the need to change now? A time when we continue to see cuts in essential city services, why now? Our current Fire Chief Pat Connor, according to his statements served as Assistant Administrative Chief in the union for 4 years. According to the Chiefs comments at the committee meeting there is a conflict for that Assistant Chief being in the union and he may have the city's best interest in mind yet this administration made him Fire Chief. Our current Safety Director Bill Spurgeon also was a Union Assistant Chief who the Mayor had enough confidence in to make him Safety Director. Again these both passed Union Members must have shown trust and had the city's best interests in mind. It is an insult to every firefighter that commits their life to serving the city who comes to work every day willing to give their life for all of us. Is this administration implying that these firefighters may not have the cities best interests in mind because they are a union member? I am beginning to wonder whose best interest we are speaking of. According to the Fire Chief grievance and disciplinary issues are a problem in the Chief's absence. Neither has ever been an issue to my understanding. Both have a due process that allows time for the Fire Chief to address if he happens to be out of town. We have never held in my time and I have been here for 27 years have we never held a grievance hearing at the Chief's level without waiting for the Chief to be there. We have never had an Assistant Chief acting as Chief over your grievance hearing and ruling on your grievance hearing at the Chief's level. An extension has always been granted so the Chief can be there. Again this is clearly a solution looking for a problem. The position of Acting Chief currently uses an Assistant Chief in the Chief's absence. They do have functional authority and can and do uphold rules, standard operating procedure and the contract as well as the ability to conduct city business. They have been doing so for years. Comments were made by Councilman Marmie, the current model we just can't afford. Yet the answer is to create a higher paying management position. A position that does nothing to add to firefighters available to take fire and EMS runs. The proposed model is one that negatively impacts public safety. Surely we can't afford that. The Chief stated that he intended to promote within. Someone could possibly retire then apply. So today you are a union Assistant Chief and the allegation is that you don't have the City's best interest in mind but tomorrow take me out of the union, pay me more and call me a Deputy Chief and I will. That is ludacris and insulting to every union member and especially to our current Assistant Chiefs. The Fire Chief also stated that he needed this position to have someone to confide in and to assist in Negotiations. We have a Mayor, a Safety Director, an HR Director, a Service Director, a Law Director and many more and historically the city spends 10's of thousands of dollars for a labor attorney to negotiate against the union, do we really need more management? I believe our firefighters have the city's best interests in mind. We are the ones who continue to fight for safe staffing for our citizens safety while others build new buildings, shut down stations, cut staffing and fight to create a new management position. All of these things we do not believe to be in the best interest of the safety of the citizens of Newark. The current system is working. This is nothing more than an expensive fix to a non-existent issue. A solution looking for a problem. The question that I asked a couple of weeks ago is the question I think you need to ask yourselves is do you believe creating an office, strictly managerial position at a time that we continue to see cuts in essential services will truly make our city and our citizens safe? I ask you to table Ordinance 16-17 or vote it down until it can be negotiated as it should be.

ORDINANCES ON SECOND READING

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

16-17 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE DEPARTMENT OF SAFETY, DIVISION OF FIRE BY CREATING THE CLASSIFICATION OF DEPUTY FIRE CHIEF, AND SETTING THE COMPENSATION THEREFORE, AND ABOLISHING ONE ASSISTANT CHIEF POSITION BY ATTRITION.

Motion by Mr. Bubb to adopt Ordinance 16-17, second by Mr. Rath

Mr. Rolletta- I will not be supporting this proposal tonight. First of all it's an issue that should be handled at the bargaining table during negotiations that are set to begin shortly anyway. The bottom line is this current Assistant Chief position can be used to fill overtime shifts and also a medic shift per month which can help supplement our staffing level slightly. That can't be done with this new Deputy position and we need more first responders on the street as it is, not less. Lastly, I don't think that it is wise for us to hand pick a position for a \$5,000.00 raise the same night that everybody is talking about putting a tax increase on the ballot because we don't have enough money.

