

CITY COUNCIL MEETING – MONDAY, APRIL 27, 2009

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, April 27, 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: Mrs. Norman, Mr. Mc Peek, Mr. Vincent, Mr. Phillips, Mr. Zakany, Mrs. Gentry, Mr. Tarbert, Mr. Dittmar, and Mr. Hennessey.

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

APPROVAL OF MINUTES

Mr. Zakany moved to dispense with the reading and approve the minutes of the Regular Meeting, seconded by Mr. Tarbert. Motion carried.

COMMUNICATIONS, REPORTS AND RESOLUTIONS

Communication from Howard S. Zwelling – Mayor – Re: Board Appointments

Zanesville/Newton Township JEDD Board

I am hereby recommending the appointment of Mrs. Amy Kirkbride to the Zanesville/Newton Township JEDD Board. Mrs. Kirkbrides' term will expire on April 27, 2012.

Zanesville/Washington Township JEDD Board

I am hereby recommending the appointment of Mrs. Amy Kirkbride to the Zanesville/Washington JEDD Board. Mrs. Kirkbrides' term will expire on April 27, 2011.

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

Communication from Howard S. Zwelling – Mayor – Re: Board Appointment

Muskingum County Center for Seniors

I am hereby recommending the reappointment of Sara Russell to the Muskingum County Center for Seniors Board. Ms Russell's term will expire on May 10, 2012.

Mr. Vincent moved to receive and concur, seconded by Mrs. Gentry. Motion carried

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

Mr. Vincent moved for second reading, seconded by Mr. Zakany. Motion carried

Petition from: Michael Wyatt, 1158 Selsam Street was over looked.

Mr. Wyatt – I think this ordinance was 08-44-A, at one time, will this Resolution 09-38 replace 08-44-A or will the ordinance never be enforced?

PROPOSED ORDINANCES

Ordinance No. 09-43 – Introduced by Council – Authorizing the proper city official to provide funds to the Muskingum Economic Opportunity Action Group.

Mr. Mc Peek moved to insert the emergency clause, seconded by Mr. Tarbert.

R.C. to amend
8 Ayes – 0 Nays

Motion carried

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

Petition from: Nancy Pierce, 132 Huey Street

Ms. Pierce – I didn't have anything to say, I wanted to be here to answer any questions.

Mr. Vincent – Could you just touch on a few brief points, as far as the benefits.

Ms. Pierce – We bring in approximately 2.5 million into this community, every year. We have the weatherization program where we weatherize homes. We have HEAP which is the utility program. We have the Meals on Wheels Program, we have a housing program, and we have scholarships.

Petition from: Michael Wyatt, 1158 Selsam Street

Mr. Wyatt – In this ordinance, in the second paragraph it mentions Muskingum County and surrounding areas; I guess your business is for the municipality and not the Muskingum County and all the other guys. There is mention that Zanesville has supported this fund for many years – is that why this municipality has 13% unemployment? Let's come back to earth and support the people that you are suppose to represent and I use the word represent loosely.

Ms. Pierce – We not only serve the County, we serve the City of Zanesville and we have for about twenty years.

Mr. Wyatt – We are a municipality and we are within a county called Muskingum County.

R.C. to waive
8 Ayes – 0 Nays

Motion carried

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

R.C. for passage
8 Ayes – 0 Nays

Motion carried

Ordinance No. 09-44 – Introduced by Council – Prohibiting the placement of permanent or portable recreational equipment in public right of way.

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

Mr. Brandford asked for the emergency clause to be inserted.

Mr. Mc Peek moved to amend to an emergency, seconded by Mr. Dittmar.

Mr. Tarbert – May I ask – why?

Mr. Brandford – We are getting ready to go into the season where we are starting to see these show up and they are even mounting them in concrete. The past three years, I have had the Police Chief send letters out and it seems like the problem instead of getting better, it has grown; now they are putting in portable basketball goals, they are starting to mount them in the right of way. I am starting to get complaints and I don't see it getting any better.

