

CITY COUNCIL MEETING – MONDAY, FEBRUARY 8, 2010

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, February 8, 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 of the Regular Meeting of January 25, 2010, seconded by Mr. Tilton.

Motion carried.

PROPOSED ORDINANCES

Ordinance No. 10-12 – Introduced by Council – Authorizing the proper City official to enter into a labor agreement with the Fraternal Order of Police/Ohio Labor Council, Inc. (Corrections Unit), establishing terms and conditions of employment, and declaring an emergency.

Mr. Zakany moved to waive the three readings, no second.

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

Mr. Tarbert: Again you are asking us to approve union contracts on an emergency basis. Was this possible to get this to us any sooner?

Mr. Raines: Sooner than two weeks ago when we extended the agreement. I have asked you to enter it as an emergency, I have not asked you to waive the readings.

Mr. Tarbert: If we do first reading tonight what does it jeopardize?

Mr. Raines: Nothing.

Motion carried.

Ordinance No. 10-13 – Introduced by Council – An ordinance authorizing the proper City official to amend Ordinance No. 06-134 concerning the cell phone policy of the City of Zanesville.

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

Mr. Tarbert: I think there needs to be an amendment to this or some corrections. I did not have a chance the talk to our auditor about this. She seemed to indicate that at the Budget Committee hearings it was advised to change the cell phone policy. The Budget Committee did not pass a recommendation or take any action with regard to the cell phone policy. You are welcome to submit an ordinance on your own behalf, but as chairman of the Budget Committee and on behalf of the other members, I would ask you to refrain from submitting an ordinance saying it was approved and advised by the Budget Committee when it was not. That's not to say it is not a good ordinance, I just do not want to mislead Council that this is a recommendation.

Mrs. Moyer: Sorry about that, I need to have this changed because it is too much paper work. I would like to have it amended to the 15 cents per call. I spend too much time on this. Do you want me to amend it for the next Council meeting?

Mr. Vincent: Yes, it might be easiest for you to amend it and bring it back. Mrs. Moyer is going to bring it back amended.

Motion carried.

Ordinance No. 10-14 – Introduced by Council – Amending Ordinance No. 09-37, which established pay, benefit, and employment policies and procedures for unaffiliated employees in the municipal service.

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

Mr. Baker: Dale, could you explain this to us?

Mr. Raines: The City has a transitional work program and employees on workers' comp that are able to come back to work, but not at their regular jobs. This is fine except for fire fighters with a 56 hour schedule. They are able to come back and work a 40 hour schedule, but that requires their pay be adjusted. It is in the union contract to do that however we have some 56 hour employees that are not in the union. This asserts the ability to have them go from a 56 hour to a 40 hour job temporarily and puts it in the unaffiliated ordinance.

Mr. Vincent: As far as looking at the 40 hours and the multiplier, as far as increasing the rate, how does it justify doing a 56 hour position going to a 40 hour position? Is that just to keep it the same pay?

Mr. Raines: Yes

Mr. Vincent: And that's justifiable?

Mr. Raines: It is the same multiplier that is in the union contract. When we used to have a 40 hour assistant chief and they would go from 56 hours to 40 hours that same multiplier was used so they do not suffer loss in pay.

Motion carried

ORDINANCES FOR ACTION

Ordinance No. 10-08 – Introduced by Council – An ordinance authorizing the proper City official to purchase water meters and accessories without bidding from Badger Meter Company for the replacement of water meters.

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

Mr. Baker: What is the necessity of making this expenditure right now? Is it going to save money in the long run?

Mayor: I think it is saving money in the long run.

Mr. Baker: Could we afford to wait for a year to finish implementing this or perhaps even two years?

Mayor: I would like for Mr. Sims to be able to answer your question. If you pass the second reading he will be here for the next meeting.

Mr. Baker: Okay. That would probably be best.

Mr. Roberts: This is coming out of water funds which they do not have the same financial woes that the general fund has.

