

PUBLIC HEARING – MONDAY SEPTEMBER 27, 2010

A Public Hearing was held at 6:45 p.m., Monday, September 27, 2010 in the City Council Chambers, 401 Market Street, Zanesville, Ohio to discuss a proposed Joint Economic Development Contract to be entered into by the City and Falls Township in the County of Muskingum, Ohio.

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

The Clerk had proof of advertising.

Dale Raines, Budget and Finance Director asked for approval of the proposed Joint Economic Development District with Falls Township. The contract was negotiated by the City and the Township. If this is approved this would be the fourth Joint Economic Development District the City would be involved with. We currently have one with Washington Township, Springfield Township and South Zanesville, and Newton Township. This particular J.E.D.D.'s term is 73 years. Usually they are 75 years, but it took three years to negotiate the contract and the date was not changed. This J.E.D.D. can be legally terminated at any time. At the end of the J.E.D.D. either party can opt for an additional 25 years.

The purpose of the J.E.D.D. is economic development. The focus of the beginning of this one would be to pay for a sewer line that was constructed and owned by the County. A board of directors would be established to oversee the J.E.D.D. The board will levy a new income tax within the J.E.D.D. the same as the City income tax of 1.9%. The taxes will be collected by the City and distributed according to the contract. All the income tax collected in the proposed J.E.D.D. will go to the County to pay the debt service on the sewer line. After that is paid off, the taxes collected will be distributed among the City, County, and Township.

The initial property described as the J.E.D.D. property is one parcel owned by the Township. The intent also describes the area of the potential J.E.D.D. You will see amendments to the J.E.D.D. coming across your tables when property is added. When the J.E.D.D. is amended it will have to be approved by Council. The Township has already approved the J.E.D.D. and once the City gives its approval, it will be sent to the County for their approval.

Mr. Tilton: Do you know the amount of debt on the sewer at this time?

Mr. Raines: I do not know, but the J.E.D.D. establishes the maximum amount that is payable with the J.E.D.D. monies. The amount of \$2.5 million is to be payable by the J.E.D.D. proceeds.

Mr. Hutcheson: What is the projected revenue with this J.E.D.D.?

Mr. Raines: The County is hoping for as much as possible to pay the debt.

Mayor Zwelling: This is another industrial expansion opportunity. The people that are looking at East Point and North Point will look towards the West Pike now and I think for many years to come. This will eventually become another Industrial Park. This is not going to cost the City money; it will make the City money in the future.

Mr. Tarbert: Do you know how many acres are in each of the J.E.D.D.s?

Mr. Raines: No, I do not. The Washington J.E.D.D. is very large, South Zanesville J.E.D.D. is limited, and the Newton J.E.D.D. is limited also.

Mr. Tarbert: This one is about 16 or 17 acres, is that right? Do you know how much revenue we get from the current J.E.D.D.s?

Mr. Raines: Gross figures for 2009 are Washington \$887,968; Springfield/South Zanesville \$50,363; and Newton \$159,655. These are the totals collected in 2009. Washington will be approximately \$200,000 higher because of Avon. Washington and Springfield/South Zanesville J.E.D.D.s were established in 2000.

Mr. Michael Wyatt, 1158 Selsam Street: Why are we talking about property we do not own? The Municipality is making a decision on property that we do not own. That is none of our business. Mr. Raines, do we have the money to do this development without getting loans?

Mr. Raines: There is no initial investment by the City. The City is not spending any money.

Mr. Wyatt: We are not spending anything on that industrial thing, right?

Mr. Raines: Eventually there may be improvements that require the City to use some income tax money collected within the J.E.D.D.

Mr. Wyatt: So eventually, we may have the money, but we do not have it now?

Mr. Raines: Right.

Mr. Wyatt: How much money do we give to the airport? How much do we get from it? How much money do we get from the Port Authority? We are wasting money.

Mr. Tarbert: Mr. Wyatt, would you have been opposed to this Washington J.E.D.D. back in 2000 the same as you are opposed to this J.E.D.D. now?

Mr. Wyatt: Yes.

Mr. Tarbert: And this Washington J.E.D.D. grosses about \$900,000 a year and you are opposed to that?

Mr. Wyatt: Yes, we need to mind our own business. You are people that are to protect the rights of the people you represent.

Mr. Tarbert: You do not think that those people will be upset if we passed on a \$900,000 opportunity? Do you think we would be doing our jobs if we ignored a \$900,000 opportunity?

Mr. Wyatt: I think we need to mind our own business and work within this municipality.