Mr. Tarbert – But you also had some people who were against this ordinance – correct? You had at least one parent who said, look I know where my kids are, they are out here at night, they are not bothering anybody else. They are not out running around, they are not doing drugs, I am watching them, they are right outside my window. I don't know that I

am opposed to the emergency clause or expediting this in some manner; I would like to give it one public reading and then vote on it next time or at least give people a chance to come and speak on this. I understand that kids shouldn't be playing soccer in the middle of most streets. There are a whole bunch of rarely used alley's in this City and if the kids are out there – I would like to at least have the opportunity; I don't see where it is an emergency if it has been going on for thirty years.

R.C. to amend

7 Ayes – 1 Nay, Mr. Phillips

Motion carried

Petition from: Michael Wyatt, 1158 Selsam Street

Mr. Wyatt – I guess this means that we can't have Gus Macker, anymore and I guess it also means that some of the things that's on our sidewalks that restricts some of the people that walk; they are going to have to remove those and put them in some type of storage area. The flowers and the trees and stuff on the sidewalks. If it applies to one then it applies to all. This ordinance doesn't hold any merit, what so ever.

Petition from: Randy Case, 916 Vine Street

Mr. Case – Looking at this ordinance, I can understand the idea of having children pulling a portable basketball hoop out into West Main or Luck but there are tons of barely used alleys in this city and even small streets that children do play in because they really don't have any place to play. Also, we have the new houses that they built behind my house – this said your driveway apron up to 10 feet up into your yard; some of these new houses have little more than 10 feet of driveway. Some of your older homes where people have basketball hoops on their garage for a long time – some of them sit right on the alley. These people won't be able to have that anymore. It is the responsibility of the parents to keep an eye on the children to make sure that they are not out in a main road. You want to pass this, then you really need to do something about cleaning up all of our parks and giving each neighborhood a basketball court and an area to play soccer, etc. These kids need some place to play.

Mr. Vincent – Mr. Brandford, it says within ten feet of the roadway – where does that ten feet come from, what is that based on?

Mr. Brandford – It is trying to give some distance from the roadway and I do understand about alleys – I'm talking about streets and our right of ways.

Mr. Vincent – The kids need something to do. They don't have the parks, they need to have something to do.

Mr. Mc Peek - I've been getting calls on it for almost six years. Last year and previous years, they have sent letters out to people. They already have ordinances about stuff being installed in public right of way. They are mounting in concrete – I thought it was just in my ward and it is through out town. Originally, they were temporary units, people would bring them out, use them and take them back – they are leaving them on the street. UPS trucks, Fire trucks, anything else on a narrow street, when they move over you hit them. Complaints because they are bouncing off their cars, they can't have company because the balls are hitting them. Again, there is a house that has changed hands twice and the basketball goal has stayed on the street. These kids are out all hours of the day and night.

Mr. Hennessey – Is this something you are going to look into before the next meeting; what you want to fine tune on the ordinance.

Mr. Mc Peek – I'll check on that and see if we can change some on that. I am not for waiving the readings.

Motion carried.

Ordinance No. 09-45 – Introduced by Council – An ordinance revising Chapter 1305 of the Codified Ordinances of the City of Zanesville.

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

Mr. Vincent – Mr. Smith, enclosures for the barrier fences for swimming pools talks about 48” currently, it goes to 60” then, does that mean everyone who has a pool in town needs to increase their fences?

Mr. Smith – That is to bring our Property Maintenance Code in line with our zoning ordinance.

Mr. Vincent – So, that’s no change?

Mr. Smith – No.

Mr. Vincent – Window covering, is that window tint?

Mr. Smith – No, we are restricting what they can put on the inside of windows. We don’t want plywood or paneling; what that does is confuse a firefighter. If you have a window on the inside with plywood on it, the firefighter breaks a window out thinking he is ventilating a room when basically he is not. We are restricting what you can put on a window such as drapes, curtains, and blinds, etc.

Motion carried.

Ordinance No. 09-46 – Introduced by Council – An ordinance amending Sections 1321.02; 1321.03; 1321.04; 1321.06; 1321.08; 1321.09; 1321.10; 1321.12; 1321.13; 1321.14; 1321.99 of the Codified Ordinances of the City of Zanesville.

