

PUBLIC HEARING – MONDAY, APRIL 13, 2009

A Public Hearing was held at 6:45 p.m., Monday, April 13, 2009 in the City Council Chambers, 401 Market Street, to hear a request by the Muskingum Family “Y” to change the zoning at 700 Mc Intire Avenue from RS-4 Medium-High Density Residential to C-2 Community and Regional Commercial District.

Council members present were: Mr. Dittmar, Mrs. Norman, Mr. Kilpatrick, Mr. Mc Peek, Mr. Vincent, Mr. Zakany, Mrs. Gentry, Mr. Tarbert, and Mr. Hennessey.

The Clerk had proof of advertising.

Mr. Hennessey turned the hearing over to Pat Denbow, Planning and Zoning Administrator.

Mr. Denbow – The subject properties is located on the southern side of Mc Intire Ave. The Maple Avenue, on and off ramps and Interstate 70 surround this parcel on three sides. The parcel measures approximately 3.43 acres and is currently zoned RS-4, Medium-High Density Single Family Residential. The property is the former sight of the Muskingum Family Y. The applicants request to change the property from residential to a C-2 Community and Regional Commercial District, will allow for a broad selection of convenience and comparison shoppers goods and services and a centralized and highly accessible location. The Mc Intire Terrace Historic District which consists of mostly residential streets, borders this property from the north. The current zoning directly across the street from the subject property is C-2. West of the property on the other side of the Interstate ramp, is the Boy Scout property. Across the other Interstate ramp, to the east exists a mixture of commercial and residential uses all in RS-4 District. The existing parcels, from planning perspective; would not be a viable location for future residential development. With high visibility from Interstate 70 and the Maple Avenue ramps would become a very desirable location for commercial and office uses. The current residential building classification would limit the allowable uses of the property.

A note that should be made, we are aware that there are potential uses and buyers for this property. Further research into the code has revealed that whether this property is to become a lawn care business or an aquatic center, a change to commercial zoning would be necessary. The type of facility that existed on this property would be defined in the code as a recreational institution. A recreational institution is defined as a public or private facility for group, recreational, or social activity. Including private clubs, lodges, recreational buildings, and community centers. A recreational institution is not a permitted or conditional use in any residential district. However, it is a conditional use in all commercial districts. The family Y has existed as a legal non-conforming – meaning that it has essentially been grandfathered in, however any change to this property will cause it to be subject to the provision of the planning and zoning code. The City of Zanesville Planning Commission has voted to recommend this zone change to Council.

Mr. Zakany had a map from the County Records office and was interested in the fact that Lee Street was flat and there are twenty-four lots on Lee Street that average 120 x 40. He said that property wouldn't be too expensive to buy.

Mr. Denbow - In the zoning office, I haven't had an application for any potential user for this property, yet. We know that there are potential buyers. I can't speak for the buyer as to what they consider to be their best location. I am here to present the Planning Commissions recommendation which was to look at, what's the best use for this property. Is the best use for this property residential or is the best use for this property going to be commercial. The recommendation from the Planning Commission was to change this to C-2.

Mr. Mc Peek – You said that the Y was grandfathered in – the Y didn't previously exist here, so if it had to move into the residential area how could it be grandfathered in

Mr. Denbow – Prior to this code being solved.

Mr. Vincent – Currently, the way that it is zoned – what could go in there?

Mr. Denbow – Any change that's made to this property would have to be subject to the code as it exists, today. If the Y were to stay there, just the way they have been, then they would be grandfathered in and they would be okay. If it were to remain residential, there is a list of permitted and conditional uses for residential district. There are eight permitted uses – home occupations, single family detached dwellings, parks, playgrounds, golf courses, forest preserves, wild life sanctuaries and other publicly owned space. Permitted public uses, streets, and alleys, temporary buildings or trailers for construction purposes, accessory uses and structures and manufactured homes conforming to HUD regulations. Those are permitted uses in a residential district.

