

## **PUBLIC HEARING – MONDAY, May 9, 2011**

A Public Hearing was held at 6:50 p.m., Monday, May 9, 2011 in the City Council Chambers, 401 Market Street, Zanesville, Ohio to hear a request by Dreamers Motorsports LLC to rezone Parcel Number 86-34-01-01-000 from I-1 Industrial to C-4 Highway Commercial District.

Council members present were: Mrs. Norman, Mr. Kilpatrick, Mr. Hutcheson, Mr. Roberts, Mr. Tilton, Mr. Zakany, Mr. Baker, Mr. Tarbert, Mrs. Gentry, and Mr. Vincent.

Clerk had proof of advertising.

Mr. Denbow: The subject property is located on the east side of Northpointe Drive. It is an area of mixed use with industrial, office, residential, and commercial all located within this area. The Zanesville-Muskingum County Port Authority markets this area as being a mixed use development.

This is arguably the area of town with the highest rate of development. In recent years we have seen a business park with office and retail space, nursing homes, retirement communities, apartments and condominiums. This lot may be more viable as a commercial lot due to most industries wanting better access to Interstate 70. Also commercial uses maybe less evasive to the nearby or neighboring residential uses than any potential industrial use businesses.

The Planning Commission recommends this change.

Mr. Zakany: This industrial area I-1 and I see the part that's cut out for this business. This I-1, will that ever be residential?

Mr. Denbow: That area is zoned industrial right now. There is residential multi-family zoning across the street that was re-zoned several years ago.

Mr. Vincent: One of the concerns I always have as far as looking at zoning is the noise with people living there and what noises might be there. I guess commercial, I would think, would be less noisy than industrial.

Mr. Denbow: The industrial uses that may come in would probably be more evasive than what a commercial use would be. Certainly noise is a factor either way.

Mr. Vincent: Unfortunately, hind sight is always better, when we start with industry out there and would have been better off in other industrial parks. We got those businesses in there and it is a wonderful thing to have. The higher value use of the land would be with commercial development and other uses, as far as, the residential.

Mr. Zakany: I have a note here from Mr. John Herron that says I cannot be here for the meeting but, I vote against this issue.

Mr. Denbow: I am not sure what the objection would be unless it would be an individual across the street in a condominium. There would be a noise factor again with commercial and industrial use.

Mr. Vincent: Were there any questions or concerns that came up during the meeting that might be helpful to Council?

Mr. Denbow: No.

Mr. Vincent: Anyone here to speak for or against?

Mr. Mike Jacoby from the Zanesville-Muskingum County Port Authority.

Mr. Jacoby: Although the history of this development precedes me, I would like to remind people that this area was part of Z.I.P development ground originally designed to be an industrial park. If you go further north we do have industrial uses, but further to the south over time with all the traffic between Interstate 70 and this location there has been more commercial

development. From the Port Authority standpoint, I think this is a logical rezoning. That is all I have and I will answer questions.

Mr. Baker: If you were to play “devil’s advocate” for a second, will this significantly lose noise nuisances from Mr. Herron as he lives right across from the property in question?

Mr. Jacoby: I cannot tell you decibels, but this is an issue that was discussed with the owners and what they have explained to me is that they are not selling Harley Davidson, they are selling A.T.V.’s and motorcycles that are typically Japanese made and they are not going to be as loud as some of the “muscle bikes” that you may hear. They are selling and servicing motorcycles. There may be an occasional time that someone is in the shop doing some work. They do not anticipate this is going to be any noisier than the traffic going up and down Northpointe Drive.

Mr. Kilpatrick: They are not planning on an MX course out back so people may test drive their A.T.V.s before buying one?

Mr. Jacoby: That is correct and there are parts of that parcel that is not developable, so what they are talking about using is closer to the road.

Mr. Vincent: Is that because it is wet land?

Mr. Jacoby: There are areas in that parcel that are wet.

Mr. Baker: Would it be possible at some future point with this rezoning with them being able to make a course? Is there anything to stop them?

Mr. Jacoby: That is probably a question for Mr. Denbow.

Mr. Vincent: Mr. Denbow, as far as the zoning changes to C-4, would that allow for a motor cross track for testing vehicles?

Mr. Denbow: I am not sure where that would fall in with the code as I have never had that request come up. I would believe there is a section under C-4 that would allow for outdoor recreation. I am not sure if that would fall in line, if it does, that is a conditional use which would require prior zoning appeals approval. Again, I am not sure if that is where it would fall or not. I cannot imagine that it would be a permitted use.

Mr. Baker: Neither can I, but you never know.

Mayor Zwelling: I do know and I am familiar with this parcel, that if they would try to make a motor cross track out of it, they would have to spend a fortune to get rid of the wet lands. That is why the Port Authority is not selling it because it is not big enough for industrial operations. Most of the industrial prospects that see Northpointe or Eastpointe prefer Eastpointe because it is a straight shot out to the highway. At Northpointe, they would have to travel Maple Avenue and they would not want any part of that.