Mr. Fraizer- in this position it is a delicate balance between supporting the administration and protecting the rights of the people. Ultimately when I hear the administration has a need in the Division of Fire I listen and the hope is to do the right thing. Through attrition in filling this position if it gives the Chief the needed resources he is recommending I am going to go forward with his recommendation. I understand that the union is losing a position in Assistant Chief but the hope is the city is gaining a Deputy Chief that can serve in the interests of our city diligently. With that I will be supporting this measure.

Motion passed by a vote of 8-2 (Mr. Rolletta, Ms. Hall)

By: Blake, Cost, Rath, Floyd, Johnson

16-18 AN ORDINANCE AMENDING CHAPTERS 254, 628, AND 636 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO, PROHIBITING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION.

President Ellington- before we vote I would like to applaud everyone this evening on how courteous you've been and how well spoken and nice you've been. It doesn't happen all the time.

Motion by Mr. Blake to adopt Ordinance 16-18, second by Mrs. Floyd

Motion by Mr. Blake to amend Ordinance 16-18, second by Mrs. Floyd

Mr. Blake- when Council first adopted the term sexual orientation in 2014 which was a unanimous vote I would like to remind members of Council. I believe the intent at that time we had updated our ordinances within the human relation section so tonight in working with Equality Ohio and other people the term that we best want to use is gender identity or expression. Basically we are taking out trans gender and then inserting gender identity or expression.

Motion to amend Ordinance 16-18 passed by a vote of 9-1 (Fraizer)

Mr. Blake- I first want to start out with some thank you's. I want to thank Mr. Rolletta, he has been an ally and a supporter in this whole journey. I think that it was a few months ago we went over to Columbus to Equality Ohio to talk about how we could make Newark more inclusive, how could we make Newark a more welcoming community. Unbeknownst to us they had already looked at our ordinances and provided some suggestions so I first want to thank Equality Ohio for the work that we have here tonight for this vote. I want to thank Director Sassen drafting legislation is legal work that the director's office does so I want to thank he and his office for all the work they have done. When we talk about this issue it is difficult for me because it affects me personally. I am the only member up here that is openly gay. I don't choose who I be so when people throw around the term preference or behavior. It is my orientation. It is who I am. I see several allies and friends in the audience, it is who we are so it's not like I woke up one morning in Newark and choose to be a gay man in Newark, Ohio. I didn't choose that. If I'd chosen that I would have moved to a big city. I am who I am and others are who they are. Just be you. That would be my message to people in this audience and people in our community. When people recognize that we are your brother, your sister, your co-worker, your elected official, your lawyer, we are your local business owners, we are in this great city and it is a great city. It is 2016. I don't consider myself a special person. I don't consider myself to need special classifications but there are discriminatory practices against LGBT community members. Just as a black person there are discriminatory practices against people of race and women. There are discriminatory practices against gender. So at certain points in our society and our community we as legislators need to take forth with and provide the need of protections for certain marginalized parts of our community. That is all I'm asking this Council to support tonight. I know my pastor spoke earlier and if you want to talk about identity I am a Christian. My pastor spoke earlier and several members of the United Church of Granville are here in the audience with me so I want to thank my church family for being here with me tonight. I'm a Christian, a

am a gay man, I'm a black man, I'm a homeowner, a dog owner I have many identities. I think that we need to be a community of Newark that loves each other and respects each other. I don't want you to tolerate me. I am a human being, except who I am, don't just tolerate me. I am who I am. I am to be accepted and I have intrinsic worth and value as each and every one of us as American we do. We just celebrated a 240th birthday of our nation and I agree with the comments that were saying we are making progress. Several of us went to the play 1776. The issue of slavery came up in that musical during the debate of the Declaration of Independence. Well today this is our cause, this is our cause to provide protections for the LGBT community and I am so hopeful that Newark will be able to join the chorus of cities across our state that have adopted similar legislation so hopefully something in Columbus will be adopted and the whole state will be covered. I am so proud that we will be able to adopt this tonight and hopefully some folks in Columbus and Washington will follow suit.

Mr. Rolletta- I would like to thank Councilman Blake for bringing this forward and I would like to say that there is never a justification for discrimination, there is no damn excuse for it and that is the bottom line. I would also like to thank Equality Ohio for working with us on this proposal. Myself being born a straight male I would like to see everyone have the same rights that I have and that is the bottom line.

