

CITY COUNCIL MEETING – MONDAY, OCTOBER 24, 2011

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, October 24, 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. Hutcheson, Mr. Roberts, Mr. Tilton, Mr. Zakany, Mrs. Gentry, Mrs. Norman, Mr. Kilpatrick, and Mr. Vincent.

Mr. Tilton moved to excuse Mr. Baker and Mr. Tarbert, 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

Communication From Michael A. Sims, Director of Public Service – City Cemeteries 3rd Quarter Report (2011)

Mr. Hutcheson moved to receive, seconded by Mr. Roberts.
Motion carried

PROPOSED ORDINANCES

Ordinance No. 11-65 – Introduced by Council – An ordinance to revise the codified ordinances by adopting current replacement pages, and declaring an emergency.

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

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

Ordinance No. 11-66 - Introduced by Council – An ordinance authorizing the proper authority to pay an invoice to the Walter Drane Company for the provision of annual codified ordinance supplement services, and declaring an emergency.

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

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

Mr. Vincent: I would like to note that our Clerk of Council saved us \$400.00 by taking some steps to reduce the number of copies. We appreciate her looking at that, considering what our needs are with our past usage and correcting that to help save money. Thank you.

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

Ordinance No. 11-67 - Introduced by Council – Amending appropriation Ordinance No. 11-10, and declaring an emergency.

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

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

Mr. Zakany: I was going through this and an educated guess it looks like 1% more on all those figures.

Mr. Raines: That is an excellent guess.

Mr. Vincent: Looking at the increased money for the demolition of homes, where are we with the demolitions?

Mrs. Clapper: The demolition that is noted in the budget has to do with moving money in Code Enforcement budget to enable them to deal with some structures. With the NSP, I believe we are at about 65 units. We are still working on the sixty-fourth and will go out for bid on the sixty-fifth. This would be without grant funds.

Mr. Vincent: And this under the fire operating fund, is this money from the insurance settlement concerning the fire truck accident?

Mr. Raines: Yes, that is correct.

Mr. Vincent: It is back and repaired?

Mr. Raines: It is going to be repaired that is why we added it to the vehicle maintenance accounts.

Mr. Roberts: Mr. Raines, the Auditorium charges from \$66,200 to \$76,200 is that due to us not knowing how much we were going to be taking in on the Auditorium and where do we stand on that line item right now?

Mr. Raines: Most of that is because of the emergence of Ticketcrush plus all the work and shows they have brought to the Auditorium. We did not anticipate as much activity at the beginning of the year as we actually had.

Mr. Vincent: The Sewer Fund, the additional \$19,000 paid to the General Fund for administrative charge, what is that for?

Mr. Raines: Well, that is the amount every year that the auditor has brought before council. Every five years a formula as to determine how much administrative money can be charged to the water and sewer by the General Fund. Every year the auditor runs the figures through and this year the water was less than budget and sewer was \$19,000 more than budget.

Mr. Vincent: You take it out of the sewer fund and add it to the general fund based on administrative fee calculations.

Mr. Kilpatrick: Under the water fund, it implies that we can now add water assessments to the tax bill. Does that get us in front of any mortgages on the property?

Mr. Raines: I do not believe so, but it is charged to the tax bill.

Mrs. Moyer: It is on their taxes and we can charge them now. We have not been able to do that before. We could always charge the sewer portion.

Mr. Kilpatrick: If they are not paying the real estate taxes, do we still get paid because of this?

Mrs. Moyer: I am not sure how the County Auditor divides what money she gets, but I thought it was odd that they do not just pay the bill before it gets to that point.

Mr. Raines: If they are not paying their real estate taxes, they are not paying their assessments either. No one is getting paid.

Mr. Vincent: Will it come into play when they do pay their taxes?

Mr. Raines: It will be listed on their tax bill.

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

Ordinance No. 11-68 - Introduced by Council – Authorizing the proper city official to pay an invoice that did not receive authorization before services were performed, and declaring an emergency.

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

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

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

Mr. Tilton: Why was this done before receiving authorization?

Mr. Raines: Someone did not get a purchase order when they should have.

Mr. Tilton: Why do we have this R.F.G. writing these grants when we have people in house?

Mayor Zwelling: Back when Chief Lacy was criticized for money that was unused from a grant, the unions stepped forth and offered to help. Their help was to bring R.F.G. in to write the grant. Some of the grants that are applied for fire departments will cover the cost if you receive the grant and they will pay for the grant writer, but others do not. This was one grant that did not cover the grant writer's fees. The Fire Chief is here and he can tell you what this \$50,000 grant is to be used for.

