

**PUBLIC HEARING – MONDAY, December 27, 2011**

A Public Hearing was held at 6:40 p.m., Monday, December 27, 2011 in City Council Chambers, 401 Market Street, Zanesville, Ohio to hear a request by Pine Plantation LLC to rezone Parcel Number 83-18-09-29-000, or 432-437 Pine Street from RD-5 High-Density Single Family Residential to RM-2 High-Density Multi-Family Residential.

Council members present were: Mrs. Norman, Mr. Kilpatrick, Mr. Hutcheson, Mr. Roberts, Mr. Tilton, Mr. Zakany, Mr. Tarbert, Mrs. Gentry, and Mr. Vincent.

Clerk had proof of advertising.

Mr. Denbow: The subject property consists of 2.6 acres and currently has a long existing legal nonconforming use (mobile home park) on it. The area immediately surrounding this parcel is all zoned for high-density single family use. An established multi-family district is located just a few hundred feet to the west of this property and another is located a few blocks to the south and east.

This area has seen a trend towards additional single family dwellings in the form of infill housing. The multi-family districts that are located near this area have been long established here.

The Comprehensive Master Plan does not reference this specific area; however, it does mention the need to expend upon the cities multi-family housing. One of the stated ways to expand the multi-family zoning is to focus on large vacant pieces of land near existing residential zoning. This particular parcel is technically not vacant, but it is a large piece of land surrounded by residential zoning. If you take away the nonconforming use, it would certainly meet this example.

This request may promote the public interest by increasing the availability of multi-family housing within the city limits and could aid in the future elimination of an existing nonconformity.

Given the size of the parcel in question, the current RS-5 classification seems somewhat out of place. Unless this lot was to be subdivided in the future, the current zoning may keep this property from seeing its full potential. Staff sees this request as a potential to eventually eliminate nonconformity and enhance the housing options within the city.

The Planning Commission recommends this request.

Mr. Vincent: Mr. Denbow, what other public comments did you have at the meeting?

Mr. Denbow: I do not remember any comments for or against.

Mr. Roberts: The nonconforming use under the RS-5 would it continue to be a nonconforming under the RM-2?

Mr. Denbow: A mobile home park is a conditional use in RM-2; however, this would still be nonconforming as it does not meet the requirements that we currently have for mobile home park.

Mr. Roberts: Is there proposed development in the works for this site?

Mr. Denbow: Not at this moment.

Mr. Roberts: What is the acreage of this site?

Mr. Denbow: 2.6 acres.

Mr. Roberts: And it does not actually abut anything in an RM-2?

Mr. Denbow: No.

Mr. Vincent: No problems with spot zoning because they are RM's in this residential area?

Mr. Denbow: Not that I could see.

Mr. Vincent: Did you have any phone calls on this?

Mr. Denbow: I have not, except for Mr. Roberts.

Mrs. Norman: No, I was okay with this.

Mr. Vincent: This hearing is closed.

Hearing closed at 6:45 p.m.

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Vicki L. Figgins  
Clerk of Council

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Daniel M. Vincent  
President of Council

### **PUBLIC HEARING – MONDAY, December 27, 2011**

A Public Hearing was held at 6:50 p.m., Monday, December 27, 2011 in the City Council Chambers, 401 Market Street, Zanesville, Ohio to hear a request by the Community Development Department to amend the zoning map to designate the Downtown Improvement Area an Arts and Culture Overlay District.

Council members present were: Mrs. Norman, Mr. Kilpatrick, Mr. Hutcheson, Mr. Roberts, Mr. Tilton, Mr. Zakany, Mr. Tarbert, Mrs. Gentry, and Mr. Vincent.

Clerk had proof of advertising.

Mr. Denbow: The Arts and Culture Overlay District is very much compatible with the Downtown area. Downtown currently has an active artist colony with numerous artists as well as several established cultural facilities such as the Auditorium and the John McIntire Library. This designation could only serve to strengthen the existing uses in this area.

Downtown Zanesville is most certainly trending towards arts and culture. As mentioned previously, this area already has an established artist colony. With future plans for Downtown calling for additional cultural facilities such as the proposed events center and the hope for future hotel development, Downtown is experiencing a major trend in this type of land use.

There could not be a proposed zoning amendment more in line with the Comprehensive Master Plan. All of the Downtown districts as laid out in the Master Plan call for mixed use, additional residential opportunities, and an expansion to the already existing arts and culture. This new designation can only serve to aid the downtown area in meeting these objectives. It is also directly stated in the Master Plan that the City should look into expanding on the multi-family housing options, and one way to go about doing this is by allowing multi-family residential as a conditional use in commercial districts.