Mr. Rath- I have all kinds of things rolling through my mind and all kinds of thoughts and all kinds of beliefs. Some are based on my beliefs and some based on my experiences as an elected official, some are based on religious preferences and beliefs and some of them are based on discriminations that I have experienced myself. I know you are wondering how could you ever be discriminated against. Try growing up in western New York in an Italian community with a name like Rath. I will show you my Dr. Seuss lunchbox that was used on someone's head because I was discriminated against for a variety of reasons. Jeremy I commend you for bringing this up I know that it's not easy but I also understand business owner's comments. I try to take everything into consideration and I know there are acts of discrimination both by being discriminated against as well as being accused of discrimination whether that is in fact happening or not. I agree in part with some of the comments that Mark Falls made and that is in one section of this in Section 3 letter b it says: Specific steps shall be taken by the Division of Personnel to provide fuller employment opportunities and to encourage broader participation of the minority members of our community in the City's employment process. I find that to be discriminatory myself so I am going to propose an amendment to strike Section 3 letter b from this Ordinance.

Motion by Mr. Rath to amend Ordinance 16-18 to strike Section 3 letter b

Mr. Fraizer- Director Sassen what is the implications with striking out Section b?

Director Sassen- Section b has been a section of the law since about 1972 when this was passed. It is contained in all non-discriminatory provisions throughout the state, federal and local law which basically gives direction to our city personnel that it should be our objective to develop programs that encourage the hiring of minority members of our community to overcome essentially 400 years of discrimination. That is the whole point of the Civil Rights Act to include provisions like this. To strike that removes at least 45 years of the last history of Newark.

Mr. Fraizer- by striking this do we remove the opportunity for other non-protected members from getting employment or what is the real impact to non-protected members by striking this out?

Director Sassen- it really doesn't have any impact on persons who are not members of a protected class. Striking this section would have an impact on the city's hiring practices and expectations consistent with the Civil Rights Act of 1964 with regard to members of protected classes those including race, religion, gender, national origin and as proposed here sexual orientation or gender identity or expression. It doesn't do anything to those of us who don't find ourselves in a protected class because we have enjoyed that privilege for the last 400 years. What it does is it guts that requirement of the Civil Rights Act of 1964 that has required **governments** to actively pursue efforts to overcome those 400 years of discrimination.

There was not a second to Mr. Rath's amendment.

Mr. Fraizer- the reason why I voted no on the amendment was because I don't see the need to change from transgender to sexual orientation or gender identity or expression and to have such a comprehensive amendment placed outside of committee. I just prefer to do it by the order of process over making last minute changes to legislation. Over all as a community 18th largest in the State of Ohio there is a need to protect marginalized members of our community. There is a need to treat everyone equally and there is a need to continue to make progress and to continue to pass transformative legislation that makes our community better. I understand that this is a hot topic item for everybody in the room however our community has a lot of needs that are outside of this. If this offers some granular level of protection that is very hard to enforce then I am all for it. However the need of our community is caring for one another. The need of our community is figuring out long term solutions to financial problems. We could continue to debate divisive issues when the need is to come together and work for the better of our community. Jeremy great job at pushing this through but the real question is what is next? We can pass legislation that everybody can gather around and promote however the fundamental problems with our community still remain and that is a 22.1% poverty rate and a

median income that is well below the state average. So I look forward to working towards real solutions and I look forward to passing this to help members of our community that are marginalized but our issues still remain the same after this legislation and we have to come together to make a better community.