Mr. Vincent: Chief would you like to tell us about this and did we get the grant?

Chief Stemm: It was just sent in at this time. We will not know until it goes through FEMA. The grant is for personal protective equipment which includes helmets, coats, and boots. The other part is for upgrading our radios in the trucks to replace obsolete radios. We will be able to communicate with the County, State Patrol, and Sheriff. The grant is for \$55,000.

Mr. Tilton: You are paying R.F.G. just \$2,500 and that is it?

Chief Stemm: That is 5% of the cost.

Mr. Tilton: Once we receive the grant we will not owe them any more money.

Chief Stemm: We will not owe them anything else. There will be a 10% match on our side if we are awarded the grant which we will take out of our operating fund. That would be \$5,500.

Mr. Tilton: The \$2,500 is coming out of your operating fund?

Chief Stemm: Yes.

Mr. Roberts: I would just like to thank Chief Stemm for applying for these grants. This is what we asked him to do and he is doing it.

Chief Stemm: Thank you.

Mr. Vincent: Is this under you or the unions? How was this done?

Chief Stemm: There were a lot of people that worked on gathering information with some of it needing to be sent to RFG for them to write it. Then we had to gather all the prices and there were a lot of people involved.

Mr. Vincent: It is good to hear that it is a group effort and people are pulling together. It was just a mistake that someone did not request the money and it was a good learning experience. Good luck, hope you get that grant.

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

Ordinance No. 11-69 - Introduced by Council – An ordinance authorizing the proper city official to enter into a professional contract with Adams Bros. Engineering for storm drainage improvements, and declaring an emergency.

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

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

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

Mr. Tilton: Mr. Sims, why doesn't Chip do this instead having it bid out?

Mr. Sims: Chip is not a licensed surveyor, so we do need to have a licensed surveyor do this. It is a matter of time for one person and we do have four different quotes. This was the lowest quote of \$13,900 and went to \$25,000. When you only have one person and they are not a P.S. that person would require assistance.

Mr. Zakany: Let's see – Blue and Taylor, then come on to Taylor and make a right. There are some homes up there that are on no more than a wide alley. They moved some homes there several years ago. Is that street wide enough for the city to take on? Also will they be getting sewer service?

Mr. Vincent: Mr. Zakany, this is on Francis Street.

Mr. Sims: I am not sure where you are talking about. I know where there were a couple of homes that were placed some years ago on Taylor Street or dead end of Marion Street.

Mr. Tilton: They moved those houses from Good Samaritan.

Mrs. Moyer: That was Habitat.

Mr. Sims: Do they not have city sewer?

Mrs. Moyer: They do have city sewer.

Mr. Sims: I was not aware of any in that area that did not have city sewer. I know the one house that set low, that is on the northwest intersection of Blue Avenue and Taylor Street, was a problem for us for years because they sat down in a hole. This is up between and behind Burger King, down through the old Go Kleen Car Wash. It is a problem due to continuous development and runoff issues that have resulted in some periodic flooding of a couple of the local businesses in that area, particularly the Northside Oxygen Center. They have been hit three or four times.

Mr. Vincent: Mr. Zakany, could we just stay with the legislation we are discussing now.

Mr. Kilpatrick: Mr. Sims, do we have any idea as to how much the actual cost to repair or reconstruct this will be?

Mr. Sims: We made an attempt last year with our own work force to try to do some channel cleaning which was just labor and materials. What we found is we did not have a significant

impact on the backup issue. The cost would typically be about 10% for engineering versus the construction so we are looking at somewhere around \$130,000 - \$150,000.

Mr. Kilpatrick: Are you thinking that a solution for the problem is basically putting a bigger culvert underneath the car wash and underneath Taylor Street?

Mr. Sims: That is a part of it. The other part is the pipes for the drainage of Francis Street and up to Wabash Avenue. They need to be upsized if we can get the grade to put in a larger pipe. We might have to go with elliptical or something like that to meet it. Ever since Burger King remodeled and Northside Oxygen & Medical Equipment was built plus we had issues further north with Walmart's drainage, which has been corrected, we still have some effluence from the county that affects it and keeps it from getting to its proper channel. The entire corridor is starting to experience more frequent flash floods. I believe there is a gentleman in the room that lives in that area that probably turned in a petition to discuss this.

Mr. Vincent: Are we going to be confident that this will resolve the problem?

Mr. Sims: We will not do this if we do not think this will work as we do not know how far up stream we need to chase it. That is why we were originally going to stop at Francis Street. We just called it Francis-Taylor Drainage but we are also going to do some survey work just beyond Wabash to behind the Heavenly Ham.

