

COUNCIL MINUTES

February 3, 2014

Council Chambers

7:00 P.M.

7:00 P.M. - Council President Ellington called the February 3, 2014 Newark City Council meeting to order.

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

INVOCATION – Mrs. Floyd

PLEDGE OF ALLEGIANCE

CAUCUS

MINUTES- January 21, 2014 Motion by Mr. Rath second by Mr. Bubb that the minutes of January 21, 2014 be approved as presented and the reading be dispensed with in view of the fact each member of Council has received written summary of same. Motion passed by acclamation.

REPORTS STANDING COMMITTEES

Finance- **Received and Filed**

Street- **Received and Filed**

REPORTS CITY OFFICIALS

City Auditor Stephen Johnson- announcing that the City's Comprehensive Annual Financial Report was awarded the Certificate of Achievement for Excellence in financial reporting from the Government Finance Officers Association. This year's award represents the 22nd consecutive year the City's CAFR received this distinction. - **Received and Filed**

City Auditor, Stephen Johnson- I want to thank you for the acknowledgement of the award and I would like to thank my office staff because they are the ones that make awards like this possible.

Barb Jobs, Newark City Income Tax Administrator- Income Tax Revenue Report as of January 15, 2014. . - **Received and Filed**

COMMUNICATIONS

Paul Moran- additional suggested honorees for the Good Citizen Award he feels the City should consider giving to local agencies and/or individuals. . - **Received and Filed**

Nicholas Sheldon, Sales Associate for Duromec Technologies Inc. - suggesting the city look at the alternative of retrofitting our existing cobra fixtures with energy efficient Retrofit kits. . - **Received and Filed**

David Greene- Leadership is Needed. His comments from the Council meeting on January 21, 2014 regarding the dissolution of the Property Maintenance Ad Hoc Committee. . - **Received and Filed**

Robert Pfeifer- his comments from the article in the Newark Advocate regarding merging Newark and Heath into "Mound City". . - **Received and Filed**

Roger Loomis, Utilities Superintendent- Liens to be applied for past due water, sewer and storm water bills. - **Received and Filed**

PUBLIC HEARING

Mr. Ellington opened the public hearing by having the Clerk read the public hearing notice.

Reverend Fred Booker- 1140 Clair St Pataskala, I represent Shiloh Holistic Opportunity Programs which is the sponsor of the house at 343 Eastern Ave. There were a couple of questions that were raised at the last public hearing. One was on insurance. We have not completely finalized our insurance on the house. I have documentation to the effect that we should be closing on this tomorrow. I was also instructed to contact the Licking County Building Code Department and I did contact them and I got so much different information that I wasn't aware of from City Officials that I originally spoke to. The County Building Code staff indicates that since it is a single family house built in that manner that we can only house in terms of occupancy, 5 residents. If it is re-zoned there are modifications that we will have to do to the house in order to expand the occupancy.

Nancy Welu-7441 Stewart Rd, I just have a few questions about the zoning also. I am assuming that it is going to want to be changed to MFR so it can be operated as a rooming house. The City has two separate rules for rooming houses, it has a City Ordinance and it has a Property Maintenance Code and they don't match so I was curious which one this would be run under. She gave members of Council a handout that she made up comparing the differences in the PM code and the ordinance. Their square footage is different the fees are different and as far as the modifications if they did make them would they have to reapply to the Planning Commission? So those are my questions.

Reverend Noble -590 Kimble Ct Heath OH, we have been trying to do our due diligence and of course we want to make sure that we are in compliance with all of the regulations prior to trying to operate the house. I did want to give a statement about the cause and the reason why the Mathew house is open in the first place. As you know it is designed to be a transitional house for those that are returning to a community, who need a residence but also need help in development of job skills and given another chance at an opportunity. We are finding out going through the process that there is one stipulation that I presume came from the results of those persons that might be having rental properties that were having all kinds of individuals live there without restrictions. We do understand that this might be something that falls under that but is kind of a unique situation. I would ask this Council to please consider what our goals and intentions are and that is to provide an opportunity for them to be monitored but to always be encouraged to re-acclimate themselves into society so that they might contribute and sustain themselves and their families.

Mr. Ellington- Mr. Sassen would you happen to have an answer on the two differences?

Director Sassen- no, not tonight but I would be glad to have that information before it comes to Council for a vote. We could talk about it in Committee. I don't have the answer off of the top of my head.

Mr. Ellington- I understand that completely, thank you.

Reverend Booker- as the pastor indicated there are some conflicts we are seeing between what the City expects and what the County expects. One issue that I would like to have answered is that we were originally told for a religious based organization that there could be an exemption whereby we could increase the occupancy based on the fact that we are trying to do good things in the community so I would like to know if that is a possibility and if so that is one we would like to apply for.

Public Hearing was closed.