Mr. Vincent: I do not know the lay of the land, but are the wetlands at the back of the property? Would that provide a natural buffer between the residents and any activity going on?

Mr. Denbow: To the southeast there is a residential area and a triangular piece of property. There is a creek that runs through the back part of the property. That is the wetland and it surrounds the creek.

Mr. Vincent: I think that industrial versus C-4. C-4 could be noisy, but for it to be industrial, it could be twenty-four hours a day and I know down on Linden Avenue it is noisy all the time. It sounds like this would be during the day and early evenings.

Mr. Vincent: This hearing is closed.

Hearing closed at 7:00 p.m.

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Vicki L. Figgins  
Clerk of Council

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Daniel M. Vincent  
President of Council

## **CITY COUNCIL MEETING – MONDAY, MAY 9, 2011**

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, May 9, 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: Mr. Tarbert, Mrs. Gentry, Mrs. Norman, Mr. Kilpatrick, Mr. Hutcheson, Mr. Roberts, Mr. Tilton, Mr. Zakany, Mr. Baker, and Mr. Vincent.

### **APPROVAL OF MINUTES**

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

### **COMMUNICATIONS, REPORTS, AND RESOLUTIONS**

Resolution No. 11-31 - Introduced by Council – A Resolution authorizing the proper city official to enter into a contract with the Ohio Department of Transportation for paving portions of maple avenue, and declaring an emergency.

Mr. Roberts moved to waive the three readings, seconded Mr. Tilton.  
R. C. to waive  
9 Ayes – 0 Nays  
Motion carried.

Mr. Hutcheson moved for passage, seconded by Mrs. Norman.

Petition from Ben Ahn, 855 Goddard Avenue.

Mr. Ahn: After Maple Avenue is repaved, will it be re-lined? I had asked before and I wanted to remind everyone. I like the idea of painting the intersections with lines so people know to stay in the lane they are in when they turn the corner. A lot of time on Maple Avenue, if you are trying to get on Maple Avenue, there will be a line backed up two blocks long because nobody will turn right while people are turning left or vice versa. People in Zanesville are not like in Columbus where everybody turns at the same time. Here people think they have to sit and wait for the traffic coming the other way to turn the corner. We all went to drivers' training classes and we all know that you stay in the lane nearest to you. That way it cuts down on the congestion. Mayor Zwelling was just saying a minute ago that people steer clear of Maple Avenue and that is one of the reasons why people steer clear of Maple Avenue because it is a mess. It is the way people drive out there, but if you have a line painted when it gets repaved, it might help a little bit. Then follow that up with some enforcement, get somebody to actually do something about all the people turning into the wrong lane every time they turn the corner. A good example is the corner where C.V.S. is located. Nobody will turn right at that corner because of all the people turning left and then once they are done with their arrow then nobody will turn left because of all the people turning right and that backs up clear down to Linden Avenue. I had brought that up before and I thought I would bring it up again just as a reminder. Is there going to be a bunch of utility work after Maple Avenue is paved and then all torn up again or does anybody know?

Mr. Vincent: I sure hope not.

Mayor Zwelling: O.D.O.T. requested to delay paving of Maple Avenue to next summer, but I told them I did not think Maple Avenue could hold up one more year. They are not going to do the intersection at Genesis and Wal-Mart or Terrace Point until next year. They are going to

pave this summer and line it. I think you will be happy with the lines. The lines are worn off and not replaced because they are getting ready to pave it. The lines are pretty weak now. They will be strong. The reason the Northpointe Industrial traffic is not thrilled with Maple Avenue is because there is a lot of traffic. It is harder to get to the interstate from Northpointe than it is from Eastpointe. There are 900 acres out at Eastpointe so that is best suited for industrial use. The intersection at Genesis and Terrace Point will be tied in next summer. That is what this ordinance is about.

Mr. Ahn: My point is the sections that are done, will there be lines marked to stay in the lane nearest to you.

Mayor Zwelling: I think we will.

Mr. Vincent: My thoughts are to send this to the Traffic Committee and let them discuss it more. I am sure there is some research out there and information on the pros and cons of the lines.

Mr. Ahn: I cannot think of any cons. You go to Columbus where you have ten times the population we have here and traffic moves smoothly because people do stay in the lanes.

Mr. Vincent: There may be none, but was just thinking that you need to look at all the information available to make the best decisions.

Mr. Saunders: Just talking about the intersections when you are making your turns, I have seen dash lines to keep people from changing lanes. If you have two lanes that are turning and you are trying to keep people in their lanes. I have seen those in Heath. Is that what you are referring to?

Mr. Ahn: I am talking about when you are turning any corner on to a four lane road. You are required by law to stay in the lane nearest to you when you turn that corner. If you go through the corner where C.V. S. sits right now, and I bet if you watch a hundred cars turn that corner, you will only see five that will stay in the lane nearest to them. No one at the other light is able to turn because they do not feel that they can do it without getting hit. That will back up traffic for a whole block

Mr. Saunders: You are saying if someone is coming west bound on Adair Avenue and making that left turn to go north on Maple Avenue, they are coming all the way over against C.V.S.