Mr. Vincent: That will tell you if you have enough elevation, enough drop, to make this work?

Mr. Sims: We will also do some additional channel cleaning, straightening, and a dual pipe under the car wash. We will probably leave the existing one in place and try to use an undeveloped city right-of-way or an existing city alley to run the adjacent pipe.

Mr. Vincent: Then not go under the car wash?

Mr. Sims: That depends upon what we get into as far as property acquisition costs versus using our own right-of ways.

Mr. Vincent: Sounds like you will have some challenges.

Mr. Sims: There are some and the neighbors were patient with us last year. It was difficult to get some of the areas reseeded and graded properly because of the wet weather all spring. It took us most of the summer to get that finished. I hope they cooperate with us again this year. We tried to do this as cheaply as we could in house with our own equipment, it just was not efficient.

Mr. Vincent: In case Council has not been up there, we are talking about the far end beyond where this flooding takes place, there are two pipes side by side that go under the old Go Kleen Self Service Car Wash for drainage, that are undersized. It goes underneath Taylor Street where you pull into the bays.

Mr. Sims: When Northside Oxygen & Medical Equipment building was constructed it was developed in a low area. It did meet the current city engineering standards; however, I think that everyone has noticed in the last several years our rain frequency and intensity is harder. The duration is shorter, but the intensity is faster. It ends up surcharging manholes which flooded the basement. This area seemed to serve as a detention basin. It was not intended as one, but it was a low spot and it retained the water. I do not think we had any neighborhood flooding as far as homes other than the one behind the Burger King. Since the businesses have come in you have a more impervious area and they are supposed to compensate for that, but they cannot control what comes off-site to them as well.

Mr. Vincent: Mr. Alfman did tear that home down after several floodings.

Mr. Sims: I think the intentions are to create a parking lot there which will need additional detention because it will become an impervious area.

Mr. Kilpatrick: You mentioned the Northside Oxygen & Medical Equipment site. Mr. Mautz on Francis Street felt the same way, that whether it was intended to be a detention basin or not, that

is the way it acted. It contained some of the runoff and was constantly wet. Mr. Mautz said they took snapping turtles out of there every year before they built the building.

Mr. Sims: The entire stretch of that creek from Wabash or Francis down to the Go Kleen Car Wash was a meandered that was thickly covered with brush, slowed down the water flow and I am sure it had areas that ponded.

Mr. Kilpatrick: I can see on the entire north end there is ever growing blacktop as well. That has got to contribute to the runoff. It is probably not just that one site.

Mr. Sims: No, it is not. It is a continuing development issue that the city does need to maintain its drainage. I was not excited with them building in that spot, but we had an engineering plan that stated it was functional there. It is just the short hard rains when you get two inches in an hour or so that cause the problems. It is not the slow steady rains that cause the problems, it is the flash flooding.

Petition from Loren Mautz, 2309 Wilmer Street, Zanesville, Ohio

Mr. Mautz: Do I give these to you? (He had numerous pictures of the flooding.) These are pictures of last weeks after we had the hard rain all weekend. The biggest part of the problem is the more blacktop you put down, the more water you get. That has been an antique creek. Ever since I was a kid I would get in trouble for playing in that creek because it had a lot of sewer and septic tank runoff. When we were kids, the city line was Taylor Street. Now with all these improvements we have never improved the culverts and creeks for the increased drainage. What happens is once they built the new buildings they put a 90 – 90 in Wabash Avenue. It is about three feet square, comes and goes right underneath Wabash Avenue, then drops another 25 feet and then there is another 90 that creates a dam. The storm sewers off of Maple Avenue run into this creek, and then you have water running across this way. It is working against itself. You cannot stop the hydraulics of water; you cannot stop water itself once it gets rolling. We get water from Dresden Road. I can show you pictures of flooding in the 1960s when I was a kid. All we are doing is moving water from one place to another place and not solving the problem by putting bigger culverts in. As that water flows and more area it picks up you have to have bigger culverts. Every mile down the road you need to go bigger because you are picking up more area and more water. Bell Street and all up through there has all been redeveloped with more blacktop being put down. We are getting too much water and the culverts are not big enough. It needs to be an 80 inch culvert from Wabash Avenue to Taylor Street. I would like to see that happen and I am just here to give my input since I have lived in that neighborhood for 50 some years. I have seen it flood in my dad's back yard. It makes the yard wet. It goes into the houses, garages, or anything like that. It has always been that way, but when you start building and filling in area where this water always went, the water has no place to go.

Mr. Vincent: You are in support of this legislation?