Mr. Baker: Right, this is coming out of the water fund, but then again, we have a budget that's due in March and we are still trying to figure out how not to furlough people or lay people off. I would be glad to wait for Mr. Sims for the third reading.

Mr. Vincent: Mr. Roberts is saying it is a separate fund and they are in good shape. It is not going to affect the general fund in any way. It may come in to play if there some big water project that needs to happen as an emergency and we needed additional money, then it would more than likely be borrowed money at that point.

Michael Wyatt, 1158 Selsam Street – I oppose this. You do not have the money, don't spend it. Balance the budget before you do anything else, you're the ones that gave this burden to us because through your law making and everyone dreaming these different things, we are in debt. I suggest that nothing be passed that deals with any funds until you get this straight with the deficit. And once this is done you will not have to do what you have done over the years. Balance your budget. If you don't have the money, don't spend it.

Motion carried.

Ordinance No. 10-09 – Introduced by Council – An ordinance authorizing the proper City official to advertise for bids and enter into a professional contract for the purchase of fire hydrants, replacement parts, and main water valves for the water maintenance division.

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

Michael Wyatt, 1158 Selsam Street – I repeat the statement I just made. I repeat it for 115 also. Don't spend any money until you get the money in the checking account.

Motion carried.

Ordinance No. 09-115 - Introduced by Council - Amending Ordinance No. 00-16, which adopted a Classification Plan for City employees; amending Ordinance No. 97-127, which authorized a maximum schedule of positions; amending Ordinance No. 09-37, which established pay, benefit and employment policies for unaffiliated employees and declaring an emergency.

Mr. Tarbert: We were supposed to have a Ways and Means Committee Meeting to talk about this tonight. I did talk to Mr. Sims last week for a very long time regarding this issue. I still like to send this to the Ways and Means Committee Meeting, which we will be scheduled before the next Council meeting.

Mr. Tarbert moved to table for two weeks, seconded by Mr. Tilton.

Motion carried.

Ordinance No. 09-123 – An ordinance authorizing the proper City employee to take all actions necessary to implement a furlough system, and declaring an emergency.

Mr. Tarbert moved to table for two weeks, seconded by Mr. Tilton

Motion carried

TRAFFIC ORDERS

Traffic Order 10-01 - There is hereby established a no parking anytime zone on the south side of Madison Street from Putnam Avenue to Moxahala Avenue.

Opened for discussion.

Mr. Zakany: That's on Putnam Avenue where the light is flashing?

Mr. Brandford: This is at Madison Street where the old Madison School used to be. Right now that light is going to be taken out. We want to make sure we have sight clearance and make no parking from Putnam Avenue to Moxahala Avenue on the south side. There has been a traffic signal at Putnam and Madison. O.D.O.T. has recommended that the signal be removed and that is why it is on flash. Once it is removed there will be stop signs there. We want to make sure it is safe with no parking on the south side of the street so we can have some sight clearance.

Mr. Zakany: The volume of traffic in that area has not changed. Will this be a problem for people to get onto Putnam Avenue with that lay out?

Mr. Brandford: This is the reason I wanted to make it no parking on the south side for sight clearance.

Mr. Vincent: Will we get more parking by doing that side versus the other? The only other advantage I can think of is the people coming off Putnam will have a lane open. It will be safer pulling out. You will not get backed up.

Mr. Brandford: On the north side of the street you have the car business. You have an alley and then going east you have the Forever Dads. We are trying to make it safer.

Mr. Vincent: Anything else from Council?

Gary Clark, 562 Putnam Avenue (Sam's Used Cars Owner) – You are taking parking away from my customers. We have been in the same place for 30 years and have never had a problem with the light or parking either. Anyone turning off of Putnam Avenue onto Madison is going to park on the right hand side of the street. If not, they will have to go down and turn around, which will back traffic up even further. I understand the line of sight, so why not put a sign up that you cannot park from here to the corner? If you take away parking on that side you are taking away most of my parking for my business.

Mr. Brandford: Mr. Clark you already do a lot of parking up and down the street.