A stronger Central Business District should translate into a stronger City as a whole. Establishing this new zoning designation will allow for more options and opportunities that are offered to the Downtown area. This should make the properties within this area more marketable. Furthermore, the possibility may exist for grant funding to be available to this area due to having this type of designation.

The staff fully supports this overlay and the Planning Commission recommends this change.

Mr. Vincent: Are there any additional comments? I know we had a few people here speaking in favor of it.

Mr. Denbow: We had quite a few questions. A lot of calls have come in. People asking what does this mean, what is it about? Everyone was okay with it or in favor of it after we explained that there are no additional restrictions on the properties downtown. It will add possible uses.

Mr. Vincent: There is not a down side to this. Council, do you have anything?

Mr. Zakany: What are these lots going for money wise? Do you have any idea?

Mr. Denbow: I would not be able to tell you.

Mr. Zakany: I understand that the buildings downtown are leased for less money than places throughout the other parts of the city. I just wondered what kind of money it would take to get into downtown now.

Mr. Denbow: That could be the case that land is less expensive downtown but this will only help property owners and allow for some additional uses that may or may not already available to the properties downtown.

Mr. Vincent: Was it Linda Regula that talked about the Short North in Columbus as far as values increasing over time and how it cleaned up the area.

Lindsay Moore, 502 South Street: I have a feeling it is theoretically constrictive and pointing in the artist direction although it seems simple it's .... I think the policy could be more open. I am in the district and I am not impressed with this because it is all theoretical. Why constrict the context to one particular point. Who is going to benefit? Someone has to benefit. I know a couple of wealthy artist here in the downtown; whether this will be to some benefit personally I do not know. I have been here for twenty-five years. I belong to the Chamber of Commerce, but this sounds vague. I do not know if it is constrictive except that it indicates that there is a willingness to singularize one single point and I do not think that is going to improve the real estate market. I have been trying to sell my building since 1990 and haven't sold it yet.

Mr. Vincent: This will benefit the city and I think it could benefit you if property values go up and you want to sell your building.

Mr. Moore: I cannot see that. I think an open market is better than something that is constrictive.

Mr. Vincent: This does not really add any additional restrictions, correct Mr. Denbow?

Mr. Moore: Theoretically it is pointing in one direction. I do not think we need it. I will go along with it, but I think that we should leave the market alone and let it adjust itself. I do not think we need this.

Mr. Vincent: I think this will bring opportunities for additional uses to make it more conducive to the artists and what they can do for the area as far as bring care to the buildings that the average person may not want to invest that kind of effort into.

Mr. Roberts: Mr. Denbow doesn't this actually open up some buildings that previously were not available to have residential on the first floor, whereas before in the downtown overlay you could not have residential on the first floor, you had to have commercial on the first floor. It could potentially open up some possibilities for some buildings that limit themselves to residential uses.

Mr. Moore: I respectfully disagree with you because these insinuations in the market place to better, I do not think we need this.

Mr. Roberts: We are actually decreasing the insinuations on the market. I mean we are opening up more possibilities.

Mr. Moore: I respectfully disagree.

Mr. Vincent: I hope you have a nice surprise down the road when you sell you place.

Ms. Nora Daniel: What has happened in the past in different cities that artist have come into a depressed areas, then all of a sudden that area has become the “hot spot” like SoHo in New York and the Short North in Columbus. Wherever artists have settled it has revitalized the communities and property values have “shot up” expedientially.

Paul Embry: For ten years you have been trying to sell your building, I think the opportunity is available now when we change the overlay and have more interest in our downtown. I think it would be to your benefit to see that side of it.

Mr. Moore: I think it will decrease the value of real estate in downtown collectively.

Mr. Vincent: This hearing is closed.

Hearing closed at 6:59 p.m.

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Vicki L. Figgins  
Clerk of Council

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Daniel M. Vincent  
President of Council

### **CITY COUNCIL MEETING – MONDAY, DECEMBER 27, 2011**

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, December 27, 2011 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: Mr. Tarbert, Mrs. Gentry, Mrs. Norman, Mr. Kilpatrick, Mr. Hutcheson, Mr. Roberts, Mr. Tilton, Mr. Zakany, and Mr. Vincent.

Mr. Tilton moved to excuse Mr. Baker, seconded by Mr. Roberts.  
Motion carried

### **APPROVAL OF MINUTES**

Mr. Zakany moved to accept the minutes as printed, seconded by Mr. Tilton.  
Motion carried.