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

Petition from: Michael Wyatt, 1158 Selsam Street

Mr. Wyatt – I kind of like this idea because the ordinance is adopting design to get all the people’s property up to date, including city’s. Like our park system, buildings start with this one here. You are a part of us, you are protecting our property. We ask Code to straighten up city property. You are going through a lot of stuff here and for an example, Calvert Park, my park, there are about twenty to twenty-five steps; there is no railing on it. It should be a joint effort between both of us.

Motion carried.

ORDINANCES FOR ACTION

Mr. Hennessey – The next ordinance on the agenda, this evening, is probably the one that most of you are here for which has to do with the YMCA. I do have quite a few petitions here in front of me already. If you do want to speak, this evening, on this item, I would need you to fill one of those out and send it forward. I do want to remind everybody, that this ordinance is strictly about a rezoning issue, it is not about whose buying or what’s buying; it is whether we are going to take it from residential to a commercial C-2. That is what Council is here to decide. We are not to decide who goes there or what goes there. Our control is by the zoning only. Keeping those items in tack, we will go ahead and move on to Ordinance 09-39.

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

Petition from: Harriett Amicone, 5680 Woodside Drive

Mrs. Amicone – I am against the rezoning of the Y and I ask for you to consider the option of a variance that would allow the possibility of a similar facility.

Mr. Hillis – Mr. Denbow has not brought that up with me but I don't believe a variance solves; you can't grant a use variance, you can only grant variance from set back. What you are talking about is change of use zoning and variance doesn't change zoning.

Mrs. Amicone – If someone else wants to take over the property, then it needs to be rezoned commercial based on what you shared. I do feel there is another option that would serve this community better.

Mr. Hennessey – We will allow you to speak in private petitions, if you feel there is something better for that property.

Petition from: Carl Robinson, 817 Maple Avenue

Mr. Robinson – The April 20th work session, Mrs. Gentry was present and I called Mrs. Gentry on the floor over something that was error on my behalf. At this point in time I would like to apologize to Mrs. Gentry for bringing you on the floor for something that I was error in talking about. When I am wrong, I say I am wrong. With that being said, I am against the rezoning of the YMCA property. The work session minutes that was presented to myself, and it misrepresented me it said, Mr. Robinson was at the County Commissioners meeting; that isn't what I said, I said that Mrs. Gentry was at the County Commissioners meeting. I guess what I should have said was, she was at the Planning Commission meeting. So, that is an error on the minutes and I wish that somebody would see that the minutes are printed accurately, instead of whatever seems necessary to put in it because about a third of what was actually said is in the minutes.

Petition from: Michael Wyatt, 1158 Selsam Street

Mr. Wyatt – Ordinance 39, since it mentioned in the introduction that Introduced by Council – an ordinance to amend and revise the zoning map. This is just another way to support the Y property from residential to commercial and this is wrong. You want to spend money on the skate board, yet you want to destroy a park for all the citizens of Zanesville. Mr. Mc Intire donated that property to the City for a park. This property is not the city's to sell for thirty pieces of silver. This land belonged to a gentleman who worked hard to establish this city and he donated the property to the citizens of this State and not the City.

Petition from: Randy Case, 916 Vine Street

Mr. Case – I have spoken with many people during the past week, since the work session about the Y property and I have spoken to people that were for it and I have spoken to people who were against it. There are two ways – there is the legal aspect of it which is mainly the zoning and there is the emotional aspect. If you look at it from the legal point, it should be rezoned; it has been appraised at commercial rate by the County for years and if the Y is paying taxes, they would be paying commercial taxes. On the emotional side, I think the Y is wrong to be selling this property; it was sold to them by the City at a residential rate for the benefit of the citizens. Now if the City wanted to buy it back, they would have to buy it back at a commercial value. Instead of working with the City and figuring out a reasonable rate so the City could have a municipal pool or working some deal together where they could both work it that would benefit all the citizens of Zanesville. Really all the Y is out for is getting as much money as they can.

