

CITY COUNCIL MEETING – MONDAY, AUGUST 11, 2008

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, August 11, 2008 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. Gentry, Mr. Tarbert, Mr. Dittmar, Mrs. Norman, Mr. Kilpatrick, Mr. Mc Peek, Mr. Vincent, Mr. Phillips, Mr. Zakany and Mr. Hennessey.

APPROVAL OF MINUTES

Mr. Zakany moved to dispense with the reading and approve the minutes of the Regular Meeting of July 28, 2008, seconded by Mr. Tarbert. Motion carried.

PROPOSED ORDINANCES

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

Ordinance No. 08-87 – Introduced by Council – An ordinance authorizing the proper city official to purchase materials for a new building at Woodlawn Cemetery, via lowest quote, for construction by city crews.

Mr. Zakany moved for first reading, seconded by Mrs. Gentry.

Mr. Mc Peek – Is this something that part of the storage was recently destroyed?

Mr. Sims – We recently demolished the existing homestead that was on site. What we lack there is adequate vehicle storage and there is no facility for the crew – there is no break room or nothing. The lowest quote for a building package came in under \$25,000, however just the concrete, plumbing and wiring put us up to the \$30,000. We will be doing it all with our own crews.

Motion carried.

Mr. Vincent moved to add Ordinance 08-88 as Item 2-A, seconded by Mr. Phillips. Motion carried.

Ordinance No. 08-88 – Introduced by Council – Waiving rental and other fees for a Red Cross fund raising event at Secrest Auditorium.

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

Mayor Zwelling – The Red Cross has been hit very hard by floods and fires. John Kunkle put together a program at Secrest – everything was donated, we didn't have a very good crowd and Red Cross raised about \$2,500. I told John, we can't give away everything anymore because we have to make the Auditorium less of a losing proposition. I've not waived any fees – here if they had to pay the fees, they would lose money. Margo said, I had to bring it to City Council.

Motion carried.

ORDINANCES FOR ACTION

Ordinance No. 08-79 – 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. Zakany moved for second reading, seconded by Mr. Mc Peek. Motion carried.

Ordinance No. 08-81 – Introduced by Council – An ordinance authorizing the proper city official to apply for an Ohio Water Development Authority Loan for the R-17 and R-19 Sewer Separation Project.

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

Ordinance No. 08-82 – Introduced by Council – An ordinance authorizing the proper city official to advertise for bids and enter into a professional contract for the separation of combined sewers R-17 and R-19 as required by the Ohio Environmental Protection Agency.

Mr. Zakany moved for second reading, seconded by Mrs. Gentry.

Mr. Kilpatrick – Mr. Sims, do you have a rough estimate of what percentage of the total sewer separation we'll have to address in the long term – is it 5%

Mr. Sims – It's a million dollar project, total sewer separation estimate is \$36 million for the entire City. This is just a small portion.

Motion carried.

Ordinance No. 08-83 – Introduced by Council – Authorizing the proper city official to expend funds for the "Celebrate America" program at Secrest Auditorium.

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

Ordinance No. 08-85 – Introduced by Council – An ordinance allowing a moral claim.

Mr. Vincent moved for second reading, seconded by Mr. Phillips.

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

Mr. Case – I was looking through the estimates on this – they haven't done any of this work, yet. These are all just estimates and this happened two months ago – the basement can't be still soaking wet. I agree the City is responsible for the furnace and the damage to the back wall – but in two months time most people would have their basement dry by now. I agree with getting rid of the mold but the large cost in that estimate for drying the basement out – if it was going to dry out, it would have already dried out. The other thing I noticed was installing foundation drains and a house like that normally didn't have foundation drains. I don't see where the City should be responsible for upgrading their drainage system. I agree the City is responsible for the appliances, repairing the walls and taking care of mold but the upgrades and things that should already be done, I don't think the City is responsible for it.

Petition from: Melanie Foraker, 1128 Iron Street, Zanesville, Ohio

Mrs. Foraker – Every time it rains the basement still leaks that's why the basement isn't dry, it still comes in.

Mr. Tarbert – Are you saying your basement didn't leak, at all, before?

Mrs. Foraker – No, it didn't.

Mr. Tarbert - There's no allegation in here that the City did anything to break this pipe – I mean this was just a water main break – we didn't back a truck over it – we didn't poke it with a back-hoe or anything.

Mr. Sims – This is the first time we ever worked on that particular line. I have pictures and it shows the basement, the damage, the proximity of the line to the house.

Mr. Tarbert – On an estimate, how many water breaks do we have a year?

Mr. Sims – Over 100-150.

Mr. Tarbert – And how many of those do some damage to somebody's yard or house?

Mr. Sims – We may have four or five claims a year.

Mr. Tarbert – Do we turn all of those down?

Mr. Sims – No, normally if it is evident that water main breaks and Scott always reviews these - if it is reasonable and warranted, he will award that. In this case it was beyond the limits for Mr. Hillis to award, so it went directly to our insurance carrier.

Mr. Tarbert – If they had submitted a bill for \$3,000, would we have allowed it?

