

CITY COUNCIL MEETING – MONDAY, DECEMBER 22, 2008

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, December 22, 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: 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 and approve the minutes of the Regular Meeting of December 8, 2008, seconded by Mrs. Gentry. Motion carried.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

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

**Planning Commission** – I am hereby recommending the re-appointment of Darrell Lear to serve as a member of the Planning Commission for a term of six (6) years ending December 31, 2014.

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

**Board of Zoning Appeals** – I am hereby recommending the re-appointments of Pat O'Brien, Carol Kaido, and David Hillis to serve as members of the Board of Zoning Appeals for a term of three (3) years ending December 31, 2011.

**Downtown Design Review Board** – I am hereby recommending the appointment of Mark Baker and the re-appointment of Mike Nelson, and Mark Eicher to serve as members of the Downtown Design Review Board for a term of three (3) years ending December 31, 2011.

**Muskingum Authority of Public Transit/Southeast Area Transit (SEAT)** – I am hereby recommending the re-appointment of Karen Adornetto, Jamey Baker, Tom Peters, Jody Spencer and Dave Leasure to the Southeast Area Transit Board. Their new terms will expire on December 31, 2010.

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

PROPOSED ORDINANCES

Ordinance No. 08-124 – Introduced by Council – An ordinance authorizing the proper City official to expend Revolving Loan Funds.

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

Ordinance No. 08-125 – Introduced by Council – An ordinance authorizing the proper City official to expend grant funding received through the Ohio Department of Natural Resources Clean Vessel Act for the design and material purchase to install a sewage pump out station at Zane Landing Park, utilizing both the lowest and best bid as well as lowest and best quote for miscellaneous materials.

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

Mr. Vincent – Mr. Sims, would you like to tell us about this?

Mr. Sims – They came to me with a graph application in hand. I think the Mayor was aware of it, I wasn't involved, too much in the early planning process. They were able to



R.C. for passage  
9 Ayes – 0 Nays

Motion carried

#### ORDINANCES FOR ACTION

Ordinance No. 08-118 – Introduced by Council – Providing appropriations for use during the fiscal year 2009, and declaring an emergency.

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

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. 08-120 – Introduced by Council – An ordinance to vacate a portion of a platted alleyway in the City of Zanesville, Ohio as herein provided.

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

Ordinance No. 08-122 – Introduced by Council – An ordinance authorizing the proper City official to purchase materials by the lowest and best quote, for construction of traffic signals by City crews along NorthPointe Drive, utilizing grant funding from the Ohio Department of Development.

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

Ordinance No. 08-114 – An ordinance enacted by the City of Zanesville of Muskingum County, Ohio for construction of a new roadway across from the existing entrance to Bethesda Hospital, and declaring an emergency.

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

R.C. for passage  
8 Ayes – 0 Nays  
Mr. Vincent - Abstained

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. Phillips moved to amend Ordinance 08-86 with the amendment that was presented this evening, seconded by Mr. Zakany. Motion carried.

Mr. Zakany moved for third reading and passage, Mr. Phillips made a second and asked for discussion.

Mr. Kilpatrick – I really believe that, right now is not the appropriate time to be investing this kind of money in Secrest Auditorium which I think is non essential. I am not in favor of the ordinance, even as amended.

Mayor Zwelling – I want to ask Mr. Kilpatrick – I got this e-mail and the paragraph reads: My belief is that the city should focus on doing essential functions (and later in the paragraph) you would advocate eliminating the subsidy of the transit system; you would advocate eliminating the operating fund for the auditorium; you would advocate eliminating the \$140,000 operating the airport; in order to have a few more policemen? We haven't had a meeting to decide on that issue, yet.

Mr. Kilpatrick – That’s correct, we haven’t had that meeting, yet and that is why I think it would be more appropriate this evening if we were to take this ordinance, as amended, and table it for another 90 days until we have that. What I see is a very important meeting to discuss whether or not we need to hire those policemen. Another thing that was brought up at the work session, last week, was the equipment for the street division. We don’t have any plan what so ever, that I can see to pay for that. I see those as more essential priorities than the money spent for the auditorium.

Mayor – You are talking apples and oranges. We just had the meeting last week to try to balance a fifty million dollar budget for this coming year. I am asking you to spend a \$177,000 over 20 years, compared to \$50,000 for this year, it’s kind of peanuts. We are not talking about taking a general fund item such as the salaries and police department, away by doing this long term project. Passage of this ordinance would create a construction project for a skateboard park which Mr. Sims has found that there is \$33,000 available for Muskingum County this year and we are going to apply for that. That would pay for half of the skateboard park.

Mr. Kilpatrick – I do have a question for either you or Dale – you mentioned the bond repayment money and I understand that is somewhat dedicated – we have a certain amount of our tax revenue that is for debt retirement?

Mr. Raines – Correct.

Mr. Kilpatrick – Is it possible, that if we were to do this capital expenditure, it wouldn’t necessarily take away money that could be used for the other things, I mentioned, the police department or the street department?

Mr. Raines – Yes, the amount of debt would not require any additional transfers from the general fund or any other fund into the debt service fund.