Petition from: Mike Anderson, 1017 Convers Avenue

Mr. Anderson - I believe in 1963 or whenever the City sold the property to the Y – they made a mistake, I think if they had been aware of what was happening at that time they wouldn't have sold it to the Y. I don't think the Y should benefit from that sort of a

windfall at the same time disfranchise the children. Some times it is hard to make a decision for some of these things. Today, we all have an interest in that property over there and we have for over 150 years and I feel it should continue to serve the citizens of this city for the next 150 years. The kids of this city need something to do.

Petition from: Tom French, East Drive

Mr. French – I came last week and addressed you as Council people and the Mayor wasn't at that meeting and I would like to particularly point things out to him that I believe strongly that our City is becoming a city of commerce and not protecting our neighborhoods in providing recreation for our children and I think that is a very serious point with this issue. There is plenty of commercial property available and commercial zones that we have annexed and increased the size of the city while the population has dropped from 40,000 in the 70's to 23,000, now. I think that it is sad that the traffic congestion pours into our neighborhoods. We need to be very much aware that the minute you start encroaching by changing your zoning to commercial from residential, you are starting what I think is a cancer.

Petition from: Craig Miracle, 700 Mc Intire Avenue

Mr. Miracle – I just wanted to follow up with comments that were made in the past week or so that the property was of value to us, we have outgrown the property. There is a community pool at Armco Park, its open to the public – twice the size of what we have down on Mc Intire; we have 40 acres at Adams Lane. We saw over 10,000 people through the gates, last summer. The last summer the pool was open, on Mc Intire, we served about a 1,000 people. This board and myself, were not around in the early 70's or when the Y closed downtown in 1983 but it seems that we're being held accountable for what transpired then. What we are trying to do is get ourselves in a place where we have that impact and when I hear there aren't things for the kids to do; there are things for kids, every night. The Fieldhouse has a lot of programs, you have Eastside Community Ministry, you go down the street to Howard's place at the Zanesville Civic League. Everybody is providing for everyone. People have a chance to participate, it's their choice. It is our choice that we want to move out of Mc Intire to Adams Lane and the campus. We will move regardless of what does happen.

Mr. Zakany – Where the Y is presently at Armco Park – how are the poor kids, that don't have a way going to get there? If the pool was built there (on Mc Intire) most of the kids in Zanesville could walk there or ride a bicycle there. How are the poor kids going to get there unless they have a parent who can drive them.

Mr. Miracle – I understand and that is the mission of the Y, we serve everyone. No one is turned away at the Y regardless of whether they can pay.

Mr. Vincent – The appraised value?

Mr. Miracle – We had an appraisal done, last summer, comparing it to C-2 property on Linden Avenue, approximate same size 3.5 acres and that limited appraisal came back at \$308,000.

Mr. Vincent – You are looking to sell it for how much?

Mr. Miracle – We have an offer on the table for \$278,000.

Mr. Vincent – Mr. Hillis, when we sold the property, we sold it at appraised value to the Y?

Mr. Hillis – That was back in 1963, I have no idea.

Mr. Vincent – I thought someone had done some research.

Mr. Mc Peek – The Y didn't fall into the condition that it is now, in the last year. It has been a period of time that the basketball courts have been falling; when was the last time

it was painted. I know there has been a problem with the pool and if you factored out the number of Armco employees that went through that park, last year, then what is your increase in people, out there.

Mr. Miracle – For the number of folks that are employed by AK, that became members, we saw a very small amount. Anybody who was employed by AK, who became a member, was a very small amount, we saw more retirees. What we did with anyone that was an AK retiree, we provided them free access to the park. Those would be older folks coming in to do a family reunion. We did see an increase in terms of actual use of the property by us the second year because of offering the summer membership open to the community.

Mr. Mc Peek - The increase – you don't know whether that was an increase from what it was previously or just an increase in what you seen over the Y.

Mr. Miracle – The first summer that we were there was 07' with day camp. They did not open up to the public. If you were not a member, you were not allowed to come to the property. They didn't have a daily admission. We instituted that last year and we had over 1,200 people.