Mr. Mautz: I am in support of this, but I would still like to see the blueprints and everything when they get done so we can get this straightened out and have no flooding there. We could have had a real disaster with the last flood because the house that Alfman owns, the water was just 6 inches from going into an electric box. That is 220 double phased. If the water would have hit the box, anyone walking across Burger King parking lot and anyone on Maple Avenue, anywhere around that water would have been "zapped". The fire station three had water in their basement for the first time.

Mr. Vincent: Mr. Sims, you talked briefly about Wal-Mart, has that issue been resolved concerning their detention?

Mr. Sims: Yes, they have built a new headwall and a containment system to keep the water in it. There is a letter from Mr. Saunders inquiring to the township if there is anything they can do zoning wise or maintenance wise to reduce the amount of debris. Just this last rain that we had a few days ago resulted in the plugging of the trash rack again and I am not sure it did not over-top again. This is just from a wooded ravine that empties in from upper Military Road. It carries a tremendous amount of debris. I do not know if the residents in that area are raking leaves or throwing brush down over the hill, but it just appears to be a vacant wooded area, but it is horrendous on that new headwall. Wal-Mart cleaned out their entire drain system and detention

basin. That was part of the problem when we had the flooding this spring. A good portion of that jumped out of there, it did not make it through the creeks behind Genesis hospital and it flooded out Maple Avenue along with all the other water. If you saw the pictures on the news during that event, it was curb deep from Wal-Mart to Taylor Street.

Mr. Vincent: As far as checking on that, is there some routine checking on this as it is private property?

Mr. Sims: We have the right to inspect their devices and their detention basins when they are not maintaining or correcting issues. That is what Mr. Saunders did today. I just saw the pictures before I came into the council chambers tonight. These pictures are to be sent to the townships.

Mr. Vincent: Mr. Saunders does some checking prior to early spring heavy rains and also check the problem areas?

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

Ordinance No. 11-70 - Introduced by Council – An ordinance authorizing the proper city official to retain the law office of Bricker & Eckler LLP as legal counsel for the city regarding contractor claims at the water plant, pay current invoices, and declaring an emergency.

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

R. C. to waive
6 Ayes – 1 Nay - Mr. Hutcheson
Motion defeated

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

Mr. Sims: My comment is here would simply be the fact that we received the invoice, not knowing exactly what it would be, whether over the \$25,000 threshold or not requiring Council approval. The invoice was dated September 19, 2011, so we are over 30 days now. I do not know if we run the risk of having any kind of penalties included on that \$27,000 invoice. If it is not passed, \$27,308.48 to be exact, that would be something I would have to discuss with Mr. Hillis and Bricker & Eckler to see. It is work that was done regarding plan issues beginning on July 19, 2011 ending August 31, 2011. That would be my only concern as if there is any kind of late charge, Mr. Hillis, I do not know if you would have any idea of how...

Mr. Hillis: I am not aware of any.

Mr. Roberts: When did you say you received the invoice?

Mr. Sims: The bill was generated September 19th and I received a memo from Mr. Hillis on September 28th.

Mr. Roberts: What exactly has gone on here to cause the necessity for \$150,000 in legal fees?

Mr. Sims: That is a “ball park” estimate at best. Right now we are trying to wrap up the water plant construction. It should be on line in mid to late December, 2011. Currently we are still within budget. The bid price is \$16,101,750; we have paid \$13,562,071.50 to date. There is still available contingency within the existing budget bid price of \$380,000; however, Kokosing is filing a lot of claims against various aspects of the plans and resulting in time delays. I do not know how much I should discuss publicly at this point, Mr. Hillis? I can say that significant to the point that Bricker & Eckler, no matter what we spend, it would be worth our efforts. They designed and drafted our bid documents so they fully understand the construction bid documents. They are very detailed, very specific in how the contractor has to handle his claim procedures. There are many of these claims that probably do not meet the required time lines, but they have agreed to hold everything until the end of the project and then sort it out. I had no idea, at this point, where we would end up at the first of the year.

Mr. Roberts: We did not do the plans for the water treatment plant, I know that.

Mr. Sims: CH2MHILL was our construction engineering consultant for that project. They did receive proper permit to install from the Ohio E.P.A. I think what you have is a large company looking for any change order they can to try to extract the maximum amount of money they can for their business. They are good at it. It will have to be finalized in the end.

Mr. Kilpatrick: We are willing to spend \$150,000 in legal fees to defend this difference. Do you know how much more they are going to charge us?

Mr. Hillis: I can tell you at this point, their claims are over \$1.2 million for additional fees to date and that was in July. It will probably be close to \$2 million by the time plant will be done.