Mr. Ahn: I will guarantee you, if you watch there tonight or tomorrow, one hundred cars turn that corner you will only see five or ten stay in the lane nearest to them. That is just one intersection. I see police cars doing it too. They should be setting an example for others to not turn the corner into the wrong lane.

Mr. Vincent: Thank you Mr. Ahn. Mr. Saunders, since Mr. Sims is not able to be here tonight I had some concerns. It talks about installation and repair of ramps, do we have any ramps that need repaired or installed?

Mr. Saunders: Yes, whenever Federal Funds are used to do paving every intersection has to have curb ramps done.

Mr. Vincent: Is that included in this cost?

Mr. Saunders: It is included in the project. The great thing about this project is that we are using our Issue I Grant to pay our match for this project. The only moneys we have in the project are some of the permissive tax moneys that matches the Issue I moneys. We are talking about this huge project and we have \$50,000 - \$60,000 of our money in it because the way we timed our grant to cover our match of the bigger O.D.O.T project.

Mr. Vincent: Then the dollar figures in here are estimates. What if it goes over estimate?

Mr. Saunders: Our grant was actually for more than the \$291,000 that is listed here. Our grant was closer to \$400,000, but when O.D.O.T. redid their estimate for the project and the way our Issue I grant works, it is a percentage. So when their estimate went down, our Issue I estimate

went down. Well, bids come in higher then we will go back to Public Works and ask for more of that \$400,000 we originally asked for. It is just a percentage thing right now.

Mr. Vincent: So they have money that is not allocated that we can ask for.

Mr. Saunders: O.D.O.T. just gave us this legislation, this updated one last week. So up until last week we still had almost \$400,000 coming to us in public works funds. As far as the utilities go we did apply when we did all the stimulus projects for a water line on Maple Avenue. We did not get that. That would be my only concern. We may see a water break now and then. There are no combined sewers on Maple Avenue from Adair to the North so we will not be tearing it up for any of the combined sewer work you have seen us do in other places in town.

Mr. Vincent: That is always unfortunate, we put down new paving, and then a few weeks later we have to go in and cut it out to repair a water line. They are old lines. They are a little more noticeable to us because it is new pavement.

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

Mr. Vincent: Just one more comment on that, I think taking it to the Traffic Committee and having a decision made early on in the process, so it is known in advance for painting, is probably essential.

Resolution No. 11-32 – Introduced by Council – A Resolution authorizing the proper city official to enter into a contract with the Ohio Department of Transportation for paving portions of Wayne Avenue, and declaring an emergency.

Mr. Tilton moved to waive the three readings, seconded by Mr. Hutcheson.

R. C. to waive  
9 Ayes – 0 Nays  
Motion carried.

Mr. Roberts moved for passage, seconded by Mr. Zakany.

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

## **PROPOSED ORDINANCES**

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 first reading, seconded by Mr. Hutcheson.

Petition from Tom Elson, 4308 Stratford Circle E

Mr. Elson: I live across from the property that is involved and I had just moved down here recently from Coshocton, Ohio. I have lived there all my life, moved down here to retire and bought a condo. I would like to have nice peace and quiet. My porch does face that area and I am concerned there may be noise involved. I do have a motorcycle of my own and I do ride. I know if you are working on them sometimes you do make some noise with them. I do not know what this is going to curtail, but I am opposed to have more noise in that area. The traffic is a little bit noisy, but it is not anything that you cannot tolerate there. I guess that is about all I can say on that, but I am opposed to this.

Mr. Roberts: Is there any type of screening as far as vegetative or fencing along that roadway?

(Someone from the audience answered yes.)

Petition from Doris White, 4304 Stratford Circle E

Ms. White: I represent the condo residents at Kensington Village and if any of you have been up there to see that property, it is elevated from Primrose. They are right beside each other. Autumn Health is directly across down from where we live at Kensington. Primrose mows about 20 feet up this elevated hill and I am sure that there would have to be a lot of excavation before they could build an access to Northpointe out on the main road which you all know there is a lot of traffic on that. There is a creek that flows right behind the fence line that goes down through there. It is wet land like the Mayor said earlier. We would appreciate if it could be quiet and tranquil like we all moved there to have. Thank you.

Mr. Vincent: Are the residents there aware that is zoned Industrial?

Ms. White: Yes we are, but we did not figure on... I am a Harley owner, I ride a Harley. But if I was going to buy one, I would try it out first. Where are you going to try it out, where are you going to buy it?

Motion carried.  
Mr. Tarbert abstained.

Mr. Vincent: Just to let people know this will come back for second and third readings. The third reading is the one that counts, as far as the vote, at that point.