Mr. Baker: We are not an island. There are people that have to go outside the borders of Zanesville for employment. If we can facilitate the creation of jobs with no investment of our own, because the only public improvements that are going to be made is with money we are going to generate from what we are doing, everyone wins.

Mr. Wyatt: You have enough industry in Zanesville. You have driven a lot of it away.

Mayor Zwelling: We have been negotiating this for some time and everyone is ready to get started with it. Would you consider passing this so we can get started?

Hearing closed at 6:56 p.m.

Vicki L. Figgins
Clerk of Council

Daniel M. Vincent
President of Council

CITY COUNCIL MEETING – MONDAY, SEPTEMBER 27, 2010

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, September 27, 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. Tilton, Mr. Zakany, Mr. Baker, Mr. Tarbert, Mrs. Gentry, and Mr. Vincent.

APPROVAL OF MINUTES

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

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Communication from Howard S. Zwelling, Mayor – Board Appointment

South East Area Transit – I am hereby recommending appointment of Mrs. Ellen Rucker to the South East Area Transit Board replacing Jamey Baker. Mrs. Rucker's term will expire December 13, 2013.

Mr. Zakany moved to receive and concur, seconded by Mr. Tilton. Motion carried.

Resolution No. 10-74 – Requesting pursuant to ORC 321.34 an advance of taxes collected, 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

Mrs. Norman moved for passage, seconded by Mrs. Gentry.

Mr. Tilton: These individuals did not pay their debt service on time?

Mr. Raines: Instead of them paying taxes they make a payment in lieu of taxes which is the same amount. That goes to the County just like property taxes, the County would pay it to us and we would put it in the T.I.F. fund. They did not pay that pilot payment in a timely manner. The County only remits those moneys to us twice a year. They were remitted to us in July and the owners paid in August. They would have to wait until March of next year to get the money and they need the money to pay their debt service.

Mr. Tilton: The debt service comes to us or to the County?

Mr. Raines: No, the debt service will go to the bank.

Mr. Kilpatrick: Does the City have any liability on the debt of this project either directly or indirectly?

Mr. Raines: No.

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

Resolution No. 10-75 – A resolution accepting the amounts and rates as determined by the Budget Commission, authorizing the necessary tax levies, certifying them to the County Auditor, and declaring an emergency.

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

R. C. to waive
8 Ayes – 1 Nay – Mr. Hutcheson
Motion carried.

Mr. Tarbert moved for passage, seconded by Mrs. Norman.
8 Ayes – 1 Nay – Mr. Hutcheson
Motion carried.

PROPOSED ORDINANCES

Ordinance No 10-76 – 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 first reading, seconded by Mr. Hutcheson. Motion carried.

Ordinance No. 10-77 – 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 moved for first reading, seconded by Mr. Baker. Motion carried

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

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

Mr. Tilton: In the amended part we raised the price \$.10, but with the oils, fats, and grease we did not change that at all, why?

Mr. Sims: We did not feel that we needed to. They thought we were covered with the \$0.20 increase on that one. We did not feel we needed to raise the residential septage haulers fees. I just see we should amend this because it should say “commercial and industrial”. We are okay as far as the residential rates as it cost us about \$0.04 a gallon for every gallon through the plant to treat. It costs us approximately \$0.10 - \$0.15 a gallon with the commercial and industrial deliveries because of the high B.O.D. content so we thought the \$.10 average would be acceptable.

Mr. Vincent: We need to insert “industrial” in Section One, second paragraph. Is that your motion Mr. Tarbert?

Mr. Tarbert: Yes, insert “and industrial” where it says commercial in Section One, second paragraph.

Mr. Tarbert moved to amend, seconded Mr. Tilton. Motion carried.

We are now at Ordinance No. 10-78 as amended.

Mr. Zakany moved for first reading as amended, seconded Mr. Tarbert. Motion carried

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

Mr. Tilton moved for first reading, seconded by Mr. Tarbert. Motion carried.

Mr. Kilpatrick: I agreed to bring this to Council as a moral claim on behalf of the property owner and Mr. Don Hormann is here this evening if anyone has any questions for him.

Mr. Roberts: You tried to have your drains cleaned first to see if that would alleviate the problem and that did not help. The individual from Mr. Rooter Plumbing found the blockage in the City’s sewer line. Did you then contact the City concerning the blockage?

Mr. Hormann: Immediately. They came out and jetted the alley.

Mr. Roberts: So they jetted the alley. I was confused as to whether the private contractor or the City cleared the sewer line. What is the invoice attached from Mr. Rooter Plumbing for?