Mr. Roberts: Mr. Hillis, is this outside your scope to defend the city in this matter?

Mr. Hillis: Bricker & Eckler were hired to draft the contract and they have already spent \$30,000 in time, so I would say it would not be feasible for me to represent the city in this matter.

Mr. Vincent: It becomes a time factor, then? That you have other duties that are going on and they have a team that is working on this. Are you both confident as to what you are seeing, as far as the bidding document, that is fine and not part of the issue here? This bidding document they developed, its fine?

Mr. Hillis: Our position is that the bid documents are fine.

Mr. Tilton: What is the engineering firm doing with this?

Mr. Sims: They are tracking and responding to each and every claim which correspondence almost daily between Mr. Hillis, Bricker & Eckler, and myself. You have to be extremely cautious how you respond to a claim or a review that you do not go outside of the bidding documents and waive any portion of the bidding documents which the contractor insists that we do, which we have not done. Some parts may be valid, some parts may not. The whole issue is that this could be done one claim at a time, which could be worst for the city financially if we try to defend each claim individually. The hope is that we will get these all together in one basket and finalize it in meditation.

Mr. Tilton: Will there be additional costs to the engineering firm for this work? Will we have to pay them extra?

Mr. Sims: There is no question. They are tracking their time on the review of the claims separately from other engineering work and that will come at the end as well. A portion of it – and it get convoluted – or the process review time the contractor consultant is going through, will be deferred back to Kokosing. That will remain to be seen how that will be settled.

Mr. Hutcheson: What did we agree to pay the engineering firm to design this plant?

Mr. Sims: They are \$1.9 million for construction administration and inspection.

Mr. Vincent: Is there any chance that this may have some future negative effect on business with Kokosing, as far as future projects for the city?

Mr. Sims: I would refer to the law director on that if...

Mr. Vincent: I guess you cannot speculate. It just concerns me if we are having problems here what would happen in the future.

Mr. Sims: Yes, I do think it would have an impact, if they are determined to be out of play.

Mr. Vincent: Hopefully they take that into consideration and this is to settle this outside the court? Is that what we are hoping for?

Mr. Sims: We do not know at this point. That is what we would hope for, the litigation process would really be expensive. You can see what one and a half month's worth legal work, which is mostly correspondence and email. It is not really representation in court.

Motion carried

Mr. Tilton moved to substitute Ordinance No. 11-71 with Ordinance No. 11-71A, seconded Mr. Hutcheson.

Motion carried.

Ordinance No. 11-71A – Introduced by Council – An ordinance authorizing the Mayor to apply for a zero interest loan and execute contracts in connection with the Round 26 State Issue 1 Program, and declaring an emergency.

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

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

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

Mr. Roberts: Mr. Raines, what would be the payments on this no interest loan per year, and what is the term?

Mr. Sims: I did not know exactly if Mrs. Clapper's money was available until the last couple of weeks and I was thinking it was \$37,000 per year for 10 years based on \$210,000.

Mr. Raines: The zero interest for 10 years, there is no interest.

Mr. Sims: We could push it out up to the life expectancy of the project, but that is 30 years and I do not think we want carry \$100,000 that long.

Mr. Roberts: Do we have any idea on term?

Mr. Sims: We could set that up. If it is determined we can go five, we will go for five years, otherwise; we will go with ten. We are fine for the loan. We do have a large project for 5th Street Enhancement that is going as a subsequent primary application and I know the county had three separate applications this year. It is unlikely we would get grant funds for this and Public Works said you are better off to ask for the loan up front to ensure they do not spend all the money before they get to us on the list. That would then make it difficult for Mrs. Clapper to move her money if our part of the loan did not come through. Mrs. Clapper would have to find other activities for the funds.

Mr. Roberts: Where would the money be taken out of for the term of the loan?

Mr. Raines: General moneys of the city whether it is the general fund or the auto gas from the street department fund.

Mr. Vincent: Mr. Sims, why is it so expensive when it is such a short bridge and with the prefab bridges out there, has that been considered for reducing the cost?

Mr. Sims: This was a quote provided by a bridge manufacture for exact replacement.

Mr. Vincent: We repaired the Martin Luther King bridge, is repair an option? Would that cost less?

Mr. Sims: The I-beams are rotted on this bridge, so they have to remove the I-beams, decking, and the first row of blocks. The footers and abutments are okay. The railings, sidewalks, and hiking guard are not good. Three to five year life expectancy is what Mr. Saunders put on it when he did the bridge inspections.

