

CITY COUNCIL MEETING – MONDAY, JULY 14, 2008

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, July 14, 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. Phillips, Mr. Zakany, Mrs. Gentry, Mr. Tarbert, Mr. Dittmar, Mrs. Norman, Mr. Kilpatrick, Mr. Mc Peek and Mr. Hennessey.

Mr. Kilpatrick moved to excuse Mr. Vincent, 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 of June 23, 2008, seconded by Mrs. Gentry. Motion carried.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Communication from Howard Zwelling – Mayor Subject: Board Appointment

I am hereby recommending the appointment of Mr. Herbert W. Baker to the Zanesville Civil Service Commission to fill the unexpired term of Mr. Robert Popp who recently stepped down due to poor health. Mr. Baker's term will expire on March 18, 2014.

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

Communication from Dale Raines – Budget and Finance Director – Subject: Alternative Tax Budget Information.

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

Communication from Michael A. Sims – Public Service Director - Re: City Cemeteries 2nd Quarter Report.

Mr. Zakany moved to receive, seconded by Mr. Phillips. Motion carried.

PROPOSED ORDINANCES

Ordinance No. 08-71 – Introduced by Council – An ordinance authorizing the proper city official to advertise for bids and enter into contract(s) for the 2008 city-wide overlays, and declaring an emergency.

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

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

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

Mr. Kilpatrick – The State Issue I funds for this project – how much have we been approved for?

Mr. Sims – We were approved for \$230,231 – originally, we had put in for a little over \$315,000 – they were unable to offer that amount to us because we were below the cut off on the list of approved projects but due to the increased asphalt cost some of the entities had to re-scope their project. We weren't really expecting to get this until December which would have meant paving for next year, however they did offer this amount and the Mayor was in agreement that we should pursue that and have some paving done this year.

R.C. for passage
8 Ayes – 0 Nays

Motion carried

Ordinance No. 08-72 – Introduced by Council – An ordinance authorizing the proper city official to advertise for bids for the purchase of water main components for the replacement of water mains along Hedgewood Avenue, Whipple Street, Baker Street, and Stone Street, and declaring an emergency.

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

R.C. to waive
8 Ayes – 0 Nays

Motion carried

Mr. Zakany moved for passage, seconded by Mr. Mc Peek.

R.C. for passage
8 Ayes – 0 Nays

Motion carried

Ordinance No. 08-73 – Introduced by Council – Amending Ordinance No. 08-55, and declaring an emergency.

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

Mr. Tarbert – The City Service Sub-Committee had a meeting on this ordinance and it was about an hours worth of question and answer, it was a good meeting; the City Service Sub-Committee recommended unanimously to pass this ordinance. It was asked that it go on as emergency legislation, however I think it was the recommendation from that committee that we didn't want to rush this through and give out the three readings but perhaps if this could be put on the agenda, if anybody has any questions, it could be brought to Mr. Sims' attention before the next meeting. I think the wish was that we would pass it as emergency legislation at that time.

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 first reading, seconded by Mrs. Norman.

Mr. Hennessey – How often does this have to occur?

Mayor Zwelling – They take it out of the water every five years. The first estimate was to take it out with two cranes with \$80,000 per crane. Then they got Dingy, the house mover to do it, and it was \$38,000 to get it out and back in and the rest was repair work. It is operating in the black – it use to operate in the red.

Motion carried.

Ordinance No. 08-75 – Introduced by Council – Amending appropriation Ordinance No. 08-28 and declaring an emergency.

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

R.C. to waive
8 Ayes – 0 Nays

Motion carried

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

R.C. for passage
8 Ayes – 0 Nays

Motion carried

Ordinance No. 08-76 – Introduced by Council – Authorizing the proper city official to enter into a memorandum of understanding with the Fraternal Order of Police/Ohio Labor Council, Inc. (Corrections Sergeants’ Unit), establishing terms and conditions of employment, and declaring an emergency.

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

R.C. to waive
7 Ayes – 1 Nay, Mr. Kilpatrick Motion carried

Mr. Tarbert moved for passage, seconded by Mr. Dittmar.

Mr. Kilpatrick – Can you give me a little background on how this arose that we are looking to include some additional employees.

Mr. Raines – The first Sergeant was promoted 2006 – they were promoted to new positions, promoted out of the union. They petitioned the State Employment Relations Board to form a union. The City objected – they were supervisory employees. Mr. Hillis and Mr. Brandford went to mediation – it was agreed through mediation that they would be included in the existing Corrections Officers Union.

Mr. Kilpatrick – How many employees are we talking about?

Mr. Raines – Three.

Mr. Kilpatrick – Any idea how much this will cost us annually in additional salary and benefits?

Mr. Raines - In 2008 it will cost \$1,135 approximately. In 2009 another \$4,500, in 2009 they are going to renegotiate. The following year if the same pay structure is in place it will be \$5,600 in 2010.

Mr. Zakany – These pay ranges, were they established by the Civil Service Commission?

Mr. Raines – No, they were established through negotiations.

Mr. Mc Peek – Most of the Corrections Officers in other municipalities, are they under collective bargaining or in a union?

Mr. Raines – This is not unusual. It is unusual for a city to have corrections officers. I believe there is only one other city – East Cleveland that actually has corrections officers. Most corrections officers work in the county.

Mr. Brandford – Our corrections officers – none of them are sworn – even our sergeants are not sworn. These are un-sworn sergeants – you wouldn’t have a sergeant from the jail going out into the patrol.

Mr. Kilpatrick – What is the significance between sworn and un-sworn?

Mr. Brandford – A sworn sergeant can make arrests, carry a gun, etc. They are not police officers – they are corrections officers - they are jailers – they are un-sworn.

R.C. for passage
7 Ayes – 1 Nay, Mr. Kilpatrick Motion carried

Ordinance No. 08-77 – Introduced by Council – Authorizing the proper city official to provide funds to the Southeast Ohio Bikers/Vietnam Veterans to help defray the cost of moving and modifying a monument in Zane’s Landing Park.

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

Ordinance No. 08-78 – An ordinance authorizing a 9-1-1 service agreement with the Community Ambulance Service.

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

Mr. Hillis – The Emergency Medical Services Board has been in existence for years. It was created by Council – they oversee all ambulance services that work within the City of Zanesville. Any ambulance service that wants to conduct business within the City of Zanesville, has got to apply to the Board, follow all the guidelines, post a bond, show that they have got the proper insurance, provide names, addresses, information on the training of all their employees, drivers licenses – that kind of information.

Mr. Mc Peek – Since the Board meeting, I have had some inquiries from fire fighters and other citizens on this. What benefits does the city stand to gain by entering into a contract with them?

Mr. Hillis – The contract calls for C.A.S. (Community Ambulance Service) to dedicate a unit specifically to the City, at all times. That is a benefit that wouldn't be required of any other ambulance company coming to town. Also, C.A.S. will participate and cooperate, provide personnel for the training with the City of Zanesville which is a benefit to the City, in training cost. In addition, C.A.S. is not going to charge the City of Zanesville for any of the calls or services to inmates of the City of Zanesville jail. Instead of billing the jail and the City as they have done in the past, they will bill the inmate. Assuming the inmate doesn't have insurance or doesn't pay the bill, that's where it will end, they will no longer bill the City of Zanesville for those runs. So, that will provide a savings to the City of Zanesville.

Mr. Kilpatrick – Currently, do we have anyone else initiating an interest in providing services?

Mr. Hillis – No, there have been but they have not complied with many of the rules. Since the last ambulance went out, there have been a couple different ambulance services that have contacted the Board, contacted Mr. Brandford, requested information on how to conduct business in the City and none of them have followed through and done it.

Mr. Mc Peek – This will be a one year contract?

Mr. Hillis – Yes, originally it had been proposed for multi years and the Board had several meetings on this topic and the Board requested that it be taken down to a one year contract, so they can see how it works and if it is going to be beneficial or not.

Mr. Kilpatrick – Under the Hold Harmless paragraph – any idea how much liability insurance C.A.S. has in place?

Jamie Baker from C.A.S. - They have two million dollars and a two million dollar umbrella.

Motion carried.

ORDINANCE FOR ACTION

Ordinance No. 08-69 – 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. Zakany moved for second reading, seconded by Mr. Tarbert. Motion carried.

Ordinance No. 08-65 – Introduced by Council – An ordinance for the acceptance of the final plat for Philip's Subdivision in the City of Zanesville, Ohio as herein provided.

Mr. Tarbert moved for third reading and passage,

was rolled together as a preliminary and final dedication plat which means it's ours once this ordinance is passed.

Mr. Hennessey – Complete or not complete?

Mr. Sims – That should indicate that – I think an e-mail from Mr. David Burg indicating that there is a years warranty on the workmanship from the contractor, would make my office a lot more comfortable.

Mr. Hennessey – What if we table it for two weeks, brought it back the next meeting, then put it through as an emergency – that is your 10 to 14 day delay.

Mr. Sims – If that would still meet his deadline requirement, and we could get that response from Mr. Burg.

Mr. Hennessey – Would that be something that would be acceptable, Mr. Randles?

Mr. Randles – I think that is about where it gets.

Mr. Tarbert made a motion to table for two weeks, seconded by Mr. Dittmar.

R.C. to table

8 Ayes – 0 Nays

Motion carried

Mr. Hennessey – As long as, you get what you want, Mr. Sims – this ordinance comes back in two weeks, we will insert the emergency clause

Mr. Sims – I think with two more weeks of construction, we'll know what we have down there, too. We haven't seen a base for asphalt or anything, so we will be that much closer to finalizing as well.

Ordinance No. 08-66 – 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 in the City's well field.

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

R.C. for passage

8 Ayes – 0 Nays

Motion carried

PRIVATE PETITIONS AND COMMUNICATIONS

Petition from: Clyde Mc Daniel, 962 ½ Marietta Street, Zanesville

Mr. Mc Daniel asked for sidewalks on Zane Street by the Post Office.

Petition from: Terryl "Lynn" Stalder, 704 Alfred Street, Zanesville.

Ms. Stalder spoke for herself and her neighbors about the flooding on Alfred Street since 1960. They have lost washers, dryers, refrigerators, freezers, and basement walls.

Mr. Hennessey – Mr. Sims where are we at on this project?

Mr. Sims – Last year, we completed a \$900,000 project to open the channel up directly behind the Go-Kleen Car Wash through to Moxahala Avenue. That project was designed to carry a 25 plus year storm which is 4.2 inches of rain over a 24 hour period. In this event, June 26 we had four inches of rain in less than two or three hours. It exceeded the capacity of the upper channels. I wasn't there to witness the event but I did hear that several neighbors indicated that this time the flooding actually came from across the rail-road tracks and down the street. That is in the County, that is the result of development –

Mr. Hennessey – The railroad track?

Mr. Sims – The railroad track that crosses Alfred Street, you might as well say is the City – County line. The trucking company and as well as the newly moved tree service company has caused considerable impervious area resulting in additional run off to the neighbors.

Mr. Hennessey – Is it just Alfred?

Mr. Mc Peek – This time, we did have flooding on the lower end of Echo. I went down and witnessed that personally and talked to one of the neighbors and they said it was a river coming off Crawmer's lot – across the railroad tracks and flowing down towards the old Stanley Home and Echo Avenue. It was obvious, when water receded on both Alfred Street and Echo, there was gravel and mud left behind and that came from across the tracks. A gentleman at the end of Echo said, he stood out there and watched it come down between the railroad track and through those backyards from over where that ground has been filled up. Originally, the railroad tracks were put in there and elevated for a purpose. We now have reached the point of where you are probably a foot or more above the railroad tracks. I went down and looked at the channel – the creek I did not see it come out of the banks or any signs of where it comes across prior to Pine Street. I, also watched it come down and water was still in the banks behind Dutro's paint shop and the water was starting to come up from down below Reisbeck's – across the fields behind the car wash and working its way toward the creek. It appears the majority of the water we are getting now is coming from the county or the township. At this point, the project that we undertook of \$900,000 had been keeping the creek inside its banks. I don't think anybody had a problem up to that point, had they?

Answer – No.

Mr. Hennessey – Mr. Sims, are we at a stand still on this?

Mr. Sims – There are three things that we can try to do – the City is going to, as a start, replace the culvert that is on the City side of the railroad tracks. We don't believe that we ever installed but since it is in the City and crosses the City street - we are going to replace that. The channel from that point down stream that follows on railroad property could be cleared and widened if we can get the railroad to work with us on that.

Mr. Hennessey – How do we go about that?

Mr. Sims – Contact Central Ohio rail system and see.

Mr. Hennessey – Would that be something the Mayor would be willing to do?

Mr. Sims – I believe, we would have the right by Ohio Revised Code to go in and do the work and then try to reclaim it, however we have to have the money to do the work and we would have to have the viable engineering plan to prove it. The third thing is, we need to get the County Engineer to work with us – I sited Mr. Crawmer, last winter for filling and not utilizing detention and the County Engineer rejected my letter saying that it was basically out of the City, so there wasn't anything I could do. He did work with Mr. Crawmer to help him remove a couple undersized culverts that were in place that were allowing minimal debris to plug the culvert up which then would allow to overflow and run down the driveway, right down Alfred Street. Some of that work was done, however I still believe that Mc Cullough's Tree Service and the trucking company need to meet full detention requirements the same as the City needs. I have an e-mail in to the Ohio EPA and I am trying to get through Ohio Department of Natural Resources Division of Water to see if there is any statute that allows us to have some jurisdiction outside of our corporate limits when the watershed is affecting City's drainage. I have not gotten any response from anyone, yet.

Mr. Hennessey – The two locations that you mentioned are outside the City, correct?

Mr. Sims - Mc Cullough Tree Service and Crawmer Trucking are outside the City. The channel along the railroad is in the City.

Mr. Hennessey – Mr. Tarbert, I would ask that you hold a meeting with Mr. Sims and your committee and obviously, Mr. Mc Peek. Have the residents of the area at that meeting. Look at all possible avenues that we could possibly address this with and see if there is anything feasibly within our realm that can solve this issue and bring that back to Council if you would.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Zwelling – During the week of July 28, 360 students are coming to Zanesville to offer their services to 50 seniors and disabled individuals for one week. They will be painting interiors and exteriors of 52 houses. Building wheelchair ramps and rebuilding porches. They will be coming from Minnesota, Indiana, Delaware, No. Carolina, Iowa and Japan. Our community has donated \$17,000 to Community Build – our local non-profit Home Repair Mission Group. On Sunday Evening, July 27, City Council and all who want to come are invited to the High School to greet the Work Camp Kids and pass out the welcome gifts donated by the Chamber of Commerce.

The Red Cross is in distress because of fires and flooding. There is going to be a concert at Secrest Auditorium at 7:00 p.m., July 26th to replenish the Red Cross. There will be soloists, musicians, and dancers. The Red Cross is asking for a \$10.00 donation.

The Taste of Zanesville is Wednesday night 5:30 to 8:00. There will be refreshments and entertainment.

Randy Case has been working very hard on Chaps Run Park. The City is helping with spreading weed killer on the basketball court. He is going to reseal the cracks. Anyone in the community who might want to donate four backboards – the polls are there.

Mr. Tarbert moved to adjourn, seconded by Mr. Mc Peek.

Meeting adjourned at 8:05 p.m.