

CITY COUNCIL MEETING – MONDAY, MAY 23, 2011

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, May 23, 2011 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

Mr. Vincent led those present in the Lord's Prayer and the Pledge of Allegiance to the Flag.

The following members of Council answered Roll Call: Mrs. Gentry, Mr. Kilpatrick, Mr. Hutcheson, Mr. Roberts, Mr. Tilton, Mr. Zakany, Mr. Baker, Mr. Tarbert, and Mr. Vincent.

Mr. Tilton moved to excuse Mrs. Norman, seconded by Mr. Roberts.
Motion carried.

APPROVAL OF MINUTES

Mr. Zakany moved to accept the minutes as printed, seconded by Mr. Tilton.
Motion carried.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

None.

PROPOSED ORDINANCES

Ordinance No. 11-37 – Introduced by Council – An ordinance allowing a moral claim.

Mr. Roberts moved for first reading, seconded by Mr. Hutcheson.
Motion carried.

Ordinance No. 11-38 - Introduced by Council – An ordinance authorizing the proper city official to utilize Buchanan Auction Service for the purpose of disposing of surplus city property and declaring an emergency.

Mr. Tilton moved to waive the three readings, seconded by Mr. Hutcheson.
R. C. to waive
8 Ayes – 0 Nays
Motion carried.

Mr. Hutcheson moved for passage, seconded by Mr. Kilpatrick.
R. C. for passage
8 Ayes – 0 Nays
Motion carried.

Ordinance No. 11-39 - Introduced by Council – An ordinance authorizing the proper city official to advertise for bids and enter into a contract for improvements to the Carr Center at 1035 Beverly Street, and declaring an emergency.

Mr. Tilton moved to waive the three readings, seconded by Mr. Baker.
R. C. to waive
8 Ayes – 0 Nays
Motion carried.

Mr. Hutcheson moved for passage, seconded by Mr. Baker.

Mrs. Clapper: Mr. John Hajjar could not be here this evening as he had another meeting. He is the director of the Carr Center and I know they are looking forward to the improvements being made to be able to improve the loading and unloading of the passengers.

Mr. Kilpatrick: This is only one line item number cited in the ordinance. Does that mean 100% of this project is paid for by the grant?

Mrs. Clapper: It should be. If the expenditures exceed the amount allotted in the grant agreement then that would be the responsibility of the Carr Center and we would have to work with them. We expect it to be within the cost estimate of the engineer.

R. C. for passage
8 Ayes – 0 Nays
Motion carried.

ORDINANCES FOR ACTION

Ordinance No. 11-33 - Introduced by Council – An ordinance to amend and revise the zoning map and make permanent zoning in the city of Zanesville, Ohio as herein provided.

Mr. Tilton moved for second reading, seconded by Mr. Hutcheson.

Petition from Mr. John Herron, 4332 Stratford Circle East.

Mr. Herron: I am a resident at Kensington Village. I am very much in favor of progress in the City of Zanesville. I think for the satisfaction of the area residents I do not think we do not have enough information provided to us describing what is going to take place there. I did have a chance to talk to Mr. Denbow today to get some clarification. I am really concerned as to how this property is going to be developed. How are they going to have access to this property? Is it going to be from Northpointe Drive? What type of business is it going to be here? It just raises concerns. I know there is a difference in the Industrial and Commercial. This commercial is C-4. What is one, two, and three? I just want to have a better clarification how the zoning change is going affect all of us. I would like to have a better clarification on how this is going to turn out.

Mr. Vincent: I'm sorry; you said you did not have a chance to meet with Mr. Denbow?

Mr. Herron: I had a telephone conversation and he did give a little bit of clarification to me. I think it would help some of the other residents if some of this could be expanded on. Tell us a little on the changes of zoning, what should be anticipated, and the primary concern is the type of business is going to be there. We are really concerned as to how they are going to have access to this property. Are they going to display their merchandise in front of the building, are there going to be vehicles parked in front? How is this going to ascetically be affecting our area? With Primrose is right next door to it, the noise level involvement with this type of business, I am just really concerned how this is going to affect the area residents.