Mr. Vincent: It looked like straight beams, so it would be very simple and a prefab would be less expensive. It does not look bad from what I could see. How important is this bridge when West Main Street is so close, why is this so essential to replace this bridge?

Mr. Sims: Do you want to close Muskingum Avenue? That is what it would come down to, between Luck Avenue and Pine Street.

Mr. Vincent: Is it utilized that much?

Mr. Sims: I do not have the traffic count on it, but I do not think it is appropriate to consider closing any public street if we can afford not to, especially if we are getting half the money in grant funds.

Mr. Vincent: I guess in the back of my mind I am thinking about all the water towers repairs that will be coming; all the sewer separation costs; and the bridges are so close together. The thought just crossed through my mind.

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

Ordinance No. 11-72 – Introduced by Council – Amending Ordinance No. 97-127, as amended, which authorized a maximum schedule of positions.

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

Mr. Roberts: We have the Police Chief here. I guess the question has come before about the how many patrol officers we have on the streets and we are talking about adding a new administrative position. Could you please tell us the necessity for this?

Chief Lambes: Basically what we are doing is clearing up the administration of the Police Department. We have one lieutenant and sergeant on midnights and afternoons, yet we have two sergeants on day shift. The senior sergeant on day shift does the same job as a lieutenant on afternoons and midnights but he is not compensated for it. At times that creates some issues, such as seniority issues, sergeants not wanting to become lieutenants because they will spend the rest of their career guaranteed on afternoons or midnight shifts. There is no evolutions that will circle them back to day shift eventually. There is a whole myriad of issues that this is just cleaning up. It will make all the shifts equal, as they should be.

Mr. Roberts: One of the questions I have Chief is we are talking about adding a lieutenant to days and we have two sergeants on there now as well as two captains, plus three positions open and yourself. The lieutenants, I understand, are more workers than administrative personnel. When we are down this many patrol, do we need to add more administration, or do we need to get back to hiring patrol?

Chief Lambes: Actually, we need to do both. We are creating a lieutenants position for days, but we are going to eliminate a sergeant, so we are not affecting patrol in any way, we are just clarifying some administrative issues that have created problems over the years.

Petition from Randy Case, 916 Vine Street, Zanesville, Ohio

Mr. Case: I guess the thing is budget issues we have had the last two years, the shortage of patrol officers on the streets, and I know this is not going to make a big number change financially, but we are getting ready to go through an administration change. I am sure that no matter what the administration that goes in, there will be some form of changes. A Public Safety Director with different ideas. All the years that Mr. Brandford has been here, especially during better financial times, he could have instituted this a long time ago instead of waiting until the last minute. I do not see this being a now thing. I think we need to wait and see what our budget is going to be for next year; what officers we have retiring. We have a lot of issues coming up and creating another administrative position should not be a priority at this time.

Mr. Brandford: I thought long and hard about what the chief wanted to do. This has been an issue about having the two lieutenants at one point. If you go back in history you will see we eliminated the lieutenants. They passed a levy and they brought the two lieutenants back, but not all three. It has always been a situation when you have lieutenants on night shift, but not on day shift. It is one of those things where you have lieutenants and they are a little bit different than sergeants. The lieutenants are to be a little higher level so they can get involved with the policies and do more things administratively. The sergeant's job is to be a field supervisor. They are the ones that are shift commanders and supposed to be responsible for their shift. I know you have captains and so forth. The captains have year responsibilities not shift responsibilities. I think we have a situation where in the past you find a lot of people that might be intentionally good people that move up the line and maybe be a good chief. A lot of times if you have it this way, they do not want to go above sergeant because they become locked in. I think it is one of those things that you do need to have that. We had one situation where we had two lieutenants so if you go and give a test for captains you have two lieutenants and if one of the lieutenants decided they do not want to take the test or whatever, now you open it up to the sergeants. So sometimes you have people who could be a sergeant and might jump from a sergeant to a captain and not have any experience as a lieutenant. So there are a lot of different things. I think when it comes right down to it, I do not know that I agree with Mr. Case, with respect, I understand where he is coming from, but I don't necessarily agree, I think you have a situation like this and the Chief certainly feels this is the time he wants to kind of do something to change. I am going to be retiring and I have other things I think could change also. Over the years it has been reaction rather than being proactive, so people can say what they want to say, but I still think quality wise, what the Chief has proposed is at a good time and we need to do it now.

Motion carried

ORDINANCES FOR ACTION

Ordinance No. 11-61 – 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. Roberts moved for second reading, seconded by Mr. Tilton.

Motion carried

Ordinance No. 11-63 – Introduced by Council – An ordinance authorizing the proper city official to amend Ordinance No. 06-134 and Ordinance No. 10-13 concerning the cell phone policy of the city of Zanesville.