Mr. Mc Peek – I am not against the Y moving out there and continuing what they are doing – my issue is; this was entrusted to the City of Zanesville in a will. Are we suppose to disregard peoples wills – the next step are we going to sell off Putnam Hill Park, so someone can put a nice restaurant on top and look out over the Y-Bridge. I know this doesn't concern you, but if we just set a side for and when the City sold it to the Y and not to the previous board, for that specific purpose. What I could see in the past, previous Council's and Administration has agreed with that and some even showed excitement about the prospect of maintaining it for some use for the City of Zanesville. Not saying the Y couldn't move or move their facility but if that property was appraised at \$6,800 and that is what they sold it to the Y – it was probably appraised at residential value, so if was \$8,000 in 1986 – what was the commercial value then? Once the interstate went through, that was a primary commercial property. In my understanding from past administration, when they sold it, it was sold with the intention it would be continued to use for community service. This property was originally set aside in a will and that person's intention was to be donated to the City for us to use for the betterment of the community.

Petition from: Annette Ernsting, 1011 Sunset Avenue

Mrs. Ernsting – I would like to thank Mr. Mc Peek for an absolutely excellent presentation. I have nothing to add to that except to remind Mr. Miracle that we are not trying to hold him responsible for what happened in the past but because none of us can change that, it is over and it is done. We are responsible for is what happens in the tomorrows. We are holding him responsible for what happens to that property and business issues in the tomorrows, not the yesterdays. It is fine that the Y serves all people and we understand that they do, but they have to be accessible in order for it to be a used place. These children are not going to be able to get there, they may serve them and they may not turn them away but the problem is the children will never get there.

Petition from: Carl Robinson, 817 Maple Avenue

Mr. Robinson – I don't believe we can hold Mr. Miracle responsible for the past but I would like to say that as a child, I had friends that had parents who worked at Armco Park, therefore I was invited to go swimming with them. I walked many times from the East side of town and to my knowledge there are no sidewalks on Adams Lane. It is not the place for anybody to walk or ride a bicycle. I have an idea for the park that we can leave the zoning in tack, possibly fall under the umbrella of the current status of the park. See if the City can't work out some kind of a deal with Mr. Miracle and the Y for leasing the property to the City as a park. I think that is something that needs to be looked at. I spoke to Mr. Denbow about it, he said as far as he knows there is no reason why it couldn't happen. I am going to approach Mr. Miracle and see if we can't make it happen. Anybody that's willing to work with me, feel free to contact me because there is more

than one solution to the problem. We can fix this, if we just work together. I think that people need to sit down and take a look at all the objectives of this case and then draw a conclusion as to what we can do without selling the property.

Randy Case – When Mr. Zakany spoke of children off of Pine Street and that area, the poor kids, I live there and my children are some of those poor kids. Up until last year, my children did go to the Y; they were 12 and up and they would walk there. From last year on, they no longer go there. They don't want to walk that far.

Mr. Hennessey – Just so everybody knows, this is going for first reading, tonight. This does go for a total of three readings; we welcome you back if you have more additional information. There will be two more meetings on this issue, that you can speak at for any additional that you might want to say. No matter how the vote goes, tonight, it does come back for second reading.

Mr. Zakany called for a voice roll call.

R.C. on motion
5 Ayes – 4 Nays, Mr. Mc Peek, Mr. Zakany
Mrs. Gentry,
Mrs. Norman changed her vote to Nay

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. Tarbert moved to waive the second and third reading, seconded by Mr. Vincent.

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

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

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

Ordinance No. 09-35 – Introduced by Council – An ordinance authorizing the Mayor to apply for and execute contracts in connection with the Round 24 State Issue 1 Program.

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

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

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 – Based on discussions with Mr. Hillis and Mr. Sims, it is my understanding that Mr. Hillis is still in some negotiation with the EPA and it is our recommendation that this ordinance be defeated, this evening. It will be brought back in completely different form as soon as we get in compliance or in agreement with the EPA.