Mr. Hormann: That is what I had to pay him. He is the one that suggested I file a claim with the City for reimbursement. He worked inside the house to clean the drains and it was not a drain problem.

Mr. Tilton: At any time did water backup into your house?

Mr. Hormann: On that particular occasion no. I have lived there for thirty- five years and I have water backing up into my house two or three times a year. The plumbers are there on a regular basis. I have a clean out spot out by the alley to make it convenient to clean the sewer. I have continuing problems. I would call the City and they would say this is Rogovin District. I found out a few years ago that the City has assumed responsibility for the sewers in that alley.

Mr. Sims: I assume that part of the City had a privately installed sewer at one time. The City historically did not maintain private sewers, but since I have been here and we can verify the lines are intact I did not feel it was appropriate to ask whole neighborhoods to contribute to a sewer main. The laterals are the property owner's responsibility up to the main, but we have picked up a few of the private sewers once we could verify they met our specifications.

Mr. Tarbert: Is this sewer tied into any commercial businesses that could cause the fats and solid grease to accumulate in the sewer line?

Mr. Sims: What part of the block on Fairmont is that?

Mr. Hormann: West end. When we opened up the lid and looked down there was considerable amount of oil along with debris in the sewer.

Mr. Sims: It does not sound like it would be connected to the high school, it would be fed from Blue Avenues. I would have to look at the mapping to identify if there is any commercial influence on that line.

Mr. Tilton: Mr. Markley stated when they went to clean it they found the main partially plugged and the lateral was partially blocked.

Mr. Sims: According to his report it indicated a considerable amount of grease in the property owner's lateral. This could have been pushed up the lateral or generated by the residences on this line; I would not want to venture a guess. The blockage was in the main. However, it is printed on everyone's utility card that a backflow device is required by ordinance. This has been on the cards for at least six years.

Mr. Tilton: None of the other people on this line had any problems with the sewer itself?

Mr. Sims: I do not know if Mr. Markley had any other calls from that neighborhood. I will check into that before the next meeting.

Mr. Baker: At one time there were privately owned and maintained sewers in that section of town?

Mr. Sims: There are several areas in town – Greenwood area has some private sewers that were constructed during the subdivision development by the developer of the project.

Mr. Baker: The City had no legal responsibility to maintain those sewers other than when you became director.

Mr. Sims: When we got ones that were reasonable that we did not think were problematic. If they had multiple homes connected to it, how do you go back and get an entire neighborhood to split up the replacement and maintenance costs of the line? I felt we had an obligation to maintain these lines.

Mr. Baker: There is still infrastructure that was installed privately.

Mr. Sims: We have taken some of the private lines and not have any problems them.

Mr. Baker: Considering this one lasted 50 years or more.

Mr. Sims: Most of these sewers that were installed then were the old bell and spigot clay tiles. There are root infestation problems, sediment, disjointed connections, and infiltration.

Mr. Baker: With these types of sewer systems as time goes on we will see more problems compared to the other types built.

Mr. Sims: Even the City installed similar materials during that time period.

Mr. Baker: What is the life span on something like that?

Mr. Sims: Clay tiles last indefinitely. Trees are the major problem with sewers. We have a lot of aging infrastructure.

Mr. Hormann: The plumber put in a six inch PVC pipe from the house to the alley, but one of the problems he had was the line in the ally was a four inch line and he had to use a rubber boot to connect. I have to call a plumber two or three times a year for basement flooding.

Mr. Baker: Would the backflow preventer keep the water from his basement?

Mr. Sims: That would prevent any backup into his house, but it will not protect him from having oil or grease problems in the lateral. If the City main backed up, it would prevent any backup into the house.

Mr. Vincent: A bottle neck would develop when a six inch line would be connected to a four inch main.

Mr. Sims: Typically all home laterals are four inch. So if that is going into a four inch it tells me that there are three or four homes connected together on one branch or lateral because our sewers are usually eight inch or larger.

Mr. Vincent: So you think that some of the neighboring properties are hooked in and share that line?

Mr. Sims: I would not be surprised.

Mr. Hormann: The property on the right of me had so many problems he had a new line installed from his house to the alley, but the property on the left of me moved out because it backed up so bad in their basement that the stench forced them out. I do not know how many houses in that area have sewer problems.

Mr. Sims: We may not have any mapping on that as it is a private line, but I will see if we can find out how many are connected to that line. I will try and have that information by next meeting.

Mr. Vincent: I thought you were talking about connecting into his line between his home...