Mr. Marmie- I want to thank you Jeremy for all of the work you have done on this ordinance. I want to echo something that Mr. Fraizer indicated. I always find it difficult to pass legislation that is difficult to enforce. I find it somewhat appalling that we have to come up with legislation like this in our society. We should just be able to say that there should be no unfair discrimination and not have to label it. Unfortunately sometimes we do have to legislate morals and values and I hate that we have to do that. Not to say that those morals and values are the same for everyone but in reality should we not just treat everyone as an American citizen? Should we not just say that you are not allowed to discriminate against American citizens or anybody that resides in the United States? Should we not be able to just say that and not make it labeled? The gentleman who stated that he is an American and he hates that he is labeled, the fact that he has to state that; it should not happen. I find it difficult that we have to vote on something like this with such precision that we have to come up with different words to make sure that we are doing what is best when in reality why don't we just say we are not allowed to unfairly discriminate. In reality who makes the decision? It's not us it is the judicial side that will decide upon that and that is where it becomes even more difficult again to enforce. That whole process is a lengthy process. This is not the solution. I want to further echo what Mr. Fraizer said, we have other issues that we have to deal with. Hopefully this might help in that but this is not the solution. It doesn't solve all of the problems. I am going to support it because I think that even if it gives the mindset that we should not unfairly discriminate, anything that indicates that I will be in support of. I'm not saying that my religious beliefs agree with all of these beliefs but yet because I can tell you that the Priest in the Catholic Church to say that they have to hire somebody that goes against their religion, go ahead fight the Catholic Church it is going to be a tough fight. I know that is a reality, it's not fair but it is a reality. I am going to support it because I think that it might help somewhat but it is not a solution.

Motion to adopt Ordinance 16-18 A as amended passed by a vote of 10-0.

By: Fraizer, Cost, Floyd, Rath, Johnson

16-25 AN ORDINANCE AMENDING CHAPTER 454 AND CHAPTER 407 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO, REGARDING THE REGULATION OF PARKING VEHICLES IN THE DOWNTOWN AREA.

Motion to adopt Ordinance 16-25 by Mr. Fraizer, second by Mr. Cost

Mr. Fraizer- this is a way for the city to enforce parking downtown updating our ordinances also encouraging businesses and a general improvement to the parking situation downtown without a cost to the city.

Mr. Johnson- I couldn't agree more

Motion to adopt Ordinance 16-25 passed by a vote of 10-0

ORDINANCES ON FIRST READING

By: Rath, Floyd, Cost, Marmie

16-26 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 965 MT. VERNON ROAD, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF RM – SINGLE FAMILY RESIDENCE MEDIUM DENSITY ZONING DISTRICT, TO GB – GENERAL BUSINESS ZONING DISTRICT.

Referred to Planning Commission

By: Marmie, Johnson, Floyd, Cost, Rath

16-27 TO PROVIDE FOR THE ISSUANCE OF \$1,120,000.00 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF VARIOUS STREET AND PARKING LOT IMPROVEMENTS, SIDEWALK CONSTRUCTION AND LIGHTING IMPROVEMENTS AND ALL NECESSARY APPURTENANCES THERETO AND DECLARING AN EMERGENCY.

Motion by Mr. Marmie to adopt Ordinance 16-27, second by Mrs. Floyd

Motion passed by a vote of 10-0.

By: Marmie, Floyd, Cost, Rath

16-28 AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,730,000 EAST MAIN STREET IMPROVEMENT REFUNDING BONDS, AND DECLARING AN EMERGENCY.

Motion to adopt Ordinance 16-28 by Mr. Marmie, second by Mrs. Floyd
Motion passed by a vote of 10-0.

By: Floyd, Blake, Cost

16-29 AN ORDINANCE LEVYING AN ADDITIONAL INCOME TAX OF ONE-QUARTER OF ONE PERCENT FOR THE PURPOSE OF RAISING GENERAL OPERATING AND CAPITAL IMPROVEMENT REVENUE SPECIFICALLY AND EXCLUSIVELY DEDICATED TO THE GENERAL CONSTRUCTION, RE-CONSTRUCTION, RE-SURFACING, AND REPAIR OF STREETS, ROADS, BRIDGES AND SIDEWALKS AND FOR THE CAPITAL IMPROVEMENT NEEDS OF THE POLICE DEPARTMENT AND DIVISION OF FIRE WITHIN THE DEPARTMENT OF PUBLIC SAFETY ON ALL TAXABLE SALARIES, WAGES, COMMISSIONS AND OTHER COMPENSATION AS SET FORTH HEREIN AS WELL AS ON ALL TAXABLE NET PROFITS EARNED BY BUSINESSES, PROFESSIONS, OR OTHER ACTIVITIES AS SET FORTH HEREIN AND PROVIDING FOR THE COLLECTION AND ENFORCEMENT THEREOF.