Mr. Clark: I do a lot of business down there. That is going to hurt my business by not having the parking. We have customer parking for people coming down to have work done and they will have no where to park. They are going to end up parking down in front of the Madison School which is going to bind up their parking.

Mr. Baker: Do you have any onsite parking?

Mr. Clark: Yes. I have room for close to 70 cars. I don't have onsite parking for customers. The only parking place I have is where you pull up to our garage bays.

Mr. Baker: Okay. The rest are filled with cars for sale.

Mr. Roberts: You do park some of your inventory on the street, is that correct?

Mr. Clark: Yes.

Mr. Roberts: Is that what the issue is Mr. Brandford?

Mr. Brandford: He has his side of the street. He has a big storage area. Once you start having a lot of people park then you are going to have a line of site problem. This is a safety issue.

Mr. Roberts: If you back it up 20 or 30 feet from the corner on both sides is there enough room to pass two cars if people are parked on both side of it?

Mr. Brandford: He's talking about parking 15 feet from the corner?

Mr. Roberts: If cars are parked on both sides of the street can you still pass two cars? Is it one of those things that everyone has to "duck and dive" to get around each other?

Mr. Brandford: I don't believe that it is quite that narrow. On his side of the street it is difficult because he has a lot of cars parked in that area. I think it is important to keep it safe.

Mr. Roberts: This will take it down to Moxahala Avenue which is a full block.

Mr. Tilton: I would like to say that this was brought before the Traffic Committee, which I am a member, and the first recommendation was no parking on both sides. We thought that was too much and that is why we went with no parking on the south side. It was a recommendation of the committee for Mr. Brandford to bring this forward.

Mr. Brandford: It is because of the traffic signal being removed and it changes the dynamics.

Mr. Vincent: Is there that much traffic?

Mr. Hillis: When you are pulling out in traffic with a light you do not have to worry about someone running the light and hitting you. But when you only have a stop sign there is nothing stopping traffic on Putnam you need to make sure that the cars at the stop sign see oncoming traffic. That is what the Traffic Committee decided the reason this is necessary. Where with a traffic light, you wait until the light is green and traffic stopped on Putnam and you do not need to see around the parked cars. Now you do.

Mr. Vincent: The line of sight is the issue.

Mr. Tilton: Right.

Mr. Hillis: That is one of the reasons, there are several issues in that area with parking. Cars are being parked on the street for substantial periods of time that are basically inventory.

Mr. Brandford: When you have a traffic signal the light turns green you look and make sure that it is clear and you go. When you have a stop sign you have two responsibilities: 1) you have to stop and 2) you have to stop and make certain you can go. There is a lot of traffic in this area.

Mr. Vincent: I can understand the line of sight. That makes sense as far as pulling out and the safety reasons. I question having the no parking all the way down, but Council will decide on that. If it is an inventory problem, aren't there other ways of dealing with this? If there are cars parked for a period of time, don't we have legislation/ordinances that deal with it?

Mr. Hillis: My thought is you appoint these Traffic Committees you ask people to serve on them donate their time to do what is best for the City they go to the meetings they have the public come and they make a recommendation. Then you sit here and ask all the questions about their recommendation. Sounds like you should do away with the Traffic Committee and have everything come in front of you.

Mr. Vincent: It is rare that questions are asked. I think they are doing their job as far as asking questions. So they will understand and will know what they are voting on. I think it is just part of the process.

Mr. Brandford: I don't have any problem you asking questions, but we put a lot of work into it. It is not just me bringing these before you. Safety is first with me.

Mr. Vincent: I appreciate the safety factor and I appreciate the committee.

Mr. Brandford: I get all kinds of calls about traffic issues.

Mr. Vincent: Some may not have known the issues were a hand until it came up tonight. I think Mr. Clark speaking brought some things to light that the Traffic Committee may

not have been aware of or considered. So, I think our process is very important. So, I do appreciate the Traffic Committee and I do appreciate Council.