Mr. Sims: If his line goes out to a four inch it may be what we consider a sub main because four inch is nothing more than home lateral. If you have five or six homes all connected to one four inch line there will be issues. I will look and see if we have any mapping on that particular section of the City.

Mr. Vincent: Mr. Hormann, your thoughts on the grease?

Mr. Hormann: I have no idea what is causing the grease in the line.

Mr. Vincent: You do not put any grease in the line?

Mr. Hormann: I have had this problem in past years, but this is the first plumber that pulled the sewer lid off. The rest of them just keep running the snake and see if we can get it cleaned out.

Motion carried.

ORDINANCES FOR ACTION

Ordinance No. 10-65 – An ordinance authorizing the proper City official to advertise for bids and sell a portion of City property.

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

Mr. Tarbert: Did we make any progress in determining whether this property can be annexed?

Mr. Hillis: We have. It appears there are two reasons why this property cannot be annexed into the City. One is the railroad owns a strip of land between the City limits and this property. To annex this property will completely create an island of the Springfield Township area. The annexation code does not allow for a creation of islands. It is not permitted to annex if you are going to create an island of unincorporated land and that is what would happen here. It would completely surround an area that is not in the City limits.

Mr. Vincent: If the railroad became part of the City would that take care of it?

Mr. Hillis: The first problem is it is not contiguous because the railroad owns land next to it. The second problem is even if we purchased the land own by the railroad by annexing it we would create an island and that is not permitted.

Mr. Sims: Mr. Hillis would it be appropriate to put a clause in the bid documents that would encourage the buyer to work with the City and enter into the Springfield J.E.D.D.?

Mr. Hillis: I do not know where the geographic limits of the Springfield J.E.D.D. are located.

Mr. Sims: I believe it does abut directly to the Pic n Save Strip Mall Property. Otherwise I would just consider it a worthwhile piece of property that would help the City's budget.

Mr. Hillis: I see no problem with it going second reading and you are welcome to look at the map. I do not see it abutting that.

Mr. Sims: I have not looked at the map, it was just a suggestion. If it does not abut directly then that is not a possibility.

Mr. Hillis: How big is it?

Mr. Sims: About 20 acres.

Motion carried. Mr. Roberts abstained.

Ordinance No. 10-72 – An ordinance authorizing the proper City official to enter into a professional contract with CH2M HILL for design of the Y-Bridge Lift Station Rehabilitation Project.

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

Motion carried.

TRAFFIC ORDERS

Traffic Order No 10-10 - There is hereby established a right turn only from Eastman Street into Underwood Street.

Mr. Roberts moved to receive, seconded by Mr. Tarbert.

Mr. Baker: Mr. Brandford, did you knock on any doors or contact anyone as far as asking their opinion on this traffic order?

Mr. Brandford: There are not any doors at that intersection to knock on. We have had 59 accidents at the intersection since 2006.

Mr. Vincent: Did I hear correct, 59 accidents? That is a very busy intersection.

Mr. Baker: There is no doubt it is a mess in that area and maybe this will help.

Motion carried.

Traffic Order No. 10-11 – There is hereby established a loading/unloading zone in front of 918 W. Main Street.

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

Mr. Baker: What business is this in front of?

Mr. Brandford: This business sells used or secondhand items. This place does loading and unloading of merchandise in front of the store. There is no timed parking along this area. It has become difficult for the loading and unloading of the merchandise.

Mr. Zakany: Is there time listed for the loading and unloading?

Mr. Brandford: That is a good question. I usually insert a time.

Mr. Vincent: Is there a recommendation on that from Council?

Mr. Brandford: A lot of times with a loading and unloading zone you attach a time to it. It could be 30 minutes or more. I will amend this order and resubmit it to Council.

Mr. Vincent: Do you want to vote it down and bring it back or do you want to amend it now?

Mr. Brandford: I can resubmit it.

Mr. Vincent: Mr. Hillis, is it best just to vote this down and let him resubmit or...

Mr. Hillis: It has 30 days after it is approved to do something. So if he brings it back in two weeks that is within the 30 days.

Mr. Vincent: So we can pass this tonight. He can bring back the amended version. We pass it and it overrides the one from tonight.

Mr. Hillis: Yes.

Motion carried.

Traffic Order No. 10-12 – All traffic shall stop on Matthews Street before entering Baker Street.

Mr. Tilton moved to receive, seconded by Mr. Tarbert.

Motion carried.