Mr. Vincent: I think Mr. Denbow can probably answer some of those questions. The potential developers are here. I think they would be more than willing, they took some steps to provide information to Council regarding the concerns that were raised last meeting. I am sure they are willing to share anything they can to be a good neighbor and prepare. You are probably aware that it is zoned industrial right now and my concern is noise.

Mr. Herron: That is my one of my concerns.

Mr. Vincent: That is the thing I hear the most about and with the way it is zoned now as far as industrial, Mr. Tilton and I were just talking about it, you could have blower motors running 24 hours per day, grinders and all sorts of things. We both hear noises, him from Burnham and us from Armco on Linden Avenue, so potential it could be something very noisy with current zoning. I see this as a step in the right direction to help provide a buffer

Mr. Herron: I understand that. My concern is where the access is going to be for this parcel of ground. Is it going to be right there at Primrose or are they going to do an access road from Northpointe? How is this going to take place? Do we have access to a site plan? We need to see a site plan to look at to see what they are proposing to do.

Mr. Vincent: Mr. Denbow, do you have anything you could add that could be helpful? When we talk about zoning, Council is here to decide if this property should be zoned C-4. We tend to get caught up in what is going to go in there, but the zoning issue is what we are really looking at and it is helpful to hear what you have to say.

Mr. Denbow: There are various levels of Commercial Zoning. There is C-1 through C-4. In order to have the type of use that they are looking for it would have to be zoned C-4. C-1 is neighborhood commercial, C-2 is community and regional commercial, C-3 is downtown commercial, and C-4 is highway commercial. In order to have motorcycle sales, they need to ask for a C-4 zone.

Mr. Vincent: Access, do you know anything there?

Mr. Denbow: I know in the preliminary meetings there was talk about them receiving a curb cut. Mr. Sims would know more about that. As far as I know chances of getting a curb cut on to Northpointe is probably slim because of limited access.

Mr. Sims: Mr. Jacoby might be able to follow up with that, but the lower portion was limited access and I think the intent was to have a shared access.

Mr. Jacoby: The potential buyers wanted to have a separate access. We were told that is not possible because of the limited access nature. Actually the entrance to Primrose Retirement Community is on this parcel. Primrose has an easement for their driveway. This would be a shared access.

Mr. Vincent: Is that helpful Mr. Herron and did you hear that?

Mr. Herron: Yes, I did and I noticed when I left Kensington this evening with the way the entrance to Primrose, off to the immediate left there are some garages, is that on the easement also?

Mr. Jacoby: No, I cannot give you the exact measurements. I think it is 50 X 100 rectangle there, so the driveway curves in and the garages are off to the side.

Mr. Vincent: If you would like to get with Councilman Tilton afterwards or any of the Council members as they have been provided with information from the Dreamers Motorsports. They are interested in buying the property and developing it. They have provided information to Council from site plans to what type of brick to be used. They also have included police records from their current location. They went to the neighbors and asked for signatures regarding any issues with noise. That might be helpful, to those that are here tonight, and I will be glad to share that with you.

Anything else from Council? We are at second reading. This will come back next time for the third reading and that is the one that counts. Tonight whether everyone votes yes or no it will still come back for a third reading.

Motion carried. Mr. Tarbert abstained.

Ordinance No. 11-35 - Introduced by Council – Authorizing the proper city official to enter into an agreement with the Licking County Ohio Building Department for building official, master plan review, and backup inspection services and to assist with the administration and enforcement of the Ohio Building Code within the City of Zanesville.

Mr. Zakany moved for second reading, seconded by Mr. Tarbert.

Mayor Zwelling: I have a letter from the County Commissioners asking to table this ordinance because I am going to meet with them on this issue. I do not think it is necessary to table it, I think you can go ahead with your second reading. If I have not met with them before it is time for the third reading, I will tell you and ask for it to be tabled.

Mr. Vincent: It is always good to look at all options even though they called it off last time.