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

PRIVATE PETITIONS AND COMMUNICATIONS

Petition from: Harriett Amicone, 5680 Woodside Drive

Mrs. Amicone - This is proposing where the current Y facility – the way I understand it is his plan is to go ahead with the enlargement of his facility whether it be in this location or

another location those jobs will still be available. I am suggesting a business that could only exist in this facility because the facility is already there. This is good for children – the children that would be served here aren't the same children that can afford to go to the Y for \$5.00 or go to the Fieldhouse for \$5.00. A Boys and Girls Club doesn't refuse children regardless whether they can pay for the facility. It is not about providing recreation, only. A Boys and Girls Club provides education and encouragement and support systems. There are wonderful opportunities in this town for education. We have a vocational school, we have technical colleges, we have Ohio University but for many of the children in this community that you represent, they don't even realize those opportunities are there for them. We need to do something to make them aware of that. If we really want to put a dent in unemployment; four, five, twelve jobs aren't going to cut it. We need to do something to educate these children, so that they can believe that they can make a difference. In terms of tax dollars, I understand that you don't want to lose an opportunity for the city to gain tax revenue. What about the tax money that is spent on these children and their parents because we are supporting them. These people need to learn to be able to help themselves. I think we need to become a little more proactive instead of re-active. I feel like we are passing by a piece of property that has so much potential. This is only affordable because this facility already exists. I believe the pool could be enclosed for \$100,000 and the renovations to make this property to look good could be done for that sum of money. I don't believe that this community can't raise that kind of money. We already know what American Pride is planning on doing and we know what the Y is planning on doing. I think the City has a right to know what else can be done.

Mr. Hennessey – Are you recommending starting another business, Mrs. Amicone?

Mrs. Amicone – I feel like this is an ideal location for a Boys and Girls Club

Mr. Hennessey – I agree with what you are saying but doesn't it still have to be rezoned?

Mrs. Amicone – Yes, it does.

Mr. Hennessey – So, how can we say who can buy and who can't buy something once it is rezoned?

Mrs. Amicone – Because if you rezone this property right now it's a done deal. We already know what American Pride is planning on doing and what the Y is planning on doing. I think the City needs to know what else can be done.

Mr. Hennessey – So, you are showing an interest.

Mrs. Amicone – I am showing a big interest.

Mr. Tarbert – I am sorry, I don't know much about the Boys and Girls Club of America; are you here on their behalf, right now, do they want this property? Do you work for them?

Mrs. Amicone – Yes. I do not work for them, no. I am here because I believe that this property has great potential. I have been in contact with the regional –

Mr. Tarbert – Why aren't they here?

Mrs. Amicone – Because the property is not available, right now. I am just wanting an opportunity to maybe make a better use of this property. You have to remember that you have already spent \$250,000 on this property. Today, you couldn't even build that property for 250. Look what Craig needs to spend, to do what he wants to do. That is a valuable piece of property – it is only doable for this purpose because it is in a location that it is. Your children can walk to it, because it is near a skate park, it is near a community center, it is near a theater. It is in a prime location. We need to give some thought to the legacy of the man who donated this property. I would like to see some other options and if you rezone right now, there are no other options.

Mr. Mc Peek – This property has been a prime commercial piece of property for years. No one ever attempted to have the zoning changed or even to put feelers out to see if it was marketable and what type of money they could raise for that property for whatever use. They decided they were going to move, they decided they were going to do it, someone approached them, they made an offer, now they are going to get it zoned for that specific purpose. Who is to say that if it goes out for advertisement as a commercial property that someone in Columbus wouldn't offer him \$300,000 to set an office building there or something that is highly visible from I-70.

Mr. Hennessey – It is not our job to decide that.

Mr. Mc Peek – That's what I am saying – I am not for rezoning it period. If it is ever rezoned, then it should be rezoned and done in the proper way. I don't feel it should be rezoned.

Mr. Hennessey – You are on the right track and that is what Council needs to decide.

Mr. Mc Peek – Do we want Council and the Administration to work if someone else is going to come in there using it for the same purpose to accommodate that or the City to where it could be used for those purposes. We just talked about basketball courts and no place to play, now we are wanting to rid of the most centralized and the last piece of socialized property.