PRIVATE PETITIONS AND COMMUNICATIONS

Petition from Mr. Randy Case, 916 Vine Street

Mr. Case: The Zane Grey Elementary School is on Pine Street and I talked to Mr. Brandford and Mr. Appleman from the School District. There is a need for a crosswalk in front of the school. There are over 700 children that attend that school and at least half of them walk. The majority of them are crossing in the middle where there are no crosswalks and this is very dangerous. I drive my daughter to school every day and I have seen a couple of the student's just miss getting hit by a car. I know that the schools have talked to Mr. Brandford about this problem and I

would like to see everyone work together to have something done with this as soon as possible before a child gets hurt.

They put in the new curbs and there is a gap between the curb and the street. Is that the City's responsibility to fill in that gap or the schools?

Mr. Sims: That would be a contractor issue.

Mr. Case: I was talking to Mr. Appleman and he was not sure if that was the City's issue or the contractors.

Mr. Sims: If they installed the curbing then they would need to do the repairs.

Mr. Case: The principal at the school would like to have a crosswalk and flashing yellow light put in there. They would like for it to flash when there is no school and when there is school have a button you can push for it to turn red so the students can walk across the street. I would like to see this Council get with Mr. Brandford to get this done as soon as possible.

Mr. Brandford: I appreciate his concern and we have met with them concerning this issue. Fred Buck met with them today. We are trying to make this a joint endeavor. We are working on a light with a crosswalk and making it handicapped accessible.

Mr. Vincent: Would a curb cut be needed?

Mr. Brandford: We are looking at that also. We have lights up at the Westview School that is not needed. You cannot take them from Westview because they will have to be upgraded. Fred Buck is considering a Ped Countdown.

Mr. Baker: Do those things require just a traffic order?

Mr. Brandford: Curb cuts will come out of my office.

Mr. Baker: When you decide on what is needed it should just be passed by traffic order?

Mr. Brandford: Yes. One of our concerns is that block of Curtis Street down to Eppley Avenue has a lot of children in that area. We are looking at where these crosswalks need to be. When you have lots of children being dismissed from school at the same time you do not want them flooding someone's yard. I will keep Council informed.

Mr. Zakany: Those two schools have a lot of children that attend them.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Zwelling: Light the Night had a very successful march around the campus of Ohio University Zanesville and Zane State College. They raised money to fight cancer.

The barber shoppers put on a great show yesterday at Secrest Auditorium with several hundred people attending. It was a circus theme.

William Carver Burns, Civil War Hero was honored this weekend. The ceremony was held at Woodlawn Cemetery.

Mr. Hutcheson: Mr. Sims have you heard about when the alleys are going to be paved?

Mr. Sims: We have everyone's list and we are waiting for the T.I.D. Board to approve the contract between the City and the Board so we can acquire the funding. We are also expecting to purchase a used paver so we can do this work ourselves as it would be cost effective. We are waiting for the money to be in hand to determine if we will be able to do it this fall or wait until spring.

Mayor Zwelling: Isn't there a May deadline?

Mr. Sims: Yes, the money has to be expended by next May. We have asked for priorities in each ward and then we will divide it up evenly as best we can from the requests.

Mr. Baker: Have we made any progress on Market Street with the draining problem we discussed?

Mr. Sims: No. Are you talking Market Street or Greenwood Avenue? At the fork in the road?

Mr. Baker: Yes.

Mr. Sims: We need to get the sewer crews in this fall and do a French Drain under the sidewalk. We have discussed it, but have not been able to free Mr. Saunders up enough to direct the work crews because he has been tied up with these sewer separations.

Mr. Baker: You had mentioned August if the crews were available.

Mr. Sims: We have been very busy and shorthanded in Sewer Maintenance. We are short an operator, and we have had a couple employees on injury leave for an extended period of time. Right now we have three employees in the division.

Mr. Baker: Is it possible to be done by winter?

Mr. Sims: I would like to have it done before the snow flies. I do not want the icing problem during the winter and the pothole in the spring. We should have until mid November to get this completed.

Mr. Zakany: One thing that I have noticed in the City is the stop bar lines in the street are looking good. I wonder why Luck Avenue does not have any lines in the middle of the street. It does get tight going up Luck Avenue with the cars parked on both sides.

Mr. Sims: The width of the street and the street classification has a lot to do with whether we stripe it or not. Luck Avenue does not have the same amount of traffic as Pine Street.

Mr. Hutcheson: Mr. Brandford have you looked into the heavy truck traffic throughout the City? I was not able to make the last Traffic Committee Meeting.

Mr. Brandford: Lt. Curry was not at the last meeting either so I will be talking with him and I will contact you.

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

Meeting adjourned at 7:50 a.m.