Mayor Zwelling: I told them I would meet with them before this passed.

Mr. Vincent: Thank you Mayor, anything else from Council?

Petition from Tim Smith, Code Enforcement Supervisor:

Mr. Smith: I just want to make a couple clarifications about things that were written in the paper that were not exactly true. We did not do this thing in a closet. When we first anticipated looking at this, my first thought was to talk to Mr. Waymer about it and let him know about our intentions. Mr. Waymer informed me early on that the Building Department there had finished in the red and the County Commissioners told him if he finished in the red one more year that would probably be the end of them. So that only magnified what we were trying to do. We are not trying to replace the Mid East Ohio Building Department; we are a building department ourselves. We have always been and we have never given up that certification. What the city is doing right now is paying for redundant services. We have an electrical inspector on staff that we are paying. I am a building inspector and you are paying me as well. These permits are mandated by the state. It is not something that we dream up, so either the county, city, or the state does it. People will have to take everything to Columbus. In the budget committee meetings we had during the fall of last year, we were instructed to look for revenue streams and this is a revenue stream that we are giving up. What we have done the last ten years, Mr. Hill called it "bailing out the city", but in fact what the city has done over the last ten years, we have allowed the county through our subsidy to enlarge themselves to the largest building department in the state. That is Mr. Waymer's statement. They have spread into four additional counties beside Muskingum County. They were doing that because in the early years we gave up our building department and gave up the commercial work and that is when all the large box stores and schools were built. They were taking in thousands of dollars in permit fees that we were giving away. Now we are looking for income streams and I feel when he made the statement that they bailed the city out, that is just not true. We subsidized their expansion at our expense. The last time I looked on the door here it said "City Council". So we are looking for a way to offset some of expense of our office and City Council has made a commitment to building and code enforcement that other people do not make. The county has never expanded building code enforcement for the residential standpoint. We are one of the largest counties without a residential building department and that causes a massive amount of problems in the county. We get calls constantly asking us to do things in the county that we cannot do from the inspection standpoint. So this City Council has shown a commitment to code enforcement over the years that does not exist elsewhere. We have never finished in the black. We do not have the capability to do that and yet the commitment there from City Council to keep code enforcement in place because of the nature of it and the work that it does protecting the integrity of the city from a building standpoint. I appreciate that. We have completed a lot and made a lot of efforts to streamline our work over the years, save everything we can save, spend every dime wisely, and look for every dime that we can to enhance what we do. This is exactly what we are doing here. We can take in these commercial permits and it will offset some of the expense of our office. We would be able to set back and earmark some of that money to make sure we had money for a weed crew, to make sure we had money for litter clean-ups, and set aside some funding for demolitions that we have not been able to do for years. The only reason these things have been kept going is because we have been able to secure or find grant money to do that over the last couple of years, otherwise we would be in dire straits keeping up with the problems that creates in neighborhoods. You know the number of complaints you receive on weeds and litter, and if we cannot handle that, we are going to have all sorts of problems. It will lend itself to crime, drug activity, illegal dumping, and a lot of issues we have to face, but this could help. We did not do this in a corner; we were very open from the very beginning. I made Mr. Waymer aware of what we continuing to do and they were unwilling at that point to negotiate. When we got down to serious negotiating, they called to meet with me, and I laid the figures out that we had gotten from Licking County. In fact, Licking County gave us a better deal that what I asked for. We were willing to give them 10% of the permit fees off the top and they took that out of the contract. They did not want that. They just wanted to do the plan review and the C.B.O. work for \$50.00 per hour. I do not feel they thought we could get the deal that we got and now they are back peddling. We were open about this from the beginning. When the negotiations were cut off, they were cut off by the Mid East Ohio Building Department. I met with them on a Tuesday and on Wednesday morning Mr. Waymer called me and said negotiations are over, good luck. That was his exact quote. It just happened to be the morning after Mr. Hill met with the Mayor and the Mayor informed him what we were working on. I do not know if that had anything to do with it or not, but basically that is what happened. So we negotiated with them in good faith as we did with Licking County. It is not my fault that they pulled the plug on any negotiations. Now they are back peddling. It is time the city quit taking a back seat to the county. We represent the citizens of the City of Zanesville. They either want it all or they want none of it. I believe that when we went into negotiations that is what they wanted. We have the