Mr. Scott – It depends on what the report would have been from the Water Department and Mike. I didn't have an opportunity to review this report because it went straight to our insurance company, as soon as I saw it was over our deductible it wasn't my decision any more, it was the insurance company's decision.

Mr. Tarbert – What is our deductible?

Mr. Hillis - \$5,000 – our highest is \$10,000 and it was clearly over that. I have allowed certain claims where water lines have broken, it depended on the age of the line. The City doesn't have the best plan in effect for replacing water lines. It is common knowledge, a water line will last only so long and it will break and will cause damage.

Mr. Tarbert – Are these people being punished because the damage was more than what is usually caused and if they had come to you and this was \$4,000, we would have said okay. They had the misfortune of having \$14,000 worth of damage and we said, no, sorry we can't help you.

Mr. Hillis – What would have happened, this claim would have gone to Mike's department and there would have been a memo issued by the Water Department explaining the line and explaining this claim and based on what they put in the claim – I would have called them and talked to them. That didn't happen in this case because the amount of the claim was over ----

Mr. Tarbert – Is that possible to still do here? At least in an abbreviated fashion for us because I would like to know if this had been a \$4,000 claim, I would like to know if we would have paid it. I don't want to punish these people because they were injured more than a \$4,000 claim. They need to be treated similarly to those who have had \$2,000 claims. If we determine that if this had been a lesser claim, we would have paid it? Then maybe we need to research this and come up with what is reasonable to pay. I don't want to treat them differently than we have treated other people just because their damages are higher.

Mr. Sims – Most of the previous claims that I am familiar with, that we have paid, are a direct result of the damage to appliances, water heaters, furnaces and electric boxes. Those were all sited in their claim. I do feel that under normal circumstances that we would probably have awarded that. The case of the extensive clean-up, I wonder now if another estimate should be obtained because it has been several months. My other concern is, only with a portion of Zemba Brothers quote on the repair of the wall that was damaged, it's up against our water line – you can look at those pictures, there doesn't

appear to be a footer drain around that foundation of that home. If you note in their quote, it says they will put a 4" perforated tile, gravel, etc. but it says if they can't find anything to hook into, then they will advise and quote additional work. That concerns me some because will they then come back and try to get additional money from the city because we have a drain in front of the house but nowhere to run. If the contractor has to dig up the full perimeter of the house then that could get very much more expensive, to actually do more work than what was there originally. I don't dispute that there is some damage to the walls which allows moisture or pressurized water to flow through, that I don't dispute at all.

Mr. Tarbert – Speaking for myself, I rely on your expertise in some of these matters – maybe a new estimate on the clean-up. Then is it possible for you to issue an opinion to us and say here is what I think is reasonable in this case.

Mr. Hennessey - Who would normally negotiate this out? If it didn't go to insurance, who would sit down with the property owner and say what would be the dollar amount?

Mr. Sims - Normally, we would go through the same thing – we would ask them to file a claim, supply us quotes, invoices for work done and then it would be submitted to Mr. Hillis with a response – in this case the water division and the personnel that were on site – it would come from the water superintendent – it would be passed down from the men actually doing the repairs – then Scott would make that determination. Whether he talks to us to clarify questions or I don't know if he talks to the property owners or if he just makes his decision based on our reports and our commentary.

Mr. Hennessey - Do you get the ball rolling, so to speak?

Mr. Sims – As far as the ServPro clean-up, I think the property owner ought to have someone evaluate that and see if that is still a valid quote. On the Zemba Brothers quote, what I would ask them to do is re-do the quote without installing the footer drain unless the property owner wants that installed, then I believe that should be at their expense.

Mr. Dittmar – I would say that we should fix it back to the original condition, not up-grade it.

Mr. Hennessey – Then, we would need new quotes, would you be able to work with the property owners, D.J.?

Mr. Dittmar – Sure.

Mr. Hennessey – Mrs. Foraker, I guess we would like a new estimate from Zemba Brothers, without the additional up-grade and then have ServPro come out and give a new estimate if you would.

Mr. Sims – If they would drop the estimates off at my office, I could get those quotes to Council for the next meeting.

Mr. Hennessey – If you don't make it for the next meeting, it can be tabled for the next meeting.

Motion carried.

Ordinance No. 08-74 – Introduced by Council – Authorizing the proper city official to provide funds to the Muskingum County Commissioners for expenses related to the Lorena Sternwheeler.

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

R.C. for passage
9 Ayes – 0 Nays

Motion carried

Tim Smith – I want to thank Council for their support, many contributed financially. There were 27 different donors and we raised a little over \$27,000. The largest corporate donation came from Century National Bank and we want to take this opportunity to thank them for their contribution to the work camp. We would like to bring this back in 2011. We did almost \$140,000 in home repairs during the course of this work week. We have some follow-up work to do and we did have some difficulties along the way. We had about 180 applications and we were only able to get around to about 90 of those to do actual assessments. We have 18 unfinished projects, we are seeking some assistants from organizations or civic groups that would like to take one of these projects to finish them up. We want to thank everyone who came out to help.

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

Meeting adjourned at 7:40 p.m.