Petition from John Kunkle – Secrest Auditorium Manager

Mr. Kunkle – I know the auditorium, over the years, has been a very hot topic. My first time in 1967, selling popcorn, it was a hot topic back then. We have made major strides over the last thirteen years. Mayor Fenton, as you know, put a lot of dollars into the auditorium to get this air conditioning. The Fire Department and the City Electricians came in and fixed the lower level. We have been refurbishing ever since then. When I first started at the auditorium, thirteen years ago, we had twenty-seven events a year. This year, we have between 75 and 80. You will get a report on them, when the Mayor gives his State of the City address in January. Valid points, everybody is pointing out; we are very fortunate to have this theater. The trickle down is what the economy does, when people come and stay in Zanesville. The downtown restaurants, the motels, gas stations, gifts shops, everything. Many places do not have a facility like this. What Mayor Zwelling is trying to do is what Mayor Fenton already started; keep us ahead of the curve. All the equipment that he is talking about here, most of the people have to rent to bring in, the lighting, the sound. We are going to add that to our budget for income because we are going to rent it back to people. That will become more assets for us. We have had to turn down a lot of shows because some things, we don’t have. If you don’t do this, I think it is a step backwards.

Mr. Zakany – When Mr. Agin was Mayor, he asked members of Council to go through the auditorium. The roof was leaking, it had some bad walls, furnaces were not running, this was in the winter time. The place was a shamble. We knew at that time it was a seven million dollar building going to pot. The City was hurting for money. We did spend enough money to put a roof on and fix the boiler to get some heat in the building.

Mr. Kunkle – Our new heat system, which we have in as the result of the new air conditioning has been able to keep the building even with temperatures like this. We haven’t turned on the steam here now for two years. We were getting four and five thousand dollar gas bills. It is all computerized now; it keeps the building just exactly where it needs to be. Your right about the roof, twelve years ago, Paul Law, Building and Maintenance, we had leaks every where and we haven’t had one for years.

Mrs. Norman – Are there any other cities within a fifty mile radius that have a facility like we do?

Mr. Kunkle – Not this size. You can go to the Midland Theater in Newark; a lot of people call me and say, why don't we put on events like the Midland? Midland Theater has a ten million dollar endowment from Longaberger organization. Pritchard Laughlin is much smaller. The Mount Vernon Memorial Theater is much smaller than we are. Probably, the one that is the closest to us and is very active would be the Renaissance Theater in Lancaster.

Mr. Phillips – You had previously talked about the lighting and being able to rent it out and the sound being able to rent it. I am not beginning to suggest that this is going to become a revenue source but it is certainly going to be something that is going to lessen. What are we looking at on a yearly basis; that we are going to get back. That is going to help us each year meet the obligations, that we have to pay back money that we bought?

Mr. Kunkle – Every program that comes in is different. Some of them would not want what is called the intelligent lighting. The reason we use lighting like that is going back to old theater; if you wanted a red light, you put a red light. Today's new technology ---- Most major productions that come in, they want that type of lighting. With us already having it in house, once we figure out how much it is costing us, we'll come up with an equation, how much it will cost each show to rent from us.

Mr. Phillips – I would like to see something that at least gives us an idea of what kind of rental fees we might see coming back in from that.

Mr. Tarbert – I am back to the same point; when the Mayor first brought this to us six months or a year ago and said if we had a wish list of twenty things that this city needed – I was a theater major and no one is more supportive of theater and local art than I am in Zanesville but sitting through those budget hearings, last week, having Mark Nauer come up and say, my dump truck is thirty years old, or I can't afford salt. We have all these needs in the City, to come in and say that stage lighting is a necessity – I am not as far as Mr. Kilpatrick is and saying, that we need to shut down all the busing in the City but again I don't know if you take a thousand citizens and say give me a wish list of things that this City needs – we have \$777,000, now, what would we invest that in? I can't image that anybody would come up and say, you know what would be nice, a marquee, or stage sound because the Oak Ridge Boys who came in, rented that stuff, the show went on, we still had a show, but we didn't loose the show.

Mr. Kunkle – We did loose the show, but this is revenue that we could recover. The other department heads are coming to you and asking you for the funds, that they need and that's my job, too. I am here to promote the auditorium.

Mr. Tarbert – If you were here to promote air conditioning; that makes sense. It is hard to have a show in the middle of July without some sort of air conditioning. It is hard to have a show in December without heat. It is hard to have a show without a roof. Those things that are a necessity for Secrest, I am in full support of. In a good economy; I can't say that I wouldn't be in full support of some of these things, but right now when we have Mark Nauer saying, we may not have enough salt for the winter. That's hard for me to understand and that's where I am coming from on this.

Mayor – If I were asking for \$777,000 out of the budget – let's put it this way – I wouldn't ask you for \$777,000 – all of the items that you are talking about, we are going to have to figure out how to do. This \$777,000 is long term, 20 year money that is funded by a total different source.

Mr. Tarbert – It's coming out of the budget. How can the repayment of that bond not come out of the budget?