capability to do this and it will bring in a revenue stream that is needed. I think we need to really look at this from a long term standpoint. I am not opposed to still negotiating with them, but I do not think at this point that I would really be comfortable working with them because the way negotiations went. That is my personal feeling. I do not know how the Mayor feels about it, but when your original offer is twice what we ended up getting, there is a way to get that by working twice as long on plan reviews that should take half as long and you get what you originally want. Whether that goes down that way or not, I do not know, but we need to keep that in mind during the course of the negotiations. If there are any questions I will be glad to answer them.

Mr. Vincent: Thank you Mr. Smith. We do appreciate all you are doing and I know you have been working on this for a long time. You and I have talked about it many months ago. You have put a lot of effort into this. I see this all as part of the process in working out what is best for the City.

Mr. Smith: I did not like the fact that they thought or said that I did this behind their back because that is not true. We have been very open with this from the beginning. When we started to consider this, I let Mr. Waymer know what we were taking this under consideration.

Mr. Roberts: Mr. Smith, first of all I will commend you as far as trying to find ways to save money. I fully back the idea that you have here. As far as the discussions you had with Mr. Waymer I had the privilege of discussing this with the County Commissioners and they have conferred that there was a “disconnect” between Mr. Waymer and them. Mr. Waymer has some health problems during all this and I do not know why he chose not to bring them into loop. So from their standpoint, they got blindsided whether all of them did or not I cannot speak to that. My personal opinion is we have Mid East Ohio Building Department here in the city of Zanesville with the employees paying city income tax. If nothing else it is public perception with us shipping stuff off to Licking County and I cannot agree with that. I would like to see that we work with everyone and see what we can keep here.

Mr. Vincent: Seeing that it is an opportunity. I have heard some discussion about having to go up there. Some people come down and just meet with the building department....

Mr. Smith: You do not have to go to Licking County. Everything will stay right here. That is a misconception. We take care of getting the plans to the plan reviewer. Everything will be done out of our office. Everything will be delivered here and picked up here not Licking County.

Mr. Vincent: I understand that this person sometimes comes down and works something out by meeting with the building department and getting taken care of much quicker. Their concern as far as going over to Licking County...

Mr. Smith: Not in this day of electronics.

Petition from Randy Case, 916 Vine Street:

Mr. Case: I question jumping into something like this. I understand the county has been doing this for 10 years for the City. After talking with County Commissioners and looking at some of the records, this is not a money maker. The county is steadily losing money on this every year. I do not understand how we can farm part of it out to Licking County, pay for someone to drive from Licking County and do an inspection, and still make type of money Mr. Smith is talking about. My other concern about this is all the stuff going on with the state, budget cuts and things like that, the city and county are going to start working together on a lot of stuff. I do not see this as a good start to looking into working together with stuff by saying one person does not want to negotiate with us about it so we will go to another county. Instead of saying okay this guy does not want to negotiate or talk about it, go talk to the Commissioners. Instead, go off to Licking County. It just does not seem right.

Mr. Vincent: Mr. Case, as far as someone having to drive down from Licking County they are going to take over the master plans, but the inspections will still occur here.

Mr. Case: Is Mr. Smith certified as a commercial building inspector yet?

Mr. Vincent: Mr. Smith, I know you have some abilities and I know you need to go back to school, but as far as inspection, even starting out they are not going to need to come down here, correct?

Mr. Smith: No, I am a certified building inspector and I can do all the commercial building inspections.

Mr. Vincent: You need them to approve commercial plans. Does that help Mr. Case?

Mr. Case: That is not what was said the last Council meeting. He said he was not able to do those types of inspections yet.

Mr. Smith: No, I did not say I could not do the inspections.