Ordinance No. 11-34 - Introduced by Council – An ordinance authorizing the proper city official to enter into a contract for banking and cash management services for the active deposits of the city of Zanesville for the period June 1, 2011 through May 31, 2016, and declaring an emergency.

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

Mrs. Norman moved for passage, seconded by Mr. Roberts.

Mr. Kilpatrick: One question for the Treasurer. Do we always do our banking contracts five years at a time?

Mr. DuBeck: The Ohio Revised Code says we have to.

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

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

Mr. Roberts: I just have a few questions regarding this ordinance. Does Mr. Smith want to talk about it first?

Mr. Vincent: Would you like to talk first and then we will ask questions?

Mr. Smith: Basically, what we have done, is the city is looking for income streams and we are looking for income streams in code enforcement. We have been a certified Building Department ever since I came on board and I have my Building Inspector Certification and I have two electrical inspectors on staff. We are paying the county for redundant services. We are a certified building department. Right now we contract everything out to the county. What we want to do is bring that back into our office. People would still pull their permits locally and they would just be paying us instead of the county. Currently the county pays us a 10% rebate on the permit fees they collect. This will afford us the opportunity to make approximately 60 –

70% payback on what we collect on permit fees. I entered into negotiations some months ago with various entities with the Mayor's approval to get the best deal we could get as far as contracting out the services we are permitted to contract out. We need to contract building official and plan review services. We can cover everything else. We also enter into negotiations with the Mid East Ohio Building Department for those services. We had three meetings with them. One day they called and said they were no longer interested, so they broke off negotiations. We offered them the opportunity to contract the same services that we can get from Licking County. Everything will remain local. You will pull your permits through our office. We are just paying for the services that the state allows us to contract out which is for building official. Right now until I can get my interim certification in another year they will do plan review services. Licking County is also going to furnish us with backup inspectors. They are currently my back up for residential and this would make them back up for residential and commercial, so when I am on vacation, they will supply us with an inspector. This is to offset the expenses that you are already paying. You are already paying me as a building inspector and you are already paying Mike Smith. It just makes sense to bring that back into our office. I will have control over it locally and control over the inspection process. Licking County Commissioners have already approved this. We do need to move forward with it. We are looking to create an income stream, and that is the reason we started this to begin with. We do have to give the county 90 day notice to terminate that agreement and we want to abide by that agreement. I will also have to introduce legislation to reintroduce the fee schedules for the commercial work. We plan on introducing the fee schedules and the policy manual that I am currently working on. The reason for the legislation is to provide an income stream in Code Enforcement that hopefully could earmark part of that money for weed control and litter. If we could set some of this money aside to fund these on a permanent basis so we are not always grasping at straws trying to get our weeds cut like we are this year. This year has been very difficult because of all the rain. The grant that I am currently operating on (weed crew) runs out June 18, 2011. They are just making it through the first cycle and the worst is yet to come. If we do not find funding to implement a permanent weed control, we are going to have a mess about mid July, first of August.

Mr. Vincent: Now with this I prefer to keep things local, but when you were talking about Mid East not interested in working with you – that is Muskingum County, correct?

Mr. Smith: Yes.

Mr. Vincent: They are not interested at this point.

Mr. Smith: I met with Jim and Larry on three different occasions trying to negotiate figures back and forth based on the deals I had been cut. At first they were way over what the original cost estimates were from Licking County and then they wanted to talk. We had two more meetings and they just abruptly broke off negotiations.

Mr. Vincent: So at this time they are not interested. How long is this contract good for? I guess 90 days to terminate.

Mr. Smith: We remain a certified building department and the state allows you to contract for services that you do not have available. When we got rid of Gerry Berg years ago, we got rid of our plans examiner and our building official. I will never be able to be a plans examiner because I am not an architect or engineer, but based on 10 years experience as a building inspector I can apply for an interim building official then take the schooling and take the test to become a building official and not have to contract out for that service. We will always have to contract out for plan review unless we hire a master plan reviewer. Right now it is cheaper to use them as we need them. I have been tracking the permits the county has been issuing inside the city and we are averaging about \$7,000 per month that we are giving the county and we are getting 10% of that back. If you look at about 60% rate of expenses that we would get back you are looking at creating a fairly decent income stream that we could utilize the funds for things we need to do in the building and code enforcement area.

Mr. Vincent: For the public – what do they see different? They see no increase in fees; they see no change in process in getting the permit; the only change they will see is if they notice the inspector coming out it may be...

Mr. Smith: It would be me instead of someone from the county.

Mr. Vincent: And no one from Licking County will ever come over and do anything, the stuff will be sent to them. Under No. 5 of the contract I was not clear– the last line in number 5 says “Services may be rendered on an hour for hour basis or billed at actual benefitted rates plus expenses”.

Mr. Smith: That would be if I needed someone to come down and do a residential inspection. They would send an inspector and a week later they needed someone to do a residential inspection I would go up and do the inspection for them. We would just trade that hour for hour and mile for mile. We would just be trading services. We are backing each other up by this contract.