Held for a second reading

RESOLUTIONS ON SECOND READING

By: Marmie, Floyd, Cost, Rath

16-53 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Motion to adopt Resolution No. 16-53 by Mr. Marmie, second by Mrs. Floyd
Motion to adopt Resolution No. 16-53 passed by a vote of 10-0.

RESOLUTIONS ON FIRST READING

By: Floyd, Cost, Rath

16-54 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 Floyd

Mr. Marmie- these are funds that are being provided by a grant and they need the supplies immediately so we need to waive the two day reading rule.

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

Motion to adopt Resolution No. 16-54 by Mr. Marmie, second by Mrs. Floyd
Motion passed by a vote of 10-0.

By: Rath, Floyd, Cost

16-55 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT WINTER CONTRACT (018-17) FOR ROAD SALT AND DECLARING AN EMERGENCY.

Motion by Mr. Rath to adopt Resolution No. 16-55, second by Mr. Fraizer

Mr. Rath- this enables our Service Director to negotiate pricing and secure a purchase for our future salt uses for this upcoming winter. We won't accept delivery of the salt at this time but it will secure that the salt will be delivered until the time we need it.

Motion passed by a vote of 10-0.

By: Floyd, Blake, Cost

16-56 A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF NEWARK, OHIO OF THE QUESTION AS TO PASSAGE OF A ONE-QUARTER OF ONE PERCENT ADDITIONAL INCOME TAX LEVY DEDICATED TO GENERAL CONSTRUCTION, RE-CONSTRUCTION, RE-SURFACING, AND REPAIR OF STREETS, ROADS, BRIDGES AND SIDEWALKS WITHIN THE MUNICIPALITY AND TO THE CAPITAL IMPROVEMENT NEEDS OF THE POLICE DEPARTMENT AND DIVISION OF FIRE WITHIN THE DEPARTMENT OF PUBLIC SAFETY IN EQUAL SHARES, NOT TO INCLUDE BUILDINGS OR REAL PROPERTY

Held for a second reading

By: Marmie, Floyd, Cost, Rath

16-57 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

Held for a second reading

By: Marmie, Cost, Rath

16-58 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION- Expedite LATE ITEM

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

Mr. Marmie- this is a payout for an employee and we always want to get those out as quickly as possible

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

Motion to adopt Resolution No. 16-58 by Mr. Marmie, second

Motion passed by a vote of 10-0.

COMMENTS FROM CITIZENS

Tim Waldren, 167 S 2nd St- spoke against the tax levy that the city is proposing.

Nate Humphrey, 1954 Licking View Dr Heath- my question is in the vagueness, in the ambiguity in 16-18, if anyone does discriminate how can it be proven that they discriminated for that reason how can a court system prove that.

Dennis Moore, 10 Pleasant St- he thanked Council and stated maybe now he could stay here and be himself. I do believe Mr. Marmie that this is unenforceable but I do believe the message that you send to the young people is that they can stay and be themselves they don't have to go somewhere else to be themselves. It is a healthy and hopeful message and we need hope these days. With respect to religious freedom, yes I believe in God and I also believe that we were created in the way we are created. I appreciate it.

Callie Rucker, 130 Delmar- she thanked all of the public servants for what they do. She also thanked the Police Officers, Firefighters and teachers for what they do. She stated that we have to move the times even if we don't like all the changes going on downtown. She stated our community is only as good as we make it. She encouraged all to be a leader in their community and volunteer, get involved and stop complaining.