Mr. Vincent – A business identical to what's there now could continue.

Mr. Denbow – As long as no changes are made.

Mr. Tarbert – Mr. Hillis, how does the voting work on it with a recommendation from the Planning Commission – is it a majority or do we have to have a majority to overrule the Planning Commission, what's our role here.

Mr. Hillis – You have to have more than a majority to overrule.

Mr. Vincent – You said a change of ownership would constitute a change and therefore someone taking over the pool and the fitness center and the current activities that occur right there, now.

Mr. Hillis – If you own the property and conform it as long as you own it – once you sell it to someone else, they then have to conform with the existing zoning.

Mrs. Gentry – The houses across the street are C-2?

Mr. Denbow – Yes, the houses across the street are zoned C-2.

Hearing closed at 7:00 p.m.

Joan L. Ziemer
Clerk of Council

Ralph D. Hennessey
President of Council

CITY COUNCIL MEETING – MONDAY, APRIL 13, 2009

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, April 13, 2009 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

Mr. Hennessey 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. Dittmar, Mrs. Norman, Mr. Kilpatrick, Mr. Mc Peek, Mr. Vincent, Mr. Phillips, Mr. Zakany, Mrs. Gentry, Mr. Tarbert, and Mr. Hennessey.

APPROVAL OF MINUTES

Mr. Zakany moved to dispense with the reading of the minutes of the last meeting, seconded by Mr. Tarbert. Motion carried.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Communication from Jerry Nolder – Executive Director of Zanesville-Muskingum County Port Authority – Re: Tax Incentive Review Council recommendations

The Council recommended for the Council to terminate the following:

- Lear Corp. – terminate 2 agreements
- Russett Printing 2005 – terminate

Mr. Vincent moved to receive, seconded by Mr. Zakany. Motion carried. Mr. Tarbert abstained.

Communication from Michael A. Sims – Director of Public Service – Re: City Cemeteries 1st Quarter Report.

Mr. Kilpatrick moved to receive, seconded by Mr. Mc Peek. Motion carried.

Resolution No. 09-38 – Introduced by Council – A resolution on the spending of Federal Economic Recovery Plan Funds.

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

PROPOSED ORDINANCES

Ordinance No. 09-39 – 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. Hennessey asked to have this ordinance tabled and sent it to a work session at 6:00 p.m., Monday, April 20, at that time we will allow input from the community as well as Council.

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

Ordinance No. 09-37 – Establishing pay, benefit, and employment polices and procedures for unaffiliated employees in the Municipal Service, and declaring an emergency.

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

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

Mrs. Norman moved for passage, seconded by Mr. Mc Peek.

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

Ordinance No. 09-40 – Introduced by Council – Authorizing the proper city official to provide funds to the Zanesville Jaycees as a donation for the annual “Stars and Stripes” on the River event.

Mr. Vincent moved for first reading, seconded by Mrs. Gentry. Motion carried

Ordinance No. 09-41 – An ordinance authorizing the proper city official to advertise for bids and enter into a professional contract for paving of Pine Street, declaring an emergency.

Ordinance No. 09-30 – Introduced by Council – An ordinance to vacate a portion of La Fayette Street in the City of Zanesville, Ohio as herein provided.

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

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

Ordinance No. 09-33 – Introduced by Council – Amending Ordinance No. 06-155, which established pay and benefit policies for seasonal employees.

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

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

Ordinance No. 08-86 – Introduced by Council – Authorizing the proper city official to expend funds on various projects and to seek bids and enter into contracts where required.

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

Mr. Tarbert – I think it should be noted, that we had a Ways and Means Committee meeting on this, it was very well attended, the Mayor was there with representatives from Secrest and the ball diamond. I think the understanding was that we were going to defeat this ordinance as it is currently written with the hopes that we were going to schedule a new work session, take a tour and perhaps split this ordinance into sub-ordinances. Separate out the projects and take a look at each project individually. I just wanted Council to be aware of the recommendation to vote this ordinance down tonight with the understanding that it would come back to us again in separate parts.