Mr. Vincent: Mr. Hillis, do you have that in front of you under No. 5? Does that sound good?

Mr. Smith: This contract was approved by both law directors.

Mr. Hillis: I do not see any problems with it.

Mr. Roberts: I have a couple questions. Will the fees increase, decreased, equalize?

Mr. Smith: The fee structure that I put together almost mirrors the county’s exclusively. There has been some of what I call nuisance permits for tents and so forth that we looked that I felt were below where we needed to be from a business stand point. There are some minor increases in some of the smaller permits that we do not issue a lot of those for tents, but as far as the overall commercial rates we are basically charging what the county was charging. The processing fee we increased by \$5.00.

Mr. Roberts: You talking about Muskingum County not Licking County. There is no reason that any architects or engineers from here will need to travel to Licking County?

Mr. Smith: No, everything will be delivered to our office.

Mr. Roberts: Time frame should be about the same, as far as turn around? Do you have any idea how many hours we are going to incur? I know this is a different structure than what we were doing before.

Mr. Smith: That will be based on the extent of the project. Permit fees will cover this plan reviews. They are going to bill us in 12 minute increments so you are looking at something you fax to them; they look at it, and fax it back. You would be looking at approximately \$50.00. You get a huge complex where you would be talking about several thousand square feet you are looking at several thousand dollars in permit fees. That could be a 20 or 25 hour plan review which may cost \$2,500 by the same token the permit fee is going to be \$7,000 - \$9,000. The larger the project the more the intake. It is designed to cover the cost of every segment of that. What we are not getting now is the cost of the inspections. You are paying me as an inspector, you are paying an electrical inspector and we are not be utilized. We are paying redundant services and what we offered the county was just do what we need have done and we will do the rest. They did not want to do it that way. You are looking for income streams, this is a way to offset some of my salary, offset some of Mike’s salary and still have some money left over to do some of these other projects if we earmark it that way.

Mr. Roberts: Mr. Saunders, since you are here and you are a P. E., would it ever be feasible for you to be the building official for the city of Zanesville?

Mr. Smith: I do not think he has the right engineering degree.

Mr. Roberts: All right. I just wondered.

Mr. Tilton: Mr. Smith with your time you have to take for these inspections, plus your schooling, how much time is that going to take away from Code Enforcement and how would you cover that?

Mr. Smith: A lot. My inspectors would have to pick up the slack. Under my job description I am only to be the supervisor of Code Enforcement and I have taken on way more than that responsibility. If you look at the annual reports I am doing 4,500 inspections per year. This year it as taxed me because I am not only doing Code Enforcement, residential building inspections, running the weed crew, doing litter cleanups, and Mr. Brandford can tell you it does have me pushed to the limit, but I am going to have to get more out of what I am paying my other inspectors to do for the Code Enforcement standpoint and back away from that and not be in the field as much as I am aggressively on that. One thing that will help me is the fact we are winding down our demolition process and that took a lot of my time from the paperwork standpoint, inspection standpoint, and when you are doing almost 90 demolitions over the last 2 years there is a lot of paper work and inspections. I am going to have to give up something to do this, but it is going to be beneficial to the city in the long run.

Mr. Tilton: But you do not feel like you are going to need to hire anyone in the future.

Mr. Smith: I am looking at this from a business standpoint. Larry is short term, he has about a year left, and I think he is going to retire. It makes sense to me, as we lose a Code Enforcement officer you will need to put someone back in that office that has the credentials to multitask. My thought is when we begin to replace those people we replace them with people that have the credentials to do commercial and residential inspections so that we can get them to multitask rather than be isolated to do one thing. I do multitasking from one scale to the other so we can get people in there to multitask. That would take the strain off of everyone. Short term it might be a little difficult, long term is we restructure, then it would make more sense from a business standpoint to bring people in that can do both jobs. In most cities that is way they look at that, have Code Enforcement and Building Department, in smaller cities like ours, individuals are multitasking and have all the certifications. That is what we need to work toward from a business standpoint.

Mr. Tilton: How long will it take you to go to school and become the inspector?

Mr. Smith: I can get interim certification which is good for 18 months. I need to go to the Code Academy which is one week of classes and pass the test.

Mr. Tilton: Just one week?

Mr. Smith: Yes.

Mr. Baker: In the past years wasn't there a problem with Code Enforcement having problems meeting the Code Enforcement tasks that it had in front of it with the labor it had available with all the budget problems? Wasn't that a concern that we were coming off of?

Mr. Smith: Well, truthfully when I took over no one was accountable to anybody. There was no set plan, no set course, you get a complaint, you go look at it, you write it up. The rest of the time you "twiddled" your thumbs. I am not saying that the guys were doing that, but one of the mandates when they brought me on board was turn this thing around and make people accountable. That is what we did. We did the citywide inspection program and we tried to stay on top of that. The guys would have to work, they are doing a lot more inspections than what they used to, but there is still room for them to do additional work. If you look at the inspections I am turning over in a year compared to what they are doing I am still turning twice as many inspections as what these Code Officers are. I am not saying they are not doing their job, but there is still room for improvement.