Mr. Vincent: I will let you meet with Mr. Smith afterward to clarify, but I understood what he is talking about tonight.

Motion carried Mr. Roberts abstained.

Ordinance no. 11-27 - Introduced by Council – An ordinance allowing a moral claim.

Mr. Hutcheson moved for third reading, seconded by Mr. Roberts.

R. C. for passage
0 Ayes – 8 Nays
Motion defeated.

Ordinance no. 11-28 – Introduced by Council – An ordinance authorizing the proper city official to enter into a professional contract with Richland Engineering for site inspection and contract administration for priority 1 and 3 of the Taxiway Improvement Project.

Mr. Tilton moved for third reading and passage, seconded by Mr. Hutcheson.

Mr. Sims: Speaking with the F.A.A. today they have indicated that there is a potential that the grant could be made available to us within the next 30 days, although it is still a moving target and I did tell him I would ask for Council's consideration in adding the emergency clause to this in case we do get the grant released and we need to have the consultant on board. It is not a show stopper because we do have sixty days under the revised code to give the notice to proceed for the contract; however, to keep everyone in sync and the potential to keep the project moving I would like Council's consideration to add the emergency clause.

Mr. Tarbert moved to amend Ordinance No. 11-28 to add the emergency clause in the preamble and in the whereas in Section 3 based on the situation set forth by Mr. Sims to add the emergency clause to get this thing passed and get that grant moving as soon as possible, seconded by Mr. Roberts.

Motion carried.

Mr. Baker moved for passage as amended, seconded by Mr. Tilton.

R. C. for passage
8 Ayes – 0 Nays
Motion carried.

Ordinance no. 11-29 – Introduced by Council – Authorizing the proper city official to provide in-kind services to South East Area Transit in lieu of its annual subsidy, and rescinding Ordinance No. 11-20.

Mr. Hutcheson moved for third reading, seconded by Mr. Zakany.

R. C. for passage
8 Ayes – 0 Nays
Motion carried.

PRIVATE PETITIONS AND COMMUNICATIONS:

None.

MISCELLANEOUS AND UNFINISHED BUSINESS:

Mayor Zwelling: Zanesville Night with the Columbus Clippers Friday night, May 20, 2011 was a success. The Clippers' office informed me they had between 900 – 1000 Zanesville residents there. A lot of people bought group tickets and some bought them at the stadium. It was very nice. They introduced Miss Muskingum Valley and me. I threw out the first pitch. They also had the Y Bridge and the Lorena on the score board.

The Auditorium:

Marjorie & Butch's School of Dance hosted 500 people and Genesis Dance Academy hosted 2200 people this past weekend. Genesis had two shows, 1000 in the afternoon and 1200 in the evening.

Upcoming events at Secrest are High School Graduations for Zanesville Community School and Bishop Rosecrans High School. Dance recitals for Vicky Lewis and Butch Theisen. The Community High School is a new booking.

Also, tickets are on sale now for Gordon Mote and the Voices of Lee coming to Secrest on July 16th. It is a fundraiser for Muskingum County Food Pantries and this is a new booking.

In October the same people that brought the group in a week ago Friday, are bringing in Francesca Battistelli. She is a top selling Christian artist the past 8 years. She is best known as a Christian music artist and her music has won over secular audiences as well. Her songs have been featured on shows like The Hills, So you Think You Can Dance, and The Biggest Loser. She is excited about coming to Zanesville.

On June 18th the Police Athletic League is having a boxing show at Secrest Auditorium. There will be 15 bouts and I have been successful in securing sponsors for them so that all costs are paid for by sponsors, so every ticket they sell will be profit to them. They are not a United Way Agency and they get grants here and there, so this is intended to be a fund raiser. I hope we fill the auditorium.

Mr. Vincent: This is local youth, correct?

Mayor Zwelling: Yes, the Police Athletic League.

Mr. Tilton moved to adjourn, seconded by Mr. Zakany.
Motion carried.

Meeting adjourned at 7:35 p.m.