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

Ordinance No. 08-126 – Introduced by Council – An ordinance authorizing the proper city official to incorporate the new Section 923.28 into the City of Zanesville Codified Ordinances Chapter 923, Sewer Use Regulations.

Mr. Tarbert moved to table for two weeks; I know that Mr. Hillis and Mr. Sims are still working on some amendments to this final ordinance, seconded by Mr. Dittmar.

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

TRAFFIC ORDERS

Traffic Order No. 09-03 – There is hereby established a No Parking Anytime Zone on the east side of Lucia Court and the entire Cul-de-Sac.

Mr. Kilpatrick moved to concur, seconded by Mr. Zakany. Motion carried.

PRIVATE PETITIONS AND COMMUNICATIONS

Petition from: Randy Case, 916 Vine Street, Zanesville.

Mr. Case asked the Mayor if he had ever considered the light master for our street lighting. He wanted to know if the Administration had ever looked into switching our traffic control signals to LED's, they use a lot less electricity. He spoke with Mr. Buck and he said the LED heads cost \$200 to \$250 a piece, so you are looking at \$200 for each intersection.

Mr. Sims – I know that Fred’s ideals would be to have them converted to LED’s but I don’t have a clue what Fred’s budget is. I know that we are looking at various traffic signals throughout the City to see which ones meet warrants, which ones don’t, we will get a recommendation from the traffic committee sometime this spring, that may remove some of the ancient lights. It is an idea and it is a plan.

Petition from: Don Jones, 30 Southard Avenue, Zanesville.

Mr. Jones – I am with Crime Stoppers Watch Program, Mayor Zwelling announced today to the media. I am here to ask City Council to please join us in our efforts. We are in the process of starting a steering committee for this whole city. We have a citizens meeting scheduled for April 29, at John Mc Intire Library on Fifth Street at 6:00 p.m. I am asking the Ward Councilmen to be coordinators of their wards. The Council-at-large, I am asking you to be community coordinators. I would like to ask each one of you individually if you would like to join us.

Mr. Vincent – What does it entail – tell us a little bit more

Mr. Jones – A community coordinator would process any reports that come up with the ward coordinator, put them together and report them to the Mayor and Safety Director and the law enforcement which would be the Sheriff and the Chief of Police.

Mr. Hennessey – Will this be outlined at your meeting of 4-29-09, what their responsibilities would be for each individual?

Mr. Jones – The 29th meeting is going to be an introduction to the citizens. I am going to have everything available at that meeting. I am asking all of you to please come to that meeting if you could.

Mr. Hennessey – I am sure Council is not objecting to this but they don’t have anything to say how the process works, at this point that I’ve seen.

Mr. Jones – Basically, how it works is Citizens report to area captains. Area captains report up to the ward coordinators and they compile those reports. Then the community coordinators compile the reports from the ward coordinators and then give them on up to the law enforcement, the Safety Director, and the Mayor, that way everybody in the system is in. By compiling those reports it is going to be more efficient for our law enforcement to either attack the problems and handle them, that is why I am asking all of you to get on board because nobody knows you better than the people who elected you in each one of your wards.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Zwelling – We had a wonderful press conference, this morning, the Sheriff was there, the Police Chief, Lt. Curry, and Patrolman Porter; who are going to be the two in charge of this training and screening. State Rep. Troy Balderson was there lending his support, Mr. Mc Peek, and Mrs. Gentry were there. I think the 29th will be a very interesting meeting and I hope the citizenry shows up to be a part of this.

From 2:00 to 4:00, today, I attended a stimulus meeting with the Governor’s Staff.

Mr. Zakany moved to adjourn, seconded by Mr. Mc Peek. Motion carried.

Meeting adjourned at 7:35 p.m.