

PUBLIC HEARING – MONDAY, MARCH 9, 2009

A Public Hearing was held at 6:45 p.m., Monday, March 9, 2009 in the City Council Chambers, 401 Market Street, Zanesville, Ohio to hear a request by the Fraternal Order of Eagles 302 to vacate a portion of La Fayette Street right-of-way spanning 280' in the First Ward.

Council members present were: Mr. Zakany, Mrs. Gentry, Mr. Tarbert, Mr. Dittmar, Mrs. Norman, Mr. Kilpatrick, Mr. Mc Peek, Mr. Vincent, and Mr. Hennessey.

The Clark had proof of advertising.

Mr. Denbow – This is a request by the Fraternal Order of Eagles 302 to vacate 280 ft. of La Fayette Street in the first ward. The Eagles currently own all the lots surrounding and all the vacated property will go to the Eagles. This vacation will not affect access to any other properties; all other alleyways and streets will remain just as they are.

Mr. Mc Peek – Have you had any adverse input from anyone in the area; against it or anything?

Mr. Denbow – We had people come – the concerns were not really directed at the vacation. They said there were other issues in that area.

Mr. Zakany – Does the Eagles have enough parking?

Mr. Denbow – I believe the plan is to create more parking with this – they would have to come back and get approval.

Hearing closed at 6:55 p.m.

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Joan L. Ziemer  
Clerk of Council

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Ralph D. Hennessey  
President of Council

CITY COUNCIL MEETING – MONDAY, MARCH 9, 2009

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, March 9, 2009 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. Zakany, Mrs. Gentry, Mr. Tarbert, Mr. Dittmar, Mrs. Norman, Mr. Kilpatrick, Mr. Mc Peek, Mr. Vincent, and Mr. Hennessey.

Mr. Vincent moved to excuse Mr. Phillips, 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 February 23, 2009, seconded by Mr. Tarbert. Motion carried.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Resolution No. 09-18 – A resolution authorizing the proper city official to accept grant funding from the O.D.N.R. Natureworks Program if so approved, and dedicate the necessary matching funds for renovation of the Interskate Park.

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

Petition from: Michael Wyatt, 1158 Selsam Street, Zanesville, Ohio

Mr. Wyatt – I am totally opposed to this endeavor that you are talking about. I think it is foolish and not worth your consideration. There are too many things in Zanesville that needs to be done with the money that you could save and does not need to go to a skate park.

Mr. Tarbert – If we pass this, tonight, much of this still resides on what we decide to do with the bigger package. Here is one of my problems with the skate park, I was on Council when we did those before, passed the resolution; the comments were I don't know how many kids are going to use this and then we didn't maintain these things. Within a few years they look like junk, nobody is using them, there are more places for people to hide and sell drugs. They completely fell into disrepair , so now instead of maintaining what we built a few years ago, we're coming back saying we need another \$64,000 to build a new skate park which we are probably not going to maintain again; what assurances do we have that these are going to be maintained if need a skate park.

Mr. Sims – If you have been down to the south end skate park that we put in six years ago, it was built out of concrete. There is very little maintenance to that. The north end skate park – all the fun things were constructed of plywood. The life expectancy of an exterior of plywood, with that kind of abuse is barely ten years. What we are proposing is powdered coated steel with a twenty year guarantee. The only other component that we will be including with this would be to do asphalt overlay over the existing surface because it is cracked and fractured up in places.

Mrs. Gentry – The people that live there say, that there are kids on that skate board at all times using it, even roller skating.

Mrs. Norman – I know the families that live behind it; they claim the kids come either Memorial Day or Labor Day with their families and they all paint, they put their music up and they try to take care of it by themselves. I have concerns with what is going on right next to it and I don't know if there are plans for Code to site it, to clean up their area, that is Lepi and we are talking about asbestos – I am more concerned about that.

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

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

#### PROPOSED ORDINANCES

Ordinance No. 09-29 – Introduced by Council – Providing appropriations for use during the fiscal year 2009, and declaring an emergency.

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

Ordinance No. 09-30 – Introduced by Council – An ordinance to vacate a portion of La Fayette Street in the City of Zanesville, Ohio as herein provided.

Mr. Dittmar moved for first reading, seconded by Mrs. Gentry. Motion carried.

Ordinance No. 09-31 – Introduced by Council – An ordinance approving a termination of the agreement with Buckeye Stoneware, LLC. providing for a project and tax exemptions pursuant to the Ohio Enterprise Zone Program, and making determinations in connection therewith, and declaring an emergency.

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

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

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

R.C. for passage	
7 Ayes – 0 Nays	
1 Abstention – Mr. Tarbert	Motion carried



Ordinance No. 09-27-Amended - An ordinance establishing sanitary sewer rates.

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

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

Mr. Case – I know the City needs to increase the sewer rates to pay for the new sewer plant. The residents of Zanesville were told this would be phased in, in three increases and spaced far enough apart that people would have time to adjust their budgets. Now, we find there was a mistake in the billing department and the 2007 increase was not implemented. They had the increase implemented as of last Tuesday and the Administration wants to implement the next one on the first of April, if it passes. This is not right for people who are on fixed income. They don't have time to adjust their budgets for one increase and then they are going to get slammed with another one. The citizens did not make the mistake but now they are the ones that are having to pay for it by not having enough time for the increases to adjust their budgets. I propose that this increase be not put into effect right a way. It wasn't noticed for a year and a half – I propose that Council amend this ordinance and put it to where they wait for six months – implement half of the 10.5 and wait another six months and implement the other 10.5. This will give people on a fixed income a chance to adjust their budgets to where they can afford this. Was that at the beginning of the billing cycle or the middle of the billing cycle?

Mr. Sims – It was at the beginning of the billing cycle however, it was with the second district it did not catch the first district. Those bills had already been printed. I understand what Randy is saying, I understand what the general population thinks on this; if Mr. Raines tells me that we can delay this for six months or a year, I would be happy to. Unfortunately, we do have a \$878,000 payment due in December and I have to rely on his best judgment to tell me if that is even feasible or not.

Mr. Raines – The payment is a half year payment.

Mr. Sims – Could it be delayed for a year or six months?

Mr. Raines – You would need to find within the sewer budget \$170,000 to replace revenue anticipated.

Mr. Sims – That's cutting into the design of our sanitary sewer separation project. Final design for R-14 is going to be hitting us soon and that will probably absorb –

Mr. Hennessey – We are at second reading – can you bring us some hard numbers next meeting?

Mr. Raines – Yes.

Mr. Sims – I could let you know what the effects would be if I had to find that in the budget.

Petition from: Michael Wyatt, 1158 Selsam Street, Zanesville

Mr. Wyatt doesn't agree with the ordinance.

Mr. Vincent – Mr. Sims, the EPA did mandate this sewer plant upgrade?

Mr. Sims – The EPA strongly encouraged both the County was required to get all their package plants off line, the Ohio EPA did not want to put another treatment plant on the river which pretty much excluded the County from doing anything in the short term. The wastewater plant hadn't seen an upgrade since 1984 and still had some components in it from the 50's that we are replacing. In order to stay in compliance and meet our limits for our discharge it was quite necessary for us to upgrade the plant. Along those same lines the same thing with the combined sewer; that is an unfunded mandate by the OEPA that Gov. Voinovich is working on and hopefully we will see some of that money trickle down through stimulus.

Motion carried.



Mr. Tarbert – It sure is and that law was put into place and the bridge has been renamed. You are upset because we are not putting your plaque up on the bridge – is that right?

Mr. Brown – No, I am not upset at all. What I am saying is, the petition was passed and approved by the City of Zanesville. When it is time to put the plaque on the bridge, this pops up. The people who passed the petition have no idea what this is.

Mr. Tarbert – The petition is done, the ordinance supercedes the petition, now. The ordinance says to rename the bridge and now anybody – D.J and I could make a motion to put a plaque on the bridge as far as I understand it, that ordinance doesn't say who gets to petition the City to put a plaque up. Any group can petition to put a plaque up; the City can put the plaque up.

Mayor Zwelling – It is my understanding that after this was passed and there is a clause in there authorizing a city official to act and Mayor Fenton commissioned Troy Walker and his group the Juneteenth Committee to handle the details. Mayor Fenton did that and I have to back that up.

Mr. Hennessey - Mr. Hillis, would you take a look at both of these formal documents and give us a yes or no? Not tonight, if you agree with what Mr. Tarbert is saying or whoever – let's get it done and put it to rest.

Mr. Hillis – We can do it right now – I agree with what Mr. Tarbert is saying.

#### MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Zwelling – Over the week-end the auditorium housed the Miss Muskingum Valley Pageant – it was a nice crowd.

Sherrod Brown and Zack Space communicated with me over the last week. The Omnibus Bill passed by the House a week ago is now before the Senate, had \$247,000 in it for the State Street Bridge. We were concerned about it because the project is done on the top and the overlay is done; the work that remains to be done is on the bottom. We thought perhaps we were not eligible for it because part of the work is done; although it has not been billed, yet.

On March 14<sup>th</sup> the Zaney Follies Disco Ball will be at 7:00 p.m. It will be a fun night with a silent auction, raffles and good food.

On March 20<sup>th</sup> and 21<sup>st</sup> at 8:00 p.m. will be the Zaney Follies. Proceeds of both events will benefit Genesis Hospice and Palliative Care.

March 28<sup>th</sup> will be the Seeing is Believing Magic Show with one performance at 3:00 p.m. and 7:00 p.m. Proceeds will benefit Eastside Community Ministry.

April 3<sup>rd</sup> – 7:00 to 10:00 and April 4<sup>th</sup> – 10:00 a.m. to 9:00 p.m. the Restoration “Make it Louder” is a Christian youth program

On April 16<sup>th</sup> at 7:00 p.m., the Zanesville Concert Association will present the Russian Ballet, performing Swan Lake.

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

Meeting adjourned at 8:00 p.m.