Mr. Tarbert: Mr. Clark, were you aware of the Traffic Committee meeting? Does the committee send out notices or is it in the paper what the agenda is or what is going to be decided? Were you aware of this Traffic Committee meeting?

Mr. Clark: No, I wasn't.

Mr. Tarbert: Was he made aware, Mr. Brandford? I think I am on the Traffic Committee and I don't like going to meetings and have my recommendations ignored either, but the point of this process is for Council. But if the people don't know about it and we do some kind of a morpous traffic meeting where we decide a lot of things and don't tell the neighbors I think this would be their opportunity to come and speak. It is Council's prerogative to ask questions and question the Traffic Committee, if they did not have all the sides of the story at that time.

Mr. Brandford: That's a good question. This is probably one of the rare times that I didn't talk to Mr. Clark. As a general rule that is something that is always done.

Mr. Tarbert: How does this affect the Forever Dads? They have their own parking lot, don't they?

Mr. Brandford: I checked Traffic Orders and right now there are some no parking signs up, but there was never a Traffic Order for them. This is something that took place in 1992 when they made a couple of street in the Putnam area one way streets temporarily.

Mr. Vincent: Anything else from council? We need a motion to receive.

Mr. Tarbert made a motion to receive, seconded by Mr. Tilton.

R. C. for passage
4 – Ayes 5 –Nays

Motion Defeated

Traffic Order 10-02 – There is herby established no parking anytime zone on the east side of Melick Avenue from alley to Fess Street.

Mr. Tarbert made a motion to receive, seconded by Mr. Zakany.

Motion carried.

Traffic Order 10-03 – All traffic shall yield on Cadillac Street to Clarendon Avenue Traffic.

Mr. Tarbert made a motion to receive, seconded by Mr. Hutcheson

Motion carried.

PRIVATE PETITIONS AND COMMUNICATIONS:

None

MISCELLANEOUS AND UNFINISHED BUSINESS:

Mayor: If you did not make it to Secrest last Thursday to hear the Moscow Symphony you missed a great performance. I heard a standing ovation for the violinist. She was sensational. It was the longest standing ovation I have ever seen. They were magnificent and it was a great evening. This Saturday at 7:00 p.m. "The Best of Zanesville" will be preformed. Local talent is going to perform for nothing, it is a \$7.00 ticket and it is going

to be a great show. It is going to be a wonderful show and I would like the whole community to come to Secrest. This benefit is for Secrest, so after expenses we hope to make a little bit of money for Secrest. The up coming events: Jake Owen Concert on February 26th, Miss Muskingum Valley Scholarship Pageant on March 5th and 6th, and Zanies Follies on March 19th and 20th. By closing the auditorium the last several weeks we have had significant saving on the utilities compared to last year. We will be closing another 5 or 6 weeks in August when business is slow. What has happened is that Ann Combs and John Kunkel have been the only two there. Ann has been out drumming up new business and there are four or five brand new shows at Secrest. John has been taking care of telephones and the routine matters pertaining to shows at Secrest. Last year there were 65 shows, this year there are a similar amount so we hope to show you that Secrest is not going to pay for itself, but I have a couple of thing to talk to about. Promotions for Secrest that may be a tremendous spike for our economy in the summer months. It is not ready for public announcement yet.

Our Street Department did a fantastic job with snow removal. I had two complaints and both of them were that they hadn't gotten to them yet and I asked people to be patient and they finally got to everyone. I swear my street had to have been the last one. They did a wonderful job. They worked around the clock and now we are going to be blessed with another storm tomorrow night. Mark Nauer does an excellent job and he has good people working for him. I commend them and I have received a lot of complements on the job that they did. Thank you.

Mr. Vincent: Anything else from Council? Public Safety Committee Meeting, February 11, 2010 at 3:30 pm. Mr. Roberts will be leading that. Budget Committee Meeting, February 17, 2010 at 5:30 pm here in Council Chambers. Mr. Tarbert is leading that.

Mr. Tilton moved to adjourn; seconded by Mr. Hutcheon.

Motion carried.

Meeting adjourned at 7:50 p.m.