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

Motion carried

PRIVATE PETITIONS AND COMMUNICATIONS:

Petition from Don Jones, Coordinator for Zanesville Crime Stoppers Watch
2011 Third Quarter Crime Stats and Maps

Mr. Vincent: Is this now Zanesville - Muskingum Crime Stoppers Watch?

Mr. Jones: It is all the same. Good evening, I am the coordinator for the Zanesville Crime Stoppers Watch and also the Muskingum Crime Stoppers Watch. Please look at the Excel page listed as 2011 Crime Stats. Zanesville Crime Stoppers Watch tracked a total of 520 crimes for the third quarter. That was up from 481 from the second quarter. Total crimes for the third quarter were 1,129. Thefts are still the major category with 339 or 65% of the tracked crimes. Breaking and entering are up to 58 from 31 in the second quarter; burglaries are up to 66 from 49 in the second quarter; grand thefts are up to 94 from 85 in the second quarter; thefts from vehicles up to 101 from 83 in the second quarter.

As you can see from the maps, this year especially seems like crimes are moving to the northern part of Zanesville, northward as we speak.

We now post Muskingum County and Zanesville Crime Corner on our websites, the Times Recorder forums, and on Facebook. We also email these to members and City Council.

Hopefully, these will help citizens become more aware of crimes that are happening in their neighborhoods, which will help them become the eyes and ears for law enforcement. It will also help council know exactly what is happening in their ward and in our city.

We have a new answering service (740-455-3289) where all citizens can join as a new member, leave an anonymous report, and/or leave anonymous tips related to crimes. You can also listen to Muskingum County and Zanesville Crime Corner.

Are there any questions pertaining to the Third Quarter Crime Stats?

Mr. Vincent: Anything from Council? Thank you, Mr. Jones. We appreciate all your work on this. You have laid a great foundation and you have done a lot of work on this.

Mr. Jones: Thank you.

Petition from Mollie Crooks, Big Brothers, Big Sisters, 4 North Seventh Street, Zanesville, Ohio

Mrs. Crooks: First of all I want to thank you for listening to me about a program that I am not sure the community is aware of. Most of you know about Big Brothers, Big Sisters volunteers. I match the volunteers with children in the community and then they are out in the community doing the activities they enjoy together. Another program that is less well known in our community is our School Based Program. What we are doing is investing our time and the time of mentors in our children that a talent and energy of our volunteers is hopefully to create more successful, confident, vibrant youth. Then in turn we are changing our communities, schools, and families. As you know there is research behind Big Brothers, Big Sisters mentoring, our children that are served by these mentors are less likely to begin using drugs and alcohol, less likely to resort to crime, less likely to skip school and they do better in their school work. Last year Big Brothers, Big Sisters served almost 500 children, 486 to be exact. We are on target the year to serve over 500 children. In Muskingum County nearly one of every two children will live in a single parent home before the age of eighteen. Our poverty level for Muskingum County in 2009 is 16.8%; 20% of our residents 25 years and older have not graduated from high school. Only 13% of our Muskingum County residents have graduated from college compared to 21% for the State of Ohio. We do serve children facing adversity and as all of you know more so than others, the concerns of our children in our community such as joblessness, low income, single parent homes, alcoholism, juvenile arrest, teen pregnancy rates, and of course cost protective services. Big Brothers, Big Sister's kids are like other kids but sometimes they just have some challenge to growing up whole and healthy. I am asking for your help with a specific program that we have. It is our School Based Program. It is part of Zanesville City Schools. We are looking for volunteers to be mentors in our Lunch Buddies Program. Our primary goal is to make sure that children, who are in need, are paired with a volunteer to be their mentor, friend, help them build self confidence, academic skills, also approve their behavior. The objective is to improve self confidence, attendance, academic achievements, positive peer, and adult relationships. Since we want to keep kids in school, we want to see them be productive members of our community. We want them to be part of solution, not part of the problem. The mentors meet with the children once a week on school campus. They might have lunch together, work on developmental assess building activities and my request for you, as leaders of our city, is to make you aware of the phenomenal opportunity that there is for our community to come together to serve these children. I invite each one of you to volunteer personally or if you do not want to volunteer, volunteer somebody else, friend, family, coworker, fellow Council members, the Mayor, for one hour per week. One hour a week will make a difference in a child's life. Let me tell you about a little guy that has been matched in our School Based Program at John McIntire School with this Big Brother for the last three years in our program. This little guy is being raised by his grandparent because both of his parents have been in and out of prison. He has learned what it is like to not have a consistent home environment. It is pretty chaotic most of the time. But what he has also learned with having Big Brother Matthew, that there is a man in his life who will show up every week to be that consistent, caring person. Matthew is also a father, so I am sure he has included him and talked about his family life, but what this little guy has learned that there are men who care and who do show up and who are good caring fathers. I appreciate your time. I invite you to talk to people so other people will be aware of the program and many of you have supported us in the past. I appreciate that and look forward to your continued support.