Mr. Baker: So you are saying with even greater accountability and greater multitasking that you do not perceive a problem with Code Enforcement being over extended. I would hate to see that happen.

Mr. Smith: No. I want to get people in there that have all the certifications so they can to both. From a business standpoint it would make more sense and we have all the software in place to stream line that and we have never utilized that to its fullest extent because these guys are reluctant from a technology standpoint to take it to the next step. As you bring in new people that is one thing I want to do utilize the technology to fullest extent that we have.

Mr. Baker: One more question, with the money stream you will have coming in would be about \$40,000 or something like that.

Mr. Smith: On the average they had economic down turn of the last couple of years they have averaged about \$108,000 in permit intake from the city. In previous years it has been as high as \$500,000 when the Northpointe Development with the big stores going in and all the schools. Some of those permits were \$40,000 - \$50,000, so the potential is there. If you have an economical up-turn and you have a lot more work you will take in more money you may have to come back to Council ask for another inspector. If you are taking in \$500,000 more in commercial work, it only makes sense to hire someone to pick the slack or contract with someone to do it.

Mr. Baker: Of those permit fees, we collect 60%?

Mr. Smith: Currently we are only getting 10%.

Mr. Baker: Right, but what you envisioning.

Mr. Smith: I am projecting that we will make about 60%.

Mr. Baker: In real dollars, what are we talking about as far as a range per year?

Mr. Smith: \$50,000 - \$60,000 per year.

Mr. Baker: You are envisioning most of it being earmarked for long term programs for Code Enforcement.

Mr. Smith: In the legislation that will come forward I would like to see that money earmarked similar to what we did with the vacant property registration. That was earmarked for specific projects. It is suppose to be put in a fund for Code Enforcement things. Right now we do not have the capability to fund a weed crew, to fund demolitions; we have zero money in there. If you are going to keep up aggressive Code Enforcement you have to start setting some money aside for these areas. We need \$16,000 - \$18,000 per year for a weed crew. As long as we can continue operate with grant money and grant people that is fine as it is working out great the last two years, but when that pool of money dries up then we have to have a contingency plan. Right now we have none. I have some money in miscellaneous contract funds this year that if a push comes to a shove I am hoping we can transfer that over and keep our weed crew supervisor, so I will have one guy mowing. I intend go out, if I have time, and mow with him so we can stay on top of it.

Mr. Baker: Those are the sorts of programs that you have envisioned at least for the short term. Things that need fixed immediately, rather than later.

Mr. Vincent: Just to clarify Mr. Smith. You talked before about no fee increases, and then you talked about a \$5.00 processing fee increase?

Mr. Smith: Yes, right now we are way under the fees that are allowed by the state. The state's processing fee is \$250.00. The county started charging \$220.00 and I am proposing \$225.00 processing fee. We are coming in mid year and they have not raised their fees in a year. I added that additional \$5.00 on there and we do not come back for increases for 3 or 4 years at a time, so when we restructured this time we are not only looking at commercial, but we are going to restructure residential fees as well to reflect what we are actually spending to do these things. There will be some proposed changes in permits for decks, for instance. Right now I am losing money on decks. I have to do three inspections on a deck. I do a plan review and we charge \$50.00 the same as I do for a roof which I do one inspection. It does not make sense for someone to pay \$50.00 and get one inspection and pay \$50.00 when I have to do three. We are looking at the areas where we are losing money. We are trying to bring those permits up and it will recover some of the cost. In this fee policy manual there will be more increases from the residential end on the low end permits. Then small increases in the commercial end.

Mr. Vincent: Later legislation will have those fees in?

Mr. Tilton: You said we had to give them a 90 day notice?

Mr. Smith: Yes, we have to give the county a 90 day notice stating we are terminating their services.

Mr. Tilton: And you need to have this legislation in place before you give them the ninety day notice?

Mr. Smith: I need to make sure it is going to be passed before we terminate the contract. It is critical that we get this moving. I was going to ask Council to waive the reading tonight because I wanted to be able to get this on track so we can notify the state for approval and notify the county of our intent. If you want to maul this over until the next meeting and then maybe look at it from stand point I am sure there are other questions that will arise, I will be glad to answer those. The best way to get in touch with me is by email and then I will respond back by email to you.

Mr. Vincent: If Muskingum County came back and said okay we will do the same thing and have a change of heart?

Mr. Smith: That would be up to the Mayor. He is the one that has to sign the contracts. I do not anticipate that and maybe they are feeling the situation out to see whether we are actually going to go through with it or not. I think that if they wanted to negotiate in good faith they would have done that prior to us bringing this legislation before you.

Mr. Vincent: I think it is really unfortunate. We would keep all the money here in our county by contracting with them.