By: Mr. Rath, Mrs. Floyd, Ms. Stare

ORDINANCE NO. 13-44 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 343 EASTERN AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF SINGLE-FAMILY RESIDENCE DISTRICT TO MFR (MULTI-FAMILY RESIDENCE) DISTRICT.

Mr. Rath- asked a point of order question. Do we have to make a motion to adopt prior to having a motion to table?

Mr. Ellington- yes sir

Mr. Rath made a motion to adopt Ordinance 13-44, second by Mr. Bubb

Ms. Hall- I would like to direct my questions to Mr. Booker, is that possible?

Mr. Ellington- not normally, that is what usually happens in Committee, it might be a good suggestion to table this if we have some questions.

Mr. Marmie- I can just indicate that this Council needs to look at not the particular use of what is going to occur or what could possibly occur. What you are voting on is a zoning change. That means if it was somebody who was just saying that they want to convert this into a duplex would you be ok with that, not the particular use. You do not vote on a particular use of a property you vote on whether or not it is sufficient to be in that zoning classification. Whether or not this organization can make it into what they are trying to do or not has no impact on whether or not we agree that it is ok to re-zone this. I can tell you that I am in support of re-zoning this property the way it is just based on the fact that there is multi-family housing in the area and it conforms with the zoning for that area, it is not inconsistent with what is in that area. Whether or not the administration approves under the Property Maintenance Code or the Ordinances we have for rooming houses, is of no consequence at this point for us. It is just whether or not it meets that zoning classification and are we ok with anything that is going inside that zoning classification. From that stand point you may be able ready to vote on it tonight, if you still wish to table it I understand but just realize a particular use is not what you vote on. You vote on the zoning classification as a whole and anything that fit inside of that zoning.

Motion by Ms. Hall to table Ordinance 13-44 for two weeks, second by Mr. Cost

Motion to table passed by a vote of 8-2 (Nays: Mr. Marmie, Mr. Blake)

Mr. Ellington- 13-44 will be tabled for two weeks; do we need to send this back to Committee next Monday to have some more discussion, do we think that might be a good idea? Mr. Cost can we send it back to your Committee?

Mr. Cost- we certainly can

Mr. Guthrie- the motion that we voted on to table this for two weeks, this may be a Law Director question, if the Committee is not ready to vote it out next Monday, where does that put us?

Mr. Ellington- it has already been voted out but help me out with that Mr. Sassen

Law Director- it has been already voted out and would not have to be voted out again. As I understand it, it is going back to Committee for purposes of discussion, fact finding if you will.

The Public Hearing for Resolution 14-10 was opened by the Clerk reading the Notice of Hearing.

Mr. Rath- I am familiar with this piece of property, it is in the 3rd Ward. It has been operated by the Harris family for a good number of years and they are great neighbors who operate a great farm. They are friends with everybody in the neighborhood and they have never had any complaints about them. I would encourage everyone to allow this to move forward as formality.

There were no other comments pro or con therefore Mr. Ellington closed the public hearing.

Mr. Ellington- this will be referred to the Service Committee.

RESOLUTION NO. 14-10 RESOLUTION APPROVING THE RENEWAL APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT AND DECLARING AN EMERGENCY.

COMMENTS FROM CITIZENS

RESOLUTIONS ON THE SECOND READING

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

14-01 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR REMITTANCE OF FUNDS, FOR LEASING CITY-OWNED PROPERTY TO OTHERS TO USE FOR AGRICULTURAL PURPOSES.

Motion by Mr. Cost to adopt Resolution 14-01, second by Mr. Guthrie

Motion passed by a 10-0 vote

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

14-04 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION.
(422 Debt Service Fund: Principal & Interest Pymts for Evans Blvd, Recreational Facilities, Safety Facilities- \$146,068.00, 228 Income Tax Fund: OPT- \$232,758.20, 100 General Fund: OPT-\$34,913.73)

Motion by Mr. Blake to adopt Resolution 14-04, second by Mrs. Floyd

Motion passed by a 10-0 vote.

By: Ms. Hall, Mrs. Floyd, Mr. Cost, Mr. Rath, Mr. Marmie

14-05 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION.
(335 Capital Improvement Fund: Machinery & Equipment Parts-\$2,500.00)

Motion to adopt Resolution 14-05 by Ms. Hall, second by Mrs. Floyd

Motion passed by a 10-0 vote.

RESOLUTIONS ON THE FIRST READING

By: Mrs. Floyd, Mr. Rath

14-06 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR AN AWARD OF FISCAL YEAR 2014-2015 FUNDING UNDER THE OHIO EMS TRAINING AND EQUIPMENT GRANT PROGRAM.

Held to First Reading

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

14-07 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION.
(231 Probation Grant Fund: Service Contracts-\$62,391.00, 231 Probation Grant Fund: Law Enforcement Supplies-\$1,400.00)

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

Mr. Blake- it was discussed at Committee by Mr. Fulton that there was a budgeting error on his behalf not getting the money in the property account before and now they have some bills that need to be paid, this needs to get taken care of as soon as possible.