Petition from Randy Case, 916 Vine Street, Zanesville, Ohio

Mr. Case: We all know what happened last week with the animals. I would like for the Council and the administration to do a simple proclamation from the Mayor or anything more elaborate to show our appreciation to the Sheriff and his staff for the great job that they did of protecting the residents of Muskingum County and the city of Zanesville. I live only a few miles from where those animals were housed. I am one of those that is very thankful he did what he did. It was a tragic incident that happened, but I feel the Sheriff did things correctly. I would like to see Council and the administration show the Sheriff that the citizens of Zanesville are very thankful that he did what he did.

Mr. Vincent: I think a proclamation would be nice. I think it would be better to thank him and his deputies personally.

Mr. Case: Any time I have seen one of them I have thanked them personally. I am just saying that the city itself to say thank you for looking out for our citizens. I know it is their job, but just a simple proclamation from the Mayor would be nice.

MISCELLANEOUS AND UNFINISHED BUSINESS:

Mayor Zwelling: The Ohio National Road Historical Association was in town Friday and we dedicated two markers. I appreciate the cooperation of my office and the County Commissioners. One of the markers is for Historic Downtown Zanesville and it is right in front of the court house. You should stop and see that. The other is down in the landing below the Y-Bridge. This one is about the Y-Bridge. It is very interesting because the first covered Y-Bridge costs three cents total to walk across it. It was eight cents for a mule, horse, and seventeen cents for a stagecoach or a horse and wagon. That was a lot of money at that time. This is a very rich area in history and these are two very nice markers.

Leaf pickup starts November 14th and the schedule is on the cable message channel of the neighborhoods.

Maple Avenue paving project is just about finished. Working on valve covers and the lining is about the only thing left to do. I want the people of Zanesville to realize that this was a result of a \$3 million safety grant from the State of Ohio and the city has \$64,000 in it. It is not all finished. The balance at Genesis Hospital - Wal-Mart intersection and Terrace Point will be done in the summer of 2013. That is why the paving stopped short of the intersections and that will be tied in during the summer of 2013.

Beggars Night is October 31st which is Monday from 5:30 p.m. – 7:00 p.m.

Secrest Auditorium:

Kyle McPeck and Ticketcrush celebrated their 5th Anniversary and hosted a free concert to celebrate. The band Jersey performed and it was a great event for our community. It was free, but it was poorly attended.

Saturday night Ticketcrush Concerts hosted Francesca Battistelli, Grammy award nominated and Dove award Female Artist of the Year on October 22nd. What a wonderful event for a nationally awarded artist to be here in Zanesville. The audience of about 600 was on their feet for most of the concert.

When we think of 600 people attending a concert at Secrest, it is only about one-third full. This is twice as many as Newark can handle in their biggest venue and Cambridge can handle in Pritchard Laughlin Civic Center. This is a big venue and it will be very difficult to sell out.

Upcoming Events Include:

The Devilette Bazaar comes back to Secrest on October 29th.

November 3rd, we have a chance to sell out with hot country acts Justin Moore and Thompson Square coming to Secrest. Both of them have renown lately and over 900 tickets have been sold already.

Veterans Day Parade will take place November 5th and the Veterans Hall of Fame Induction Ceremony on November 11th which is Veterans Day. Entries are still being accepted.

November 6th, Zanesville Concert Association brings the second in their concert series Five by Design, a 40's Radio Show.

November 12th, Ticketcrush Concerts brings the Ultimate Doo Wop Show.

Wednesday, November 16th, the 51st annual Sertoma Pancake Day.

November 26th & 27th, East Central Ohio Dance Theater brings the Nutcracker back to Secrest to kick off the holiday season.

New on Thursday, December 1st will be the Southeastern Ohio Symphony Orchestra Holiday Concert.

NEW! Saturday, December 3rd the Muskingum Valley Education Service Center High School Choir Concert will take place.

NEW! Saturday, December 17th, Ticketcrush Concerts brings Lorrie Morgan and Pam Tillis in the Grits and Glamour Tour to Secrest Auditorium to wrap up 2011.

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

Meeting adjourned at 8:17p.m.