Mr. Tarbert – Are we going to use our power to dictate who can buy commercial property? What you are proposing is, that we don't rezone it right now for whatever price they are selling it for but we essentially screw up this deal, we wait until there is a deal that we do like and the Boys and Girls Club says we'll offer 50, then you are willing to rezone this, we are acting as real estate agents – you are using the power of your office to dictate who can buy a piece of property in the City. To me it is a public taking, it is almost an eminent domain if we say no, you can't sell it to these people, we are going to use our power to restrict who you sell it to – oh, we like these people, we are going to rezone it now. I think we are misusing the power of our office when we look at who is going in there. The issue is, do we rezone this. I would challenge all of you – I liked Troy's plan last week, I thought Troy presented his plan in a direct – I don't think that is necessarily a bad plan, I just think that Troy needs to get with American Pride or the Y or somebody and try and get that into fruition. I would also invite all of Council, I am here myself, I had the opportunity to go down there on Sunday. Go down there, look around. For those of you who say this is a neighborhood, this is one of the most commercial areas in the City – you are between interstates, all around you, it's one of the worst places in the world for a public park or anything else. For those of you who think you are ruining Mc Intire Terrace, I was driving up Mc Intire, past the Y, I come to the Welcome to Mc Intire Terrace sign, past that property. You are out of the Mc Intire zoning. The focus of this body is to say, look should that property be residential or commercial. If you stand down there and look around, it appears like an incredible commercial property. It is a commercial property, that is not a residential neighborhood.

Mrs. Amicone – You are right it is commercial but I don't feel like –

Mr. Tarbert – Then you are all saying, yes it is probably commercial area, but you want us to use the power of our office to restrict who they can sell it to. I think that is in abuse of our power to say, you can't sell it to these people but we'll rezone it now and let you sell it to these people.

Mr. Hennessey – The problem is and like Mr. Tarbert said, it is going to be tough for Council to decide on this issue. There are moral issues, there's emotional issues, but it still comes down to the point, they have to make their own decision based on, yes, do we look at it as a commercial area or do we look at it as a residential area? You make some very valid points and I have to say either plan to me would be welcomed. We just can't step in and stop something that we're not in power to negotiate. Council has to act on it one way or another; they can table, they have many options. We have to look at it as a zoning issue only, not based on what we know is already happening.

Mr. Vincent – Mr. Miracle, wasn't this brought before Council, you looked to rezone this, before you had a buyer?

Mr. Miracle – We didn't have an actual buyer; it was in 05'

Mr. Robinson – I think they missed the point of what I said, the preliminary assessment is there is no problem with leaving the Y as the current owner; lease it out to the City of Zanesville, fall into their umbrella of our protection, don't rezone it, and operate it as a park – whatever that may be – Boys and Girls Town, public city park, - I agree with Mrs. Amicone, there is no reason why the community cannot raise the money that it would take to put a city park there. Why can't we sit down and work out a lease between the Y and the City of Zanesville and put something in there that is going to benefit the children of this town that really need a place to play, that is centrally located. It is not just Adams Lane that poses a problem for the kids getting out to the Y. Newark Road is one of the busiest roadways in Muskingum County. At the work session, we were told that we couldn't speak about what the possible uses was going to be for the Y property during the rezoning work session.