### **COMMUNICATIONS, REPORTS, AND RESOLUTIONS**

#### **Communication From Howard S. Zwelling, Mayor – RE: Board Appointment**

Zanesville-Muskingum County Port Authority Board – I am hereby recommending the reappointment of Mr. Paul Masterson to the Zanesville-Muskingum County Port Authority Board. Mr. Masterson’s term will expire December 31, 2015.

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

### **PROPOSED ORDINANCES**

Mr. Tilton moved to add Ordinance No. 11-92 to the agenda as Item 6A and Ordinance No. 11-93 to the agenda as Item 6B, seconded by Mr. Hutcheson.  
Motion carried.

Ordinance No. 11-87 – Introduced by Council – An ordinance amending Chapter 749 of the Codified Ordinances of the city of Zanesville, entitled taxicab, regarding the licensing and operation of taxicabs in the city.

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

Mr. Zakany: Is this about the same as it has been? Are there any major changes in this legislation?

Mr. Brandford: When you go through it you will see where I have added some different things and one of the things that I have changed are in the rules and regulations. There are also the rules and regulations that come along with the ordinances itself. I put things in there that I thought would updated the ordinance and I did a lot of research in other different communities. I just think we needed to do what we could to raise the quality of the taxicabs.

Mr. Zakany: When I looked at it I saw that we are already doing those things.

Mr. Brandford: The things in there that I thought we were doing and we are up to date then I kept them. I added different things in there to try to strength it and so forth. There were a lot of things that I wanted to do to make certain we are able to... I want to make certain that we have some newer cabs and not just any kind of vehicle. Also, we are going to have our Vehicle Maintenance Division be the ones that inspect these cabs. We are going to have control over the inspections and not only will we have annual inspections, we will be able to inspect them anytime we see fit.

Mr. Zakany: Another thing is the mannerism of the taxicab drivers and their appearance to the public. That would give Zanesville an image that we want it to be.

Mr. Brandford: I want us to have a taxicab company that we will be proud of.

Mr. Roberts: How many taxicab companies do we have in the city of Zanesville?

Mr. Brandford: We have two that are on record, but one of them we do not know if they are operating or not. We have one taxicab company that has been. We always send notices when it is time to renew their taxicab license and we have not heard from the second company.

Mr. Roberts: I do not think they are in business any longer. It was my understanding that we are down to one taxicab company. I have voiced my opinion before in regards to operation of the small Z-Buses completing with a private entity. Are they classified as a taxicab company or are they fall under a broader spectrum of public transit?

Mr. Brandford: I don't think they would be classified as a taxicab company. I do not think that and I cannot say for sure.

Mr. Roberts: I could call them and they would come to my house pick me up and take me to a specified destination.

Mr. Brandford: I do not know about that. Are you talking about the Z-Bus reserve a ride?

Mr. Roberts: I am not sure what it is called.

Mr. Brandford: They do that and I know there is a description or whatever in their fees report and taxicab companies. Another thing I wanted to do also was to make certain that in the old ordinance we had taximeters I did not know if that was one of the things that would be appropriate for us to do and I wanted to make sure that we had a fee schedule. I want them posted in their taxicabs so the people will know what they are.

Mr. Roberts: Is that a fee schedule set by us or by them?

Mr. Brandford: A fee schedule that would be something that we could work out with the companies. You do not want the taxicabs to set the fees as they go.

Mr. Vincent: I like the idea of making them safer for the public, but I am also concerned about the taxicabs in the city charging \$5.00 to go anywhere within the city. I am sure it is difficult to make a business work at that rate. My concern is that a thing in here that might be the deciding factor from keeping someone from here having a business or taking away a service that might be beneficial to some of the people in our community that do not fit in with the Z Bus schedule. I guess I need to find out more about the reserve a ride and maybe that fills that need.

Mr. Brandford: I think we need to make certain people have the transportation that they need. I think Z-Bus does a pretty good job. Taxicabs are one of those things where I felt they were not always operating like they should, but yet, you do not want to take away something that may be substandard because there are people that need it. I think if we are going to have taxicab companies there needs to be something of a standard.

Mr. Vincent: Safety is important, hopefully, we will get some feed back from someone that is in business, to look at this and share their perspective.

Mr. Brandford: I made certain the taxicab company received a copy of this also. I did not just make sure that Council got a copy; I sent it to the one company. I did not send it to the other taxicab company because I did not know if they were still in business. I have a copy in our office ready for them, had they made their application, and I would have given them a copy too.

Motion carried. Nay - Mr. Roberts.

Ordinance No. 11-88 - Introduced by Council – An ordinance authorizing the proper city official to enter into a professional contract with URS Corporation-Ohio for the preliminary design of the R-4/R-5 combined sewer project.

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

Motion carried.

Ordinance No. 11-89 - Introduced by Council – An ordinance authorizing the proper city official to enter into a contract for the purchase of vehicles for the department of public service by competitive bid or state purchase agreement.

Mr. Tilton moved for first reading, seconded by Mr. Roberts.

Mr. Kilpatrick: In the first section of this ordinance it states the Public Service Department has developed a vehicle replacement program. We are just talking right here about the two proprietary funds the water department and sanitation. Are we going to start putting newer vehicles in place for the street department for example?

Mr. Sims: We do have replacement program implemented for all divisions; however, some the general fund divisions are not as sufficiently funded as the ones that are self sufficient. Right now these are the vehicles that we most desperately needed. There are some needs in the street department that need to consider, but we also have to be creative deciding where we can pull the funds from to replace items such as the street sweeper and some of the older equipment. The frontend loader has an extreme amount of hours on it and it does need replaced in the next year or two.

Mr. Kilpatrick: We really need something to be replaced and we need to make sure that Council knows that it is high priority item.

Mr. Sims: When we developed the budget this year we did look at everything we could replace. It is a tight budget year again and general fund was tight as well. We are just going to try and make due in the street department this year. We do need another street sweeper and frontend loader. It is just a manner of planning and where we can take the funds from. It is difficult to get grant funds for vehicle replacements.

Motion carried.

Ordinance No. 11-90 - Introduced by Council – An ordinance adopting ward boundaries pursuant to Chapter 731.06 of Ohio Revised Code, and declaring an emergency.

Mr. Tilton moved to waive the three readings, seconded by Mr. Hutcheson.

R. C. to waive

8 Ayes – 0 Nays

Motion carried.

Mr. Roberts moved for passage, seconded by Mr. Hutcheson.

Mr. Vincent: I want to let Council know I appreciated your input on this process as far as your vote and the information everyone provided. I want to thank Muskingum University students and professors that spent over hundreds of hours on this. Also, I want to thank Mr. Sims and his department of David Kerr and Chip Saunders for the many hours spent on this project. I am very appreciative of Muskingum University doing this project for no fee. They designed this map from the outlines we gave them. They then provided us with maps and we made a decision together. We ended up with map D. The final part where Mr. Kerr had to put together these descriptions that you have before you, that are quite lengthy. When you follow along you will see a couple of the changes that were made. It had to delineate if you are in the middle of the river. You may see other changes they went with instead of the little slice as part of the river they went to the center of the Y Bridge. These changes did not involve any of the census figures. One of these changes involved commercial property where no one lives.

Mr. Sims: Generally you are correct in what you said. Mr. Kerr could expound if necessary. Some of the description changes pertaining to the perimeter of the map drawing were simply references that were incorrect on old deed records that carried from the late 1920's or early 1930's. They have just been mimicked over the decades. Mr. Kerr picked up on that and wanted to make those corrections. There was a street referenced that did not exist or a missed parcel. One of the lines was drawn at the edge of a census tract which simply made more sense to come up with a description to use. I believe it was an extension of Second Street as the boundary which was nothing more than vacant unbuildable ground so there was zero residential population changes associated with any of his revisions except for the simplicity of understanding the delineation.

Mr. Vincent: The work that went to this redistricting- Mr. Hillis, Mr. Sims, Mr. Kerr, and our engineer also contributed to this process to make sure we are doing everything proper. The intent is to follow along and comply with the census figures to make this work out, when some minor changes were needed to move some lines and not change census tracts. The census tracts do not always match with the streets and the like so all in all I think the process and everything has worked out well. Anything questionable was questioned and looked at closely. I think we have met what we needed to do. Thank you to the many people that helped with this endeavor.

Mr. Kilpatrick: I have one minor question; Attachment A has a time period that is only nine years long rather than ten. I do not know if that would affect the ordinances itself or not, but since we had an election in 2011 I think we will have an election in 2021 and I would not want anyone guessing at that point in time are the wards going to be in that election. It just seems to me like that should say 2012 – 2021 to be a full ten year span. I do not know if that impacts what the ordinance actually does.

Mr. Hillis: I think you should make a motion to amend Attachment A from 2012 – 2021 if that is what your intention is to do.

Mr. Kilpatrick: I would make that motion.

Mr. Vincent: Your motion is to change the wording on Attachment A from 2012-2020 to 2012 – 2021.

Seconded by Mr. Roberts.  
Motion carried.

Mr. Vincent: We are now at Ordinance No. 11-90 as amended.

Mr. Tarbert moved for passage, seconded by Mr. Tilton.  
R. C. vote for passage  
8 Ayes – 0 Nays  
Motion carried.

Ordinance No. 11-91 - Introduced by Council – an ordinance increasing the salaries of elected officials of Zanesville and declaring an emergency.

Mr. Zakany moved to waive the three readings, seconded by Mr. Tarbert.  
R. C. to waive  
7 Ayes – 1 Nay Mr. Hutcheson voted nay.

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

Mr. DuBeck: I would like to begin by saying that I would like to address the many people who like to voice their opinions without knowing all the facts. I would like to say to everyone that I am the only one that has presented this ordinance. The newly elected City Council representatives were not informed of it. The mayor-elect was not informed of it. This was something that I chose to do on my own with the help of the Law Director to draw up the ordinance. The City Council was not aware of my pay request until Thursday when they picked up their Council packets. I realize the timing is poor, but only being able to ask for a pay raise every four years, according to the ORC, this is the four years. If we were going to vote this down, which is your right; it will be 2016 before any elected officials will be eligible to receive another raise. If you feel that we are not worth any more than the same money we were making four years ago or four years down the road, be my guest, and vote it down. I have no problem with that.

The other thing that I would like to say is I was all set to go over everything that has happened in the last seven years. The fact that all three major unions got seven raises totaling 22%; that the unaffiliated over the last seven years received raises plus step increases of 31% and City Council got one raise 13% and then you were asked to give 5% of it back, which you did. The other elected officials were given a 13% raise, one 13% raise in the last seven years. But to stand before you and justify a pay raise is just not worth it. If you feel that we do not deserve it then so be it.

Mr. Kilpatrick: Why is 13% the right number?

Mr. DuBeck: Because that is what all the unions and unaffiliated received 13% the last four years. We are always behind. We do not get to negotiate and get a raise for the next four years out because we are not allowed to get a raise while we are in office. Questioning whether the new mayor or new Council people how can they vote for a raise for themselves when they have not proven themselves. They cannot, once they are in office they cannot ask for a raise until their terms expire and all they can do is ask for a raise for the future term.

Mr. Kilpatrick: The elected officials do we know how much your share of the healthcare cost is going to go up?

Mr. DuBeck: I do not have a clue. We do not know what anyone's share is going to go up, do we? That has not been in the negotiations yet. That has not been made public, but I will promise you this and I will guarantee you this, whatever it goes up for police, fire, and AFSCME you can bet that ours will be increased the same, because that is the way we do things.

Mr. Roberts: Any other of the surrounding towns, cities, are we on par with any of them?

Mr. DuBeck: I just have a few. I did not go crazy. I called Newark because I know that frequently we have been compared to Newark. The Newark Law Director makes \$85,000 a year compared to our Law Director who if he get his raise will make \$55,000; the Auditor makes \$66,000 and our Auditor get a raise will go to \$48,000; the Mayor in Newark makes \$77,000 a year and if our Mayor get a raise he will go to \$67,000. Unfortunately, I am not going to tell you what their Treasurer make because their Treasurer works one or two day per week and they are not in charge of payroll and they do not have to do anything, so they get paid anywhere from \$15,000 - \$20,000 and they only show up one day a week. They have no payroll to worry about and anything of that nature.

In Cambridge, which is a lot smaller than us the Law Director makes \$51,000; the Auditor makes \$50,000; the Mayor makes \$67,000; and the Treasurer makes \$45,000, but she has similar duties that I do.

If you go to Lancaster, which has some financial difficulties and had to layoff eighteen firemen, shut down a fire station. I think our mayor informed us of that several months ago. The mayor makes \$86,000; the Auditor makes \$74,000; the Law Director makes \$99,000.

Where do we fit in all of that. I think we are right in the middle. I looked into that and if it came back that we were within \$5,000 of everybody I would say fine, maybe we should backup. The fact is our cost of living is going to increase the same as everyone else.

The unaffiliated get what the unions get. No one realized. My deputy sat down today and when I told her that she had a 31% pay raise over the last seven years which compounded figured out to a 33% raise, she did not believe it until she sat down the did the math.

Like I said – It is what it is and I am going to be at work tomorrow one way or the other.

Mr. Tarbert: I made some phone calls today to one of the other cities similar to us in population because as I see this and it is always a problem when this comes before Council. I have been on Council for fifteen or sixteen years and these pay raises have come before us and always creates a public outcry, but this is the only way we can do this. It is the only way we can get raise is to vote it in before the next term. So this is how we do it. We do not get to negotiate, we do not have union negotiators, we do not have anyone go on the elected officials' behalf. While the cost of living increases are going up for everyone similarly. Cost of insurance and everything else, but the public expects the elected officials to work for the same amount of money for four years, eight years, everything else. There are two levels that I saw where we had to be consistent for this to go through. First is this request consistent internally and I think you have done your math. According to the last four years the unaffiliated and union raises were 4 – 1 – 4 - 4 is that correct?

Mr. DuBeck: Yes, sir.

Mr. Tarbert: That is how we are coming up with those numbers. That is the 13% raise that most other city workers have received and the elected officials have not. Those are the rates that were negotiated by the unions that they deemed to be fair and appropriate for their employees and yet not fair and appropriate for the elected officials, the auditor, the treasurer, and law director. The other issue is - are we consistent with other similarly situated cities? And the answer to that is we would be if the raises went through for all offices except Council. Our Council would be paid higher than other similarly situated cities if this ordinance went through. I do not know, is 13% too big of a bite to cut off for the elected officials, but for the non council offices is 13% too big of a bite to cut off. I do not know. It seems to be fair. I sat through union negotiations where they demanded that was the right number and those were fair number the last four years. So, why is it not fair for Mr. DuBeck, Mrs. Moyer, and the other elected officials? How is it not fair for them? I think it is. If we want to reduce that or stretch it out 3%, 2.5%, do we want to phase it in somewhat, maybe that plausible. Do we want to reduce it to 10%? Say 2.5% per year for the next four years. Maybe that's more palatable, but I think there needs to be some cost of living increase for the elected officials on this lists. My suggestion and my amendment will be depending on the tone and tenure of Council that we remove Council from this. Number one, I think that we are already paid well when we compare ourselves with these other cities. Number two, it takes away that feeling of self view, we are not voting ourselves pay raises, and we are voting pay raises for other elected officials. I think he 13% is fair. Is this a bad time? It is always a bad time to vote pay raises. Even in good times when I was on Council and they came to us for pay raises there was still a public outcry that said this is not the right time. It is never the right time, but I do not see the unions coming to us in the last four years and telling us this is not the right time we are not going to take our raise. That did not happen. So, in my opinion, that the Mayor, Auditor, Treasurer, and Law Director should have an increase. Is 13% too much? Not according to the unions over the last four years, but if we want to reduce that I will listen to those arguments as well. I think this 13% is mathematically supported. I think we should amend this to remove Council President and Council Persons. That would be my amendment.

Mr. Tarbert moved to remove Council President and Council Persons from this list. Then can we entertain another amendment later if necessary to talk about percentages?

Mr. Vincent: I have an amendment to remove Council President and Council Persons from this piece of legislation.

Mr. Tarbert: And keep there salaries the same. Then we will talk about the other offices.

Seconded by Mr. Kilpatrick

Mr. Zakany: I have been on Council for quite a few years and I when I first started out it was \$500 per year. That was set in 1929 during the depression. As the years passed and in 1976 we were still getting paid \$500 per year. We looked at other cities and we found out that we expected members of Council to be involved and come up with the best candidates, people that are willing to work and involve themselves whether it is a Council meeting or after Council meetings, or special meetings. We just happened to find ourselves tonight all of a sudden we were behind for years, we are just a little bit ahead and what is the council member that a little bit of difference of what they are getting now? I am looking at and I can recall that our city of Zanesville which our Zanesville High School represents and Mr. Toller, who is now gone, how come our park has grass infields for the baseball team and we do not. It is Zanesville. What happens when our police department was always underpaid, well it is Zanesville. Let's get off the stuff just because it is Zanesville. Let's pay the right price and get the right people. You look at our police department where it is at. I can brag about our police department, how they have stayed with us. They did so many things to make the city of Zanesville a safer place and I admire them.

Mr. Vincent: Mr. Zakany, could you bring that around to where you are headed with this as how it relates to raises for elected officials, please.

Mr. Zakany: The members of council should not be admitted.

Mr. Vincent: Should not be admitted? They should be included, is that what you are saying?

Mr. Zakany: That is correct.

Mr. Vincent: Right now we are voting on an amendment to this legislation which would omit Council President and Council persons from this ordinance for salary raises for elected officials.

Mr. DuBeck: It does not make it any more palatable for the Council people and I understand that. I appreciate the effort that Mr. Tarbert has put forth. But I would also like to remind you that in two years you are eligible for another raise. I have never seen a Council person in the twelve years I have been here, I have seen a Council person present an ordinance asking for a raise, so my offer to you is in your second term I would be more than happy to sponsor a raise at that time for the new Council.

Mr. Vincent: I look at it as far as the person's main job and that is a bigger difference when you are not getting raises. With Council, this is a second job for most of us.

Mr. DuBeck: I look at it from the fact that you took a 5% pay cut for a year when no one else did.

Mr. Vincent: You are voting on an amendment for removing Council President and Council persons from this piece of legislation.

R. C. for amending Ordinance No. 11-91.  
7 Ayes – 1 Nay Mr. Zakany voted nay.  
Motion carried.

Mrs. Moyer: The pay schedules are the hardest things to make fair. We have been one of the lowest Auditors in the state, but the thing for me is I had reconstructing in my office and in my budget. In 2009 my budget was \$198,000 now I am down to \$176,000. I have picked up some of the work and I have not been home as much with my husband. I do not think people run against me because of the things that I have to do. I used to get help from the state Auditors, I now have to go on line; I have to read this stuff; I have to figure out what the fund balances are going to be on the financial statement. The cell phone, no one reporting to me, I have to go look

for this stuff. I have to go on the IRS Bulletin, I never had to do that. I want to keep updating and yes money is important. I need someone to say "Yes, you are doing a good job" and I need a little bit more money. I have been here the longest and I am paid the least. I would just appreciate it if you would see my position. Thank you.

Randy Case, 916 Vine Street:

Mr. Case: I had talked to Mr. DuBeck and he told me he was going to put this ordinance up and I respectfully told him I was going to speak against it. The last few years I have watched Council and the administration have to talk about furloughs. We have police positions that have been vacated that are not budgeted to be filled; the discretionary funds for the departments have been slashed in half and they are still slashed in half. You have an ordinance to take away step raises from the unaffiliated, they cannot have raises, but the elected officials do. I understand that the elected officials have not had a raise in four years, but you choose to run. If you ran for the position knowing what it paid, you should be happy with it.

Mr. Tarbert: May I ask a question?

Mr. Vincent: Is that alright Mr. Case? Go ahead Mr. Tarbert.

Mr. Tarbert: I do not understand that argument, Mr. Case. What you are saying is that the police officers who got out of the academy and took a job knowing what that paid should not take anymore raises. No, that is what you are saying, if you knew what the job paid when you got in you should never ask for a raise. So, when teachers come out of college and start teaching they should never expect a raise because they knew what that was when they decided to be a teacher.

Mr. Case: No, that is not what I am saying. When a police officer comes out of the academy, yes they know they are going to have a contract and there are going to be raises. When an elected official runs for office they know what they are going to get paid. Out of all the elected officials here, there is one new elected official coming in? Now that newly elected official...

Mr. DuBeck: There are three. The new mayor and two Council members.

Mr. Case: You all know.

Mr. Tarbert: Everyone knows when they are taking a job what that job pays. Everyone assumes that at some point that pay is going to increase. The only way to increase the elected officials' pay is to do what we are doing tonight.

Mr. Case: You cannot sit around for years and say the city is broke; cannot go around and have union negotiations talking about the city is broke and we are going through tough times. You cannot tell people that you are taking away step raises that you gave to them in an ordinance, but you are going to give the elected officials a raise.

Mr. Tarbert: The unaffiliated went up 4, 1, 4, and 4 along with everyone else.

Mr. DuBeck: They received 31% over the last seven years. They received three step raises and seven raises.

Mr. Tarbert: The cost of living has increased for everyone, the cost of insurance has increased for everyone, but you are telling Mrs. Moyer and Mr. DuBeck that their salaries should not go up.

Mr. DuBeck: You think they are not making enough money? They should not have run again. They had that choice.

Mr. Tarbert: And if you think they are making too much money, unlike the police, fire, and everybody else who we cannot vote out of office, then we will attract higher caliber candidates to run for positions. If you think they are making too much money, then you have the option of running against them.

Mr. Case: I did that. I ran for office, didn't I? I thought the pay was fine. The problem is you cannot set up here and tell everyone the last few years that we are in bad financial straights, but then all of a sudden it is time for these new officials to go in, so they need raises because this is the only time we can do it. I understand that. But you cannot go through bad times, bad times, bad times and then say okay let's get a raise. Then six months from now say things are bad.

Mr. Tarbert: How many people over the last four years have had a raise? We are talking about all the unaffiliated and the unions. How many employees have had raises in the last four years?

Mr. DuBeck: We have nine and five is fourteen and we have approximately 315 employees so I would say 301.

Mr. Tarbert: Okay, 301 city employees received raises, whereas, asking for the exact same raises for four city employees and you think that is not fair?

Mr. Case: No, not when they ran for office knowing what they were going to get paid.

Mr. Vincent: With the unaffiliated you wait and see what the unions receive then see how that works out. What we have done in the past and I expect it to happen again, we will make things fair.

Mr. Case: You cannot do that. Like a couple years ago you took \$500,000 from the fire department for one year. They did not get it back. So, you can say that we can do it but we do not know.

Mr. Vincent: I am confident that it will happen, they will get the raises. We believe in making things as fair as possible for the city workers. They have done a lot. I think Council demonstrated that to them when they took a cut in pay.

Mr. Case: I have never argued about Council taking a cut in pay when they did, but to do a large increase like this at this time and with the financial situation we had for the last few years, is irresponsible. I just think they should not be allowed the raise.

Mr. DuBeck: I am asking for a grand total of \$37,002.55 and that was including all nine Council people. If you take the Council people out which is another \$10,000, that will take it down to \$27,000 I am asking for four people. I would also like to add that no one – not Margo, not myself, not the law director made any reference to being broke and not having money when it came to negotiations because we are not involved in negotiations. So all you know is what you hear from one or two people that said we are broke.

Mr. Case: No, for the last couple of years

Mr. Vincent: Gentlemen, gentlemen! If you will address Council please and wait your turn. If not, you will leave.

Mr. DuBeck: I guess my comment, Mr. President, was we did not make any comments about not having any money. If I remember correctly and I will go back six years then I will be quiet. We were told that the new mayor inherited a half a million dollar debt and there were no pay raises. A fact finder came in and found one million dollars, so there were pay raises. I do not want to be lumped in the fact that I cried "poor mouth, poor mouth" because I had nothing to do with it because I was not a part of it and not invited to participate.

Mr. Vincent: To be fair to Mr. Case, is there something you would like to add as long as it is beneficial.

Mr. Case: First of all I am not going by hearsay. I have been to these Council meetings, budget meetings, and it has been said the last few years that yes we had shortfalls. Council had to move money around to keep from having furloughs. That means the city was running short on money. I never said that Margo went around saying that we are poor and we are broke. I never said that. I said that simply the city has been short on money the last couple of years. That is a known fact. The \$27,000 is not a huge chunk of money, but when all the discretionary funds in every department have been cut by 50% a couple hundred dollars here, a thousand dollars there a

department can make a difference on getting things done around the city. We have a police department that has not had any money in their budget for training. Departments that do not have proper equipment, departments that are short on office supplies and everything. That few thousand dollars is no big deal if it is spread out among the departments. If the city can spare that then they need to put it back in the discretionary funds where it is being used for the benefit of the residents.

Mr. Tarbert: I think these officials deserve some cost of living increase to keep up with the cost of insurance and everything else. I would move to amend this ordinance increase from starting with the current salaries right now, I would move to increase Mayor, Auditor, Treasurer, and Law Director each 2.5% per year for the next four years which would amount to a 10% raise for the next four years.

Seconded by Mr. Roberts.

Mr. Zakany: I know putting down those people that is way behind trying to get a raise for the job they are doing. When people are doing a good job you give them a raise. I think what Mr. Tarbert said about the Mayor, Auditor, Treasurer, and Law Director and let us call the question on it go as is on that issue.

Mr. Vincent: We have a motion and second for 2.5% per year raise for the next four years.

R. C. on the second amendment.  
6 Ayes – 1 Nay Mr. Zakany voted Nay.  
Mr. Tilton abstained.  
Motion carried.

Mr. Vincent: We are now at Ordinance 11-91 as amended twice.

Mr. Tarbert moved for passage as amended, seconded by Mr. Kilpatrick.

R. C. for passage  
6 Ayes – 1 Nay Mr. Hutcheson voted Nay.  
Mr. Tilton abstained  
Motion carried.

Ordinance no. 11-92 - Introduced by Council – An ordinance to amend and revise the zoning map and make permanent zoning in the city of Zanesville