Mr. Smith: I gave them an opportunity to do that. I approached Jim Wymer a long time ago and told him that with the budget crunch that I was looking at this as a possible income stream. I was already researching the possibility of taking the commercial end back and I asked him to put together a proposal at that time which he did not do. Finally I went over and met with him stating we were seriously moving forward with it after I did all the research and talked to the Mayor, he said to go for it, so we actively got involved in some serious negotiations at that point. I do not know what happened to cause them to break it off, but they did.

Mr. Vincent: Mayor, have you talked to the commissioners?

Mayor Zwelling: No I have not. I gave Tim the go ahead as I thought this was a good idea and he has kept me informed about this.

Mr. Vincent: Will we get the same level of service?

Mr. Smith: I am very familiar and comfortable with both Jack Prior and the chief building official in Licking County. Tom Gaul is also a building official and master plan reviewer. I have had several meetings with Tom and I am very comfortable with the work that he has done. I have looked over some plan reviews of theirs. I am confident that we are going to get the level of service that we will need here. We had some problems in the past, we had problems with Zanesville High School that I was directly involved with that and I was not. They had the opportunity to use me because I am under contract with them and I have done several commercial projects for them. The city does not get reimbursed for that. I seem to do it for free and keep the process going. They have not been utilizing me the last year or so and there are several things that we brought up from property maintenance standpoint that required the individuals to go through the Mid East Ohio Building Department for permits and inspections. I have asked them to keep me in the loop and allow me to do inspections on some of those projects. That has not happened for whatever reason. My thought is we need to bring more of that back based on what we do give us a little more proactive approach to it and be activity involved in the entire process.

Mr. Vincent: It is only first reading and it would be nice to keep all the money here in the county.

Mr. Saunders: You asked about what the public would notice, if anything different. I think one nice thing about what Tim is proposing here now, for commercial development you have permits you have to get from the City, you have permits you have to get from the county building department and there is some disconnect there on communications at times. Now they will all come to one place. We will have instances where they may issue permits for foundations and things like that when they do not have approved plans for the site through the City or they do not have their curb cuts, so I look at it as an advantage for us and an advantage for the developer to go to one place to get all their permits.

Mr. Vincent: For those in the City it will be one stop shopping and it will make it easier.

Motion carried.

Ordinance No. 11-36 - Introduced by Council – Amending appropriation Ordinance No. 11-10 and declaring an emergency.

Mr. Tarbert moved to waive the three readings, seconded by Mr. Zakany.

R. C. to waive  
9 Ayes – 0 Nays  
Motion carried.

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

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

#### **ORDINANCES FOR ACTION**

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

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

Motion carried.

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 second reading, seconded by Mr. Roberts.

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 second reading, seconded by Mr. Zakany.

Motion carried.

#### **PRIVATE PETITIONS AND COMMUNICATIONS:**

Petition from Don Jones, 30 Southard Avenue, Zanesville Crime Stoppers Watch

Mr. Jones: We have the First Quarter Crime Stats in 2011. Please look at the Excel page listed as 2011 Crime Stats. Z.C.S.W. tracked 285 crimes for the first quarter. Total crimes were 433 and 17 were blacked out on our records because they are juvenile victims and/or sex offender victims, that is probably why rapes are recorded as 0 for this quarter. They are not included in the 285 totals we tracked, but are included in the 433. The drugs and felony drugs are 2, which is 55 below the average drug busts of 57 per quarter since 2003. The combined drug units are very busy as you have seen on WHIZ and the Times Recorder. This stat will probably change the next quarter. If you look at your maps you can see crimes are present throughout out City from the north to the south; from the east to the west. We are trying to keep citizens informed of what crimes are happening in their neighborhoods with these maps. They are posted on our

website so they can become pro-active in reporting suspicious people, vehicles, and activities. They are being the eyes and ears for law enforcement.

I have a question for the Administration: the Muskingum County Sheriff's Department emails their daily calls for service in a pdf format to our media, as well as to us, and they are posted as The Sheriff's Report. Those reports are very helpful to the citizens. The Times Recorder posts them on the web and in the paper. We post them on our website, Facebook, and email them to our members. In the county hundreds, if not thousands, of these types of reports are reported by the citizens. I emailed Mayor Zwelling, Safety Director Brandford, and Chief Lambes this question, but received no response. Is there any reason why Z.P.D. does not email their daily calls for service to the media to be posted? If not, could someone make this happen? Thank you for your time.

Mayor Zwelling: I think Chief Lambes would be the best person to answer that question.

Mr. Vincent: Mr. Brandford, would you touch base with the chief and get an answer back to Council and Mr. Jones? I would appreciate it. Thank you Mr. Jones.