MISCELLANEOUS

Law Director- I guess to a certain respect I will speak as a citizen tonight more than a Law Director. I would like to thank Mr. Blake for bringing this piece of legislation 16-18; it took a lot of courage to do that. I don't think if everybody didn't put themselves in Jeremy's shoes may not appreciate that but it takes a lot of courage. I would like to thank Ms. Rucker for coming down I like very much all of the comments that you made tonight, I agree with you 100%. I agree with Mr. Moore's final comment that he made, you know what maybe this isn't enforceable, maybe it won't lead to lawsuits or criminal charges or any direct action from the Law Director's office or somewhere else but I think that it sends a very powerful message not just to Newark but to the rest of the State of Ohio. I think that Council should be very proud of itself for unanimously supporting that legislation.

Mayor Hall- I'd like to echo what the Law Director said. We had a lot of discussion here tonight and this is probably government at its best with citizens involved and participating. This what we are here for so I want to thank everybody for going through this process and I thank the citizens for taking time out of their day to come in and share their thoughts with us.

Mr. Johnson- commented on the wonderful activities for the holiday weekend that occurred at the branch. He stated he was also pleased with the participation of the people. I think that it is so important that people do express themselves. It is government at its very best. I'm pleased that we passed Ordinance 16-18 A. He called a Capital Improvement Committee meeting.

Mr. Marmie- called for a Finance Committee meeting. I want to thank Jeremy again for what he has done. I think that it does send a powerful message. For all of you that think that tonight was a really good example of government then we have some great government coming up in the next few weeks.

Mr. Rath- called a Service Committee Meeting. He also apologized for attempting to undo 40 years of civil rights, that was certainly not my intention and I certainly did support the legislation tonight and everything that Jeremy has done going through the steps and the process, it is not easy and I commend you for that.

Mr. Blake- thank you to my fellow colleagues, when we talked about introducing this I really didn't know where some of you would lie on this but it shows that we have common values; common interests and we did send a good message to the rest of the state by passing what we did tonight. Thank you Doug for all of your help with this. We have worked on a few projects now and I have always appreciated the respect that we have had between each other and I look forward to working with you on more projects in the future. I think that there is always going to be some nay sayers no matter what proposal we give to the people there are always going to be nay sayers. I think that if we stay positive and come out as a team effort we will be able to do good things for Newark.

Mr. Cost- thanks Jeremy, a lot of democracy in this room tonight, good to see it.

Mrs. Floyd- thanked Jeremy and stated that she was very impressed with the audience that was there that night and how they were respectful to each other. She reminded everyone that there was a meeting at the Canal Market on Tuesday from 4-6 to discuss the next phase of downtown. She stated that the 1776 show at the Reese Center was wonderful she said it was one of the best local performances she has seen. She stated that it showed as a country what we are all about. She discussed the traffic issues surrounding the Hudson Ave closure but that like the downtown project it will be wonderful once it's finished. Final Friday for July is an art show which will mostly be on the south side of the square and the alley that goes to the Canal Market. There are going to be history tours, one at 4, 6 and 8. There are going to be guides that take people on tours and show them a variety of places downtown. There also will be a quilt show at the First Presbyterian Church.

Mr. Fraizer- congratulations Jeremy I know it was a lot of work, a lot of effort and a lot of personal sacrifice. It is a tough thing to do to stand up and be that voice of reason and be the one who is driving it. I am in the same boat now with this taxation issue. I spend most of my holiday weekend because I said this is the most important presentation of my life. What it is, is what is the tax system going to look like for the City of Newark on going, indefinitely and are we able to solve the issue. The biggest fear that I have is a permanent tax that negates our economic growth and further deteriorates our community and does not solve the fundamental problem of our government. I was elected to this position to provide solutions and alternatives, creative solutions at that. Although there was a lot of content in my presentation I thought that it was necessary to educate everybody so we could work from the same sheet of music. I would beg Council to reflect on these issues and to reflect on these items and if there are alternatives and if there is compromise I pray that it will be reached because this is a real issue for our community and it will determine the future of our community.

Ms. Hall- called a Ways & Means Committee meeting

President Ellington- thanked Jeremy for his work on his piece of legislation. The next Committee meeting will be Monday July 11th at 5:30 P.M. and the next Council meeting will be July 18th at 7:00.

ADJOURNMENT- Motion by Mr. Cost, second by Mr. Rolletta. Motion called by acclamation