Mr. Raines – Of coarse it comes out of the budget, but right now that money is dedicated.

Mr. Tarbert – I understand that – my car is paid off and I have an extra \$500 a month in my personal budget, now I can go out and get a big screen TV with that \$500. I can say it didn't cost me anything, my budget is still the same, but the truth is if I didn't by that big screen TV, I'd have an extra \$500 a month. Same principal here on a bigger scale, that is money coming out of the budget. That is money that could be used for salt or police cars, for other things. We are entering into \$777,000 worth of debt.

Mayor – Over 20 years. Vicky Le Veck is signed up to speak and she has an \$18 million dollar addition; that she is working on. She is going to tell you about some improvements, that she is going to make to that building. That is the reason, we have amended it. I talked to Jerry Weller, today and I hoped to have an announcement on Potters Alley, today.

Mr. Tarbert – We have been hearing that for a year. We haven't had an announcement, yet.

Mrs. Moyer – In the 401 Fund, that's the CAFF that we use for debt. We can have a letter from bond council and even the Law Director, if we don't have that much debt it can be converted to general fund, that's in the revised code. If we want it, there is an option there to convert that money to general fund. The other thing is, Potters Alley has been going on for three years.

Mayor - It has been going on for six years.

Petition from: Vicki Le Veck, 205 N. Fifth St., Zanesville – representing the Muskingum County Convention Facilities Authorities. Spoke in favor of the 08-86 amended and the improvements they are planning.

Mr. Mc Peek – We have stadium concessions building and stadium lighting. Do we stand to loose the State Tournament or anything; without getting updated restrooms?

Robert Wolfe from the Old Timers Association spoke – let's hope we wouldn't be loosing it. We have already signed the contract for State Regional Tournament at the end of May. One of the biggest problems that we have is the lighting. We had these restrooms since 1940, so they can still be used. We do have a concession that could be used. The lighting is really important. It is difficult to see a baseball.

Mr. Mc Peek – If we table this for ninety days, how would that effect construction or anything else?

Mr. Wolfe – We start playing high school baseball the last week in March. When we get into April, we start having about eight night games scheduled. If it is delayed for ninety days, I am not sure just how long it would take to put the lights up. The City is going to help us with getting the lights up and we are saving about \$50,000 in labor.

Mr. Sims – The cost of these lights unless there is a way to designate an exclusive vendor it would have to go through the bid process. For me to get the ordinance processed and the bid documents out and everything done properly, it would have to pass in February. It will take close to thirty days to get the bidding through the process before we can even have a bid opening.

Mr. Kilpatrick moved to table for 60 days, seconded by Mr. Vincent.

R.C. to table

6 Ayes – 3 Nays, Mr. Mc Peek,

Mr. Zakany, Mrs. Gentry

Motion carried

Mr. Hennessey – We will schedule a work session with the Convention Center, as well and get all parties involved and see what we can work out in the next sixty days.

## PRIVATE PETITIONS AND COMMUNICATIONS

Petition from: Michael Wyatt, 1158 Selsam Street, Zanesville

Mr. Wyatt thanked many for their cooperation and others for not cooperating.

Petition from: Robert Dicks, 1138 ½ Ridge Avenue, Zanesville

Mr. Dicks talked to Mr. Brandford and the Mayor – nothing concerning Council.

Petition from: Carl Robinson, 817 Maple Avenue, Zanesville

Mr. Robinson gave us four petitions – he chose to talk about a moratorium that Code Enforcement not be allowed to enforce code violations for six months. He prepared an ordinance for Council and he asked for Council to take a vote on it.

Mr. Hennessey – We had it from legal advice that we are not to take ordinances from private citizens, that is from our Law Director. It has not been put through to the Law Director for legal form. I won't put anything on unless it has been through the Law Director and I know it hasn't been to the Law Director. I will take it under consideration for next meeting. I will look at it, myself. I will have the Law Director look at it; see if it is okay in form. If I so desire, I can add it to the agenda and I will take that under consideration for you.

## MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Zwelling – This afternoon, I attended an event at the Metropolitan Housing Computer Room at the Manor. They have 24 computers; it is a state of the art center. The kids can come in after school, get on the computers and older folks that are looking for employment can come in and use those, also. It was a gift from Connect Ohio which is an organization that has contacts with the State of Ohio but they are not government offices.

Saturday, I attended the symposium at the County Education Office on Seventh Street. We had about 75 people there. We were hooked into a similar meeting going on in Athens where the Governor was conducting. It was about funding education.

I want to wish everybody in the community Merry Christmas and Happy Hanukkah. Remind everybody that those who lost a loved one or have somebody in Iraq or Afghanistan and many other reasons to find this to be a difficult time of year; we should reach out to those folks.

Petition from: Tom Porter, 332 South St – representing FOP Lodge 5.

Mr. Porter – We reached a tentative agreement between the City and the Police Officers Union and I hopefully would like to get a date set for a work session about the police department's manpower.

Mr. Hennessey – That will be coming in January. I don't have an exact date for you. It will probably be right here on a Monday evening.

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

Meeting adjourned at 8:15 p.m.