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

Motion by Mr. Blake to adopt Resolution 14-07, second by Mrs. Floyd

Motion passed by a 10-0 vote.

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

14-08 A RESOLUTION APPROPRIATING AND DISAPPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION. (298 ODNR Fund: Recreational Supplies-\$27,530.00, 100 General Fund: OPT ODNR Grant-\$27,530.00, DISAPPROPRIATION 100 General Fund-OPT- CI: \$27,530.00)

Held to First Reading

CITIZENS COMMENTS

Roger Harris- 2811 River Rd, looking here at the communications I see here there was a Nicholas Sheldon requesting that the City look at the alternative of retrofitting for existing cobra fixtures with energy efficient Retrofit kits. Being a professional engineer registered in the State of Ohio, an electrical engineer, I have been involved with studies for the City of Columbus. Some of these retrofit kits specifically go into LED the driver boards which are a key element to this particular kit. They did a study in the City of Columbus where they invited multiple manufacturers in to demonstrate their wares to see how long they lasted versus their guaranteed lifetime. Driver boards fail often for multiple reasons. One reason being they can't stand the heat in the Retrofit assembly versus a frame actually made for this purpose. If the City does wish I will make my services to evaluate any Retrofit kits you guys decide you want to look into.

MISCELLANEOUS

Mr. Cost- called for a Service Committee meeting

Mrs. Floyd- congratulated Steve and his office staff, they always do an exceptional job and we appreciate the work that they do. I also want to call Personnel Committee for next Monday night.

Ms. Hall- thanked the Service and Safety Director, I recently had a couple of issues in the first ward and they took care of it very quickly, I know they can't always do that. Their fixes were quite appreciated and I got calls from those people in my ward to thank them.

Mr. Johnson- called for a Street Committee meeting

Mr. Rath- I would like to congratulate Mr. Johnson and his staff and thank you Steve for giving credit to your staff, it is a very nice thing for you to do. I went to the Groundhog breakfast last Friday put on by the Licking County Chamber of Commerce, sponsors of that were Velvet ice cream, it was great, and there was more than enough to eat there between the breakfast and the Velvet ice cream sandwiches and Donato's Pizza. Velvet ice cream is family owned business here in Licking County who is celebrating 100 years of being in business; they are in the 4th generation. I wanted to congratulate them. He also mentioned the passing of Jill Griesse and asked that if you know them to keep the family in your prayers.

Mr. Blake- I also want to thank Steve Johnson and his staff for the award that you received. A lot of work goes into getting that type of an award and creating those types of documents. The time and effort put into that is very much appreciated. I appreciate the kindness and cordial nature that you and I and your office has had over the last month or so and I look forward to working with such a professional staff. I brought a guest tonight. It is black history month and I wanted to recognize Mr. Ralph Franklin. Ralph is in the audience today because I asked him to come but most importantly because of what he symbolizes in our community. Ralph is one of 8 kids, he is a lifelong resident of Newark, and he attended Kentucky State on a basketball scholarship. He used to work for the Newark Stove Company for 20 years, Owens Corning for 14 years and was a real estate and insurance salesman. He is the owner of the Elbow Lounge over on Second Street for close to 50 years. Come this June he will have been married to his wife Loretta for 50 years. He has 4 boys, 9 grandkids and 5 great-grandkids. Ralph currently serves as President of the Licking County NAACP Chapter which was re-established under his leadership a year or so ago. NAACP was first chartered here in Licking County in 1926; nationally the NAACP started in 1909 it wasn't too far after that Licking County established a branch. Ralph Franklin explained to me that his efforts with the NAACP has been with increasing membership, developing a directory of minority businesses and he and the branch are looking to organize a Freedom Fun Banquet in the spring, hopefully we will all get an invitation to that banquet, also advocating for the fair hiring practices in employment among minorities in our community. Ralph is serving his third year on the selection committee for the Newark High School Hall of Fame which this committee is made up of former athletes and coaches. Ralph is a long time member and trustee board member of the Trinity AME Church on E Church St. So if everyone would just welcome him and thank him for his services during this celebration of Black History and thank you for your service with the NAACP in our community. Thank you so much Ralph. He also called a Finance Committee meeting

Mr. Ellington- I would like to thank everybody for coming, we certainly appreciate it. Our next committee meeting will be Monday February 10th at 5:30 right here in this room. The next City Council meeting will be Tuesday February 18th since Monday is Presidents' Day and City Hall will be closed.

ADJOURNMENT- being no further business to discuss there was a motion by Mr. Rath to adjourn and a second by Mr. Cost.
7:32 P.M.

Autumn Klein, Clerk of Council _____

Don Ellington, Council President _____