Petition from: Aleta Smidt, 632 Luck Avenue

Mrs. Smidt – I am opposed to the zoning. I think the direction for Council would be the intention of the land, in the first place regardless of what has happened over more recent Decades, other wise all these people would not have been here tonight, at work sessions or the first Council meeting on this. I join those who would like a thoughtful approach to this property and one of the ideas I had was and I talked to the Genesis System about it; if all else fails, I could see Genesis having a rehabilitation service there – indoor pool, occupational and rehabilitation services and the city could have a caveat that a certain portion of it would be for public use; that could include a walking trail, like what they have out at Bethesda. I envision this property with something that would benefit the public; I think Genesis has a great track record, Boys and Girls Clubs have a great track record. It would be neighborhood friendly. The other issue I put on private petition's, tonight has nothing to do with the Y property but it has to do with the Y Bridge. The Linden Avenue approach to the Y Bridge – the railroad bridge has eight band-aids on it now. When I moved back here nine years ago, it had one band-aid on it. It obviously has never been painted in all that time. I went to the Tree Commission about the poor maples leading up to the Y Bridge on the Linden Avenue side are continually mutilated by AEP. I spoke with AEP representative, who is also on the Shade Tree Commission; he drove down, sat in the parking lot across from the trees, called me on his cell phone and said, I don't see a problem. I said, well if you came off the Interstate and came to visit Zanesville to look at our world class bridge here, you would see these trees and think a tornado must have gone through here last week. I would like to see those four maple trees, leading up to our magnificent Y Bridge, totally taken down to the ground and the stumps taken care of Either it be grass or some kind of a scrub put in there. This bridge needs painted and try to find out who is responsible for this bridge. I have gotten the run around and everybody has been very pleasant. Somebody wrote crack avenue on the Y Bridge and I tried to get that removed and the best that happened, somebody came with beige paint, wrote over the word crack with the beige paint instead of just obliterating it and now on the West Main end you can still see it, it is in beige.

Petition from: Don Jones, Wheeling Avenue

Mr. Jones – Spoke on behalf of Crime Stoppers Watch in Zanesville – He thanked all of Council, who contacted him to become a member of the steering committee. To those who have no desire to become a member, will you get a replacement please, to represent you. The citizen's meeting is this Wednesday, at 6:00 p.m., John Mc Intire Library. The library asked that everyone park in the north parking lot and use the back entrance. The auditorium is on the lower level.

Mr. Vincent - I have another meeting after that, how long do you plan on – an hour meeting?

Mr. Jones – Probably, about an hour.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Zwelling – Last Friday, we were notified by Senator Voinovich and Senator Brown, that we are going to receive millions of dollars of stimulus money – 4.5 million by stimulus grant, another 4.5 million interest free loan, so that it would be possible to build the water plant and get the engineering going, just in case, we happen to get stimulus money. In that stimulus money there is money for the water plant, Wayne Avenue water line, back wash line at EastPointe, that we didn't know how we were going to finance that. R-17 and R-19 sewer separation, the Hughes and Ninth Street area that the EPA has told us that we have to do it, but they haven't told us how to pay for it. This is going to pay for it and it is going to put people to work, it's going to create jobs and it is going to finance an unbelievably expensive project .

The reason I am talking to Council about that now is, Mr. Sims, is on vacation this week. All legislation to accept the stimulus funds and to have time to advertise for bids for these projects, these pieces of legislation will have to be emergency's because any hesitation on the City's part could cause us to loose the stimulus money because there are others standing in line wanting to know why they didn't get it. It will go to the next city if we don't accept it and pass legislation in time to advertise for bids because these are shovel ready projects.

I met with Musco Lighting and I'll have a report the next City Council on the stadium, auditorium and skateboard park.

We were awarded \$957,354, Neighborhood Stabilization, Stacy has all that information as to where that is going to go. It is shared with the County.

Clean-up's – I Care cleaned up part of the Terrace a week ago Saturday. They picked up trash in alley's and streets. The First United Methodist Church, Saturday down at Pierce and Putnam, was the focal point of the clean up in that area. They cleaned up the under pass. They picked up 48 bags of trash, seven tires, two car seats, 825 lbs. of debris. They did a wonderful job. It was a clean up of the river and Zane Landing Park.

The Noise Ordinance – we have had several complaints about vehicles with loud noise coming out of them. I met with Chief Lambes and Safety Director Brandford, this morning and we talked about it and the police are going to make every attempt to enforce this ordinance.

Secret – the first of several recitals happened last week-end. There are 500 to 1,000 at these recitals, one each week-end for the next several week-ends.

Mr. Jones has already announced the Neighborhood Watch meeting for 6:00 p.m., Wednesday at Mc Intire Library. We hope the people in the community come down and see what that is about and volunteer to be the eyes and ears of the Zanesville Police Department.

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

Meeting adjourned at 8:35 p.m.