#### **MISCELLANEOUS AND UNFINISHED BUSINESS:**

Mayor Zwelling: Once again it is going to be Zanesville Day at Huntington Park with the Columbus Clippers on May 20, 2011. There is a promo on this at Wendy's this Friday (May 13, 2011) from 4:00 p.m. to 6:00 p.m. and Wendy's is one of their major sponsors of this event. Barry Keck from the Columbus Clippers will be there and he can handle any ticket applications that you might have for a group or individual. Or he can be called 614-805-6647. If anyone needs that number call my office to get it.

There was an excellent concert at Secrest Friday evening, Marrakesh Express Group was outstanding. They did an outstanding tribute to Crosby, Stills, Nash, and Young. The Framptone Band with Councilman Tarbert at the drums was excellent also. I saw some of Councilmen there and it was a good night. I would have like to have seen more of a crowd, but there was a lot of competition Friday night with the Proms, Art Walk, and other things. The promoter is not discouraged. He has booked a couple other dates and talking about two or three others. The next date is not set, but he is talking about bringing in an acrobatic show that would be a family type entertainment. The following show he has a Christian singing group. The concert was excellent.

I attended the Safety Directors Meeting in Columbus on Friday with Safety Director Brandford, who is the immediate past president of the State Organization, Chief Lambes, and Chief Stemm.

Flags of Honor will be at Zane Landing Friday, May 13, 2011 at 6:00 p.m. That is a spectacular performance there is a flag for every Ohioan that has lost their life during the recent wars in Middle East. There are five locals that there will be flags for. It is a very touching ceremony and it is beautiful to see all those flags. If you have not been there you will want to be there. They will be there all weekend for the people to see.

Mr. Vincent: Thank you, I appreciate Mr. McPeek from Ticket Crush as far as being a promoter to bring the groups here this weekend to help Secrest out, promote it more, and get more activity going at Secrest.

Mayor Zwelling: He is a product of the Muskingum County Incubator and he is very enthusiastic about working with the auditorium.

Mr. Vincent: It is pretty exciting to have a local business working across the nation selling tickets and it all comes back here, as far as profits. Anything else from the administration?

Mr. Saunders: FYI, the Wayne Avenue Sewer Separation Project will be starting next week. Wayne Avenue will closed to everything, but local traffic for the next 2 ½ months. When we are done the sewer will be separated and the road will be paved. The posted detours are Moxahala Avenue and Putnam Avenue. We will get that out to the Times Recorder, WHIZ, and we will put some message boards out later this week. I just wanted everyone to know in advance.

Mr. Vincent: Any updates on Brandywine?

Mr. Saunders: I have final plans on Brandywine. We will put out estimates together and get that out to bid. We will need to figure out how we are going fund that repair.

Mr. Vincent: So it is just a repair not a total replacement?

Mr. Saunders: That is correct. The part that is still there has been evaluated and we can save that. We are just going to have to go back to where it stopped bending and replace what was there. When we are done we are going to line the whole bottom with a new invert.

Mr. Vincent: I guess I was talking with Councilman Tilton and my thoughts are galvanized steel is only going to last so long compared to concrete. The other half and the first part failed, the second part is still there...

Mr. Saunders: What has failed that we have seen is appears at the bottom of the pipe rusted out either from the acidity or the scour going through there. The remainder of the pipe is fine. It is holding its shape so when we put in the new galvanized pipe; this pipe right now had no protection on the bottom. A lot of time they will pour a concrete channel or they will line it with asphalt channel so when we go and put the new section on it is our intent to line the new section and the existing section and create that bottom.

Mr. Vincent: What is the life expectancy on that type of pipe?

Mr. Saunders: You should get 50 years out of it with a property lined bottom. The pipe that is in there now was put in 1980, so we got 31 years out of that.

Mr. Vincent: It is cheaper to do repair now and then...

Mr. Saunders: There is nothing cheaper about it. When you are talking about a structure that is 13 feet tall and 19 <sup>1/2</sup> feet wide you are looking at big dollars. We received an estimate on just the replacing the 100 feet of pipe and having that basically removed, folded back together with material and putting it together it is like \$180,000. That does not include cleaning it out, does not include backfilling, does not include fixing the pavement or bracing the water line or making sure that pole with the truck on it for a month does not come down. We are going to be scrambling on that.

Mr. Vincent: I guess my thoughts are better to repair and get another 19 more years out of what is left there or ...

Mr. Saunders: You have 250 feet of pipe left. We are talking about replacing 100 feet and those are the kind of numbers I am throwing at you.

Mr. Vincent: Financially that is all we can afford to do right now is repair?

Mr. Saunders: Yes. We are scrambling to find money for that.

Mr. Roberts: I think Council needs to extend some thanks to Interim Chief Stemm for what he has done to curb the overtime issues in the Fire Department as well as the Fire Department as a whole. It seems that since he implemented those policies overtime dropped by a third, sick time has also dropped tremendously as well. I would just like to thank him for getting things back on track.

Mr. Vincent: Thank you for bringing that up.

Mr. Brandford: I will pass that along.

Mr. Vincent: Thank you Mr. Brandford. We do appreciate it.

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

Meeting adjourned at 8:00 p.m.