

CITY COUNCIL MEETING – MONDAY, October 25, 2010

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, October 25, 2010 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

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

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

Mr. Baker moved to excuse Mr. Tilton, seconded by Mr. Tarbert. Motion carried.

APPROVAL OF MINUTES

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

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

None

Mr. Roberts moved to add Ordinance No. 10-86 and Ordinance No. 10-87, seconded by Mr. Baker. Motion carried.

PROPOSED ORDINANCES

Ordinance No. 10-82 – Introduced by Council – An ordinance designating certain banking institutions as eligible City depositories for the five year period beginning June 1, 2011 and expiring May 31, 2016.

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

Mr. Vincent: Mr. DuBeck could you explain these maximum amounts?

Mr. DuBeck (City Treasurer): That is all the money the banks can handle and be covered safely. The banks listed will need to be approved as depositories. In the past we have used two or more banks for various purposes, limiting the amount at each bank. This is a maximum amount of money that would be permitted to be deposited in those banking institutions.

Mr. Tarbert: Do we solicit the local banks and ask them to provide this?

Mr. DuBeck: Yes, we request them to apply to become a depository every five years. After the banks have been approved we will ask for a request for proposal. The banks will list the services they will provide and the cost involved. From these proposals we will chose a bank as our central depository.

Mr. Tarbert: Every five years the question has been, why wasn't my bank listed in the ordinance?

Mr. DuBeck: I believe I included every local bank within the City. I have listed Peoples Bank which is a new bank this year; the Community Bank is available for the first time this year.

Mr. Tarbert: I just noticed that North Valley Bank is not included.

Mr. DuBeck: North Valley Bank is not in the City. I prefer to do business with banks in the City. We have to make a deposit and pick up our bank bags every day.

Mr. Vincent: Is this a first step in the process?

Mr. DuBeck: We need to know what banks will be approved depositories and then we will start the process of choosing a depository to handle our banking needs.

Mr. Vincent: Under section two it talks about the rates of interest of said deposits shall be determined by separate quotation prior to any acts of deposit of funds.

Mr. DuBeck: I do that currently. Anytime I want to deposit money in a CD I get quotes before I apply the money. Wherever I find the best rate is where I would put the money. Currently we have our money in what they call CDARS program, I have every cent we have invested insured by the FDIC for the first time ever. The FDIC limits are \$250,000, but by joining the CDARS Program they spread the City's money all over the state and every bit of it is FDIC insured.

Motion carried.

Ordinance No. 10-83 – Introduced by Council – An ordinance authorizing the proper authority to pay an invoice to the Walter Drane Company for the provision of annual codified ordinances supplement services, and declaring an emergency.

Mr. Roberts moved to waive the three reading, seconded by Mr. Kilpatrick.

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

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

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

Ordinance No. 10-84 – Introduced by Council - An ordinance to revise the Codified Ordinances by adopting current replacement pages, and declaring an emergency.

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

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

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

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

Ordinance No. 10-85 – Introduced by Council – An ordinance authorizing the proper City official to accept certain real property and waive certain assessments.

Mr. Tarbert moved for first reading, seconded by Mr. Baker.

Mr. Roberts: There is approximately \$24,700 owed for demolition cost on these properties together. The valuation that the Auditor's office has is \$900 on one and \$1,100 on the other. I assume we will not be able to re coop the remainder?

Mr. Hillis: Right.

Mr. Roberts: Does anyone have an idea what to do with the property other than sell it outright? Would it have to go to auction, Mr. Mayor?

Mayor Zwelling: A couple of years ago the Pappas brothers inherited this property from their mother. They told me they had no use for the property and they would rather forfeit it to the City if we would forgive the assessments. We could sell these properties at the surplus property sale and it might bring us a little money. I think this could start a trend with people that have properties with assessments and maybe they will sign them over to the city.

Mr. Roberts: Do we have any idea when the structures were demolished? How long have we been setting on this debt?

Mayor Zwelling: Probably five to ten years.

Mr. Vincent: I do not think this is uncommon, that we are demolishing these homes and the tax payers are paying for it.

Mayor Zwelling: We stand to get nothing for all the years and maybe we will get something now.

Mr. Vincent: Are we mowing these properties?

Mayor Zwelling: One of the properties is on Market Street across the alley from the Pollock Apartments and the other one is on Wayne Avenue.

Mr. Vincent: If the widening of Wayne Avenue ever occurs the property would be beneficial for the City to own, but that is in the future. Is there any better scenario of the city getting any money out of these properties?

Mayor Zwelling: The usual amount of assessment is \$6,000 or \$7,000 which would be more realistic. These assessments are high, but should we get anything out of it in addition to the taxes would be better than what we have now.

Mr. Roberts: They have been paying the taxes and are up to date; it is just the demolition fees, interest, and penalties that they have been paying on every year. They have accumulated almost \$4,000 in interest and penalties.

Mayor Zwelling: Most of the time people will not pay the taxes.

Mr. Hillis: The information I received from the estate was the property on Wayne Avenue was damaged by a City vehicle hitting it several years ago. Although it was repaired the landowner did not think it was repaired correctly which caused the structure to be unstable and that was the basis for it to be demolished. Mrs. Pappas, the property owner, felt that since it was the City's fault the structure has to be demolished. She felt it was not her responsibility to pay for the demolition although she continued to pay the property taxes.

Mr. Tarbert: Did you investigate the estate and is it insolvent?

Mr. Hillis: We did not investigate the estate.

Mayor Zwelling: I think the estate was settled some time ago. The property owners want to give the properties to the City if the assessments are waived.

Mr. Tarbert: If this was a million dollar estate we could file a claim against it and now we are asking to waive \$24,000 instead of submitting a claim. I think that is something we should look into at least in the future.

Mayor Zwelling: Well, we can have the first reading tonight and we could look into it.

Motion carried.

Ordinance No. 10-86 – Introduced by Council – An ordinance authorizing the proper City official to pay a final invoice to Zemba Brothers for the completion of the R-13/Roosevelt Alley Sewer Separation Project and declaring an emergency.

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

R. C. to waive

8 Ayes – 0 Nays Motion carried.

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

Mr. Vincent: Mr. Saunders, City Engineer is here to answer any questions you may have.

Mr. Saunders: This is for the R-13 Sewer Separation Project which is Roosevelt Avenue and Peters Alley. We received stimulus money for this project. This invoice will pay an overrun on the project, please keep in mind this particular project received almost \$190,000 in stimulus money and we received another \$190,000 in grant funding. This is to cover some unexpected things such as more concrete and pavement needed when putting the street back the way it needed to be. On Peters Alley we needed to do a bore under the railroad and the quantity of the bore was twice what was in the plans. This was due to a plan error on the part of the consultant. The sidewalk and curb on Lee Street by the Zanesville Day Nursery was not destroyed by the project, but the ground had settled so much that it needed to be replaced.

Mr. Vincent: If you would have known about these things would the grants or stimulus money helped with additional funding?

Mr. Saunders: These items are issues that happen when you are putting in fifteen foot deep sewer lines in very old parts of the City. The bids came in under the estimate and we asked for everything we could with the stimulus and grant funding.

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

Ordinance No. 10-87 – Introduced by Council – An ordinance authorizing the proper City official to pay a final invoice to Zemba Brothers for the completion of the R-17 & R-19 Sewer Separation Project and declaring an emergency.

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

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

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

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

ORDINANCES FOR ACTION

Ordinance No. 10-76 – Introduced by Council – Authorizing the proper city official to share with the Washington Township Trustees additional funds derived from income taxes levied in the Zanesville-Washington Township Joint Economic Development District.

Mr. Zakany moved for third reading and passage, seconded by Mr. Baker.

Petition from Michael Wyatt – 1158 Selsam Street

Mr. Wyatt: I am opposed to the township taking tax money from them because basically that is taxation without representation. The township is not in the municipality. To take the money from them and not allowing them to vote for you guys. What you have done is violated their rights. That tax money should not come to the municipality under any circumstances because they are denied their right to vote and denied their right to run for office in this municipality. And you are stealing money from them.

Mr. Vincent: This is actually providing money to the township, not taking it away from them.

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

Ordinance No. 10-77 – Introduced by Council – An ordinance authorizing the execution and delivery of a Joint Economic Development District contract with Falls Township in Muskingum County and related actions for the creation of a Joint Economic Development District.

Mr. Tarbert: When reviewing the contract I have some questions and I have a call into the Attorney who drafted the contract concerning some of the provisions in the contract that seem to bind the county to certain actions and yet the county is not a party to the contract. I am wondering how this contract can force the county to do things they are not a party to it. What I would like to do is table this for two weeks until I can get some questions answered.

Mr. Tarbert moved to table for two weeks, seconded by Mr. Baker. Motion carried.

Ordinance No. 10-78 Amended – Introduced by Council – An ordinance amending portions of Chapter 924 of the Codified Ordinances regarding septage receiving fees.

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

R. C. for passage

8 Ayes – 0 Nays Motion carried.

Ordinance No. 10-79 – Introduced by Council – An ordinance allowing a moral claim.

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

Mr. Kilpatrick: One of the things reported by the City staff was that the home owner does not have a backflow valve and implied that was part of the responsibility of the home owner and that is why the damage occurred. I do not understand if the main is backed up I do not know how a backflow valve will prevent that from backing up into the lateral.

Mr. Sims: The main was not backed up. This gentleman's lateral from his home actually entered into a starter manhole. This is the manhole that starts the run downhill towards other residents. The blockage was restricted to his lateral and that manhole only. There were no other calls downstream from that residence. We assume that the grease was generated by the residence and was contained in that manhole that started the run. That was the report I received from Sewer Maintenance Division.

Mr. Kilpatrick: Mr. Hormann is here this evening if anyone has any last minutes questions for him.

Mr. Sims: Mr. Hormann mentioned at the first reading of this ordinance that a portion of his lateral is 6 inch and a portion is 4 inch. A typical residential sewer lateral is a 4 inch diameter and a commercial is 6 inch or larger. It was his lateral and there are no others on that line. His lateral is at the head of the line and the flow goes downstream from that point. The entire blockage was restricted to that starter manhole.

Mr. Vincent: You talked with Mr. Markley and there were no other calls from that area. You have the home and you have the lateral coming out from the home to the alley. There is a starter manhole and the sewage starts there then goes downhill. There was no blockage from there on down.

Mr. Sims: They had no sewer complaint calls. I suppose there could be rare instances when it pushed all that grease back up, but we would have heard from other residents downstream with complaints as well. It is not likely that very many of those homes built at that time had backflow preventer installed.

Mr. Vincent: So for a backup to occur and the grease to be backed up there had to be something stopped up down below?

Mr. Sims: Correct. It would have backed up in other homes just down the street from Mr. Hormann.

Mr. Zakany: Say this would happen in a few years, who would be held responsible?

Mr. Sims: I do not want to place blame on anyone and I do not know their habits, but flushing grease down the toilet is main contributor to this type of situation.

Mr. Hormann: There are three or four houses on my street that are level the rest have a slope going downhill, I happen to be right in the middle of straight part. Last week the neighbor on the right had to dig all the way to the alley because their sewer backed up. Three or four years ago the neighbor on the other side of me had the same problem. I have lived there 35 years and I have had nothing but problems with my sewer backing up. I think that four hundred dollars is not much to ask to be reimbursed for this problem.

Mr. Vincent: The sewer has been a problem for the thirty-five years you have lived there? It was developed by a private individual?

Mr. Sims: I think that was the private sewer that Rogovin laid out for the subdivision and at some point the City started maintaining the sewer main. We have mapping of the Fairmont Avenue area.

Mr. Hormann: When the City digs in the alley and they pour new concrete who does that?

Mr. Sims: If it is relevant to sewer work that would be the Sewer Maintenance Division.

Mr. Hormann: When I go down the alley there are four or five new concrete areas where those people had sewer problems. I am assuming that.

Mr. Sims: If it is their own lateral they hire a contractor to perform the work and we inspect it. We do not get involved from the main to the house that is on the property owner. A backflow device is required by ordinance which would have eliminated the backup you had. I do not know how to explain it as we had no other logged calls from any of your neighbors downstream.

R. C. for passage

2 Ayes - Mr. Zakany, Mr. Kilpatrick

6 Nays - Mr. Hutcheson, Mr. Roberts, Mr. Baker,
Mr. Tarbert, Mrs. Gentry, Mrs. Norman

Motion defeated.

TRAFFIC ORDERS

Traffic Order 10-14 – Rescind Traffic Order 80-13, Dresden Road at point opposite entrance of Westview School, flashing yellow signal. The signal and hardware shall be removed.

Mr. Hutcheson moved to receive, seconded by Mr. Zakany.

Mr. Tarbert: There are still children using the playground and the basketball court. Is there a sign that could be installed to keep the traffic aware that there are children playing in that area? Is there some other alternative for the flashing light that will be removed?

Mr. Brandford: I will see what I can do.

Motion carried.

Traffic Order 10-15 - There is hereby established on Pine Street at Zane Grey School a Traffic Signal. Normal operation during school hours; other times, flashing yellow. There is hereby established a Crosswalk at 1061 – 1067 Pine Street in conjunction with the traffic signal.

Mr. Zakany moved to receive, seconded by Mr. Hutcheson.

Mr. Zakany: There are a lot of children around that area, even after school. They are crossing back and forward. Some of the children wear dark clothes and they are hard to see. You need to be very careful. If they would use the crosswalk it would be a very good thing.

Mr. Vincent: Mr. Brandford, are we okay with the children not spilling over into someone's yard when using the crosswalk?

Mr. Brandford: Yes, we talked to the residents and there are no problems. The residents that we talked to are concerned about the safety of the children. We are working with the school on this project.

Motion carried.

PRIVATE PETITIONS AND COMMUNICATIONS:

Petition from Michael Wyatt – 1158 Selsam Street

Mr. Wyatt: Are there going to be any Town Meetings? Is anyone having one?

Mr. Hutcheson: On Wednesday, October 27, 2010 from 6:30 pm – 8:00 pm located at The First United Methodist Church, 857 Putnam Avenue.

Mr. Wyatt: Thank you, I appreciate that. Does anyone else got one?

MISCELLANEOUS AND UNFINISHED BUSINESS:

Mayor Zwelling: The Navy Jazz Bank Concert is on Saturday, November 6, 2010 same day as the Veteran's Parade at 7:00 p.m. at Secrest Auditorium. Tickets are available at Secrest Auditorium, the Mayor's office, and the Times Recorder. This is a free concert, but the people having tickets will be guaranteed a seat. We are expecting a full house.

Leaf collection will start November 1st and end December 10th. I will ask the citizens not to rake leaves into the street. They need to be raked to the curb. Communities have passed ordinances leveling fines for raking leaves out into the street. When you rake the leaves into the street and it rains they will clog the storm sewer system then it becomes a problem for the municipality.

Mr. Tarbert: Mr. Sims would you please refresh my memory as to what is going on with Harding Road.

Mr. Sims: We had numerous water breaks which pulled the crews off the Harding Road Project for several straight weeks. There were 39 breaks in 31 days so we had every available crew working these breaks. It is getting to the point where it is going to be too late to pave the street. The intent is to concrete to the surface as they have each section completed and when the asphalt plants reopen in the spring it will be paved.

Mr. Zakany: When the concrete is poured it will need time to cure.

Mr. Sims: We had an incident late today on Linden Avenue where a car ignored the road closed signs and buried the car up to the axle in fresh concrete.

Mrs. Gentry: On the sewer separation for Roosevelt Avenue and Peters Alley at one time you were planning to do Finley Avenue with Peters Alley, is that going to happen?

Mr. Sims: Finley Avenue is in R-14 and that is a huge project that we are trying to stage funding. We are reviewing the plans from the consultant and are getting the permit to install application ready to send the O.E.P.A. This is approximately a \$5 million project, so we will need to apply for grant funding.

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

Meeting adjourned at 7:45 p.m.