

CITY COUNCIL MEETING – MONDAY, JUNE 23, 2008

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, June 23, 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. Vincent, Mr. Phillips, Mr. Zakany, Mrs. Gentry, Mr. Tarbert, Mr. Dittmar, Mrs. Norman, Mr. Kilpatrick, Mr. Mc Peek and Mr. Hennessey.

APPROVAL OF MINUTES

Mr. Zakany moved to dispense with the reading and approve the minutes of the Regular Meeting of June 9, 2008, seconded by Mr. Tarbert. Motion carried

COMMUNICATIONS, REPORTS AND RESOLUTIONS

Resolution No. 08-51 – A resolution accepting the annexation of 15.06 acres of real estate from Washington Township, Muskingum County, Ohio to the City of Zanesville, Muskingum County, Ohio pursuant to ORC 709.04.

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

Petition from: Tim Smith, City of Zanesville Code Enforcement

Mr. Smith – I am all for annexation and progress, but I would like Council to know that annexing this property in its current condition will cause all sorts of problems for Code Enforcement. Obviously, we would be given the opportunity to annex this to attempt to clean this property up but also when we sight people for trash and junk vehicles and sediment control, etc., they are going to point to this property and say when you get that cleaned up, we will clean ours up. So, I would certainly like to see this property in better condition before it is annexed and cleaned up. We are not above the challenge to get it cleaned up and we will attempt to do that but you will have to understand, we cannot work miracles and will probably fight some stiff opposition in getting that property cleaned up. I welcome the opportunity to get it cleaned up because there is some development in that area, even from the private standpoint on the other side of the Adamsville Road. I am certain that any engineer could design a building to go on top of the fill that's in that property but in its current condition, you have to admit it's a real eye sore to that area. I am concerned about it from that standpoint – what it will do from the Code Enforcement standpoint. I welcome the annexation, I think we need to annex any ground that we can annex and proceed but I think we need to be careful with this piece of property and maybe attach some strings to it when we bring it in.

Mr. Tarbert – Do you have a check list or a wish list of what needs to be done on that property?

Mr. Smith – Currently, there is quite a few tires stockpiled out there. We are looking at regulations – we have been working with the Law Director on hard fill sights in the City which we have several of those and they get to be a nuisance because they are not properly covered and graded. We have a large pile of rubble that's visible from the road and brick, debris, etc. It should be graded and covered. You are looking at quite a bit of antiquated equipment that he stores out there and we site people for junk vehicles and equipment, on their property, all the time. There is quite a few things that would fall under our regulations from a property maintenance standpoint, that we would have to deal with.

Mr. Tarbert – What do you feel a reasonable time would be to have that cleaned up to where you would be happy with it?

Mr. Smith – A project that size, I don't think a year would be unreasonable to get that done. There is quite a bit of work there that needs to be done.

Mr. Zakany – Is any of those tires above ground say would hold water?

Mr. Smith – Currently, yes there are.

Mr. Vincent – I think for the neighbors out there, wouldn't it be a better situation if the City was involved?

Mr. Smith – Like I said, I would welcome the challenge but Council would have to understand it will be a challenge to get that cleaned up but it certainly would enhance that area. There are two houses out there that just recently have been purchased by private investors that have been in foreclosure. There is some activity in that area and there is some property that is still for sale. Getting this cleaned up would be an enhancement.

Mr. Vincent – There is great potential out there for development. If the owner didn't make these improvements to clean it up – if the tires don't get cleaned up, at some point does the City step in and clean these tires up?

Mr. Smith – We always have the capability to abate a nuisance when we file the proper paper work and we could certainly do that in this area and pass the cost along to the owner in the form of assessment on their property taxes but that has to be done with due process. Someone has to finance that in the mean time and I certainly don't have the money in my budget to do that.

Mr. Vincent – I think the residents out there would be very happy if we could help get that cleaned up and then developed.

Mr. Hennessey – Mr. Vincent, how can you expect us to annex land in, when it doesn't meet our requirements? How can you sit here and tell the citizens of Zanesville, we are going to bring in bad land and we are still going to sight you.

Mr. Vincent – But if we don't do anything, it's not a part of the City – what happens to that property out there?

Mr. Hennessey – It stays just fine until he gets it cleaned up and wants to annex. I cannot believe Council would even consider bringing this into the City.

Mr. Vincent – I don't know if Council is considering that but it is the opportunity for cleaning up something.

Mr. Tarbert – Mr. Northrup do you still represent the property owner?

Mr. Northrup – Yes, I do.

Mr. Tarbert – You understand our concerns? It is a lot cheaper and easier for us if that property is in acceptable condition before we accept the annexation. What you are asking is to take the annexation, then the burden is on the City and Code Enforcement to keep sighting and getting this property cleaned up. How long would your property owner need to get this in a condition that is acceptable to Mr. Smith where Council could be happy with this?

Mr. Northrup – I am going to ask Mr. James – first of all this was a junk yard for 65 years.

Mr. Tarbert – It wasn't our junk yard, though.

Mr. Northrup - It is not a junk yard, now. I think if you look at the situation to what Mr. James has done with the property, with the old Sears Building, there is a warehouse building with the rocks. I think it looks very nice. You have got the sheriff's property that has been grassed. I know that Mr. James is ready to get the grading done and get the

Mr. Robinson – On April 14, 2008, I was assaulted here in the City Council Chambers by Jeff Tilton. I filed criminal charges on June 6. Received notification on June 19, in a letter dated June 16, from the Prosecuting Attorney's office, Prosecuting Attorney Trafford Dick. This letter says, this office has received your request to file criminal charges the complaint is charges against Jeff Tilton. I have carefully reviewed your request and there is not sufficient evidence to file criminal charges in this matter therefore, I will not be initiating criminal charges regarding this matter. I want the City of Zanesville to know that I was never called, this is the only correspondence I've received from the Prosecuting Attorney's office. I was never interviewed; I was never ask if there were any witnesses. The whole thing is being swept under the carpet, again. I sent a letter back to the Prosecuting Attorney's office in the form of a Certificate of Service saying that they did not do a proper investigation, requesting that they do so and said I would wait until July 3 for this investigation to be completed or I will take it to a higher office i.e. the Attorney General's office and I will file summary charges against the Prosecuting Attorney's office for dereliction of duty; along with obstruction of justice charges with the County Prosecuting office. The night the assault took place Officer Tysinger was here. I told Officer Tysinger that night, I wanted to file charges, she told me, no later. Upon doing my own investigation, she never filed a report what so ever. I went down and filed a supplementary report on June 6, there is nothing else, nothing. She watched an assault occur and filed nothing. April 28, two weeks after I was assaulted in these Council Chambers, I attempted to come in Council Chambers and was stopped at the door by Scott Hillis, Robert Brandford and a Zanesville Police Officer. This pocket knife was called a weapon by Scott Hillis. He said there is a sign on the door that says – it is a weapon, I cannot bring it into City Council. This is a copy of the sign, it does not say "a weapon" it says "a deadly weapon". Ohio Revised Code defines a deadly weapon as means of any instrument, device, or thing capable of inflicting dead or designed or especially adapted for use as a weapon or possessed period or use as a weapon. I have not one time in my entire life used my knife as a weapon – not one time but I was banned from City Council that night.

Mr. Hennessey – Mr. Robinson, your three minutes are up. It will be up to Council whether you continue. I'll take a motion.

Mr. Robinson – Those are the facts people.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Zwelling – Saturday, was the Juneteenth celebration on Keen Street. Valerie Arbaugh who was the employer of Council woman Julia Marsh donated a tree and a plaque in memory of Julia Marsh. We had a ceremony dedicating that. I talked to Mr. Sims about it and we are going to go over and take care of a proper foundation for that.

The Summer Lunch Program is really going well – we had over 500 lunches the other day.

Over the week-end the Miss Ohio Pageant – we had a local contestant involved – John Kunkle was the executive producer – he has been 41 years with the Miss America program. He was inducted into the Miss Ohio Hall of Fame. In addition of Jenna Wilson, the fourth runner up – there were approximately 15 to 20 people who participated in that program from Zanesville.

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

Meeting adjourned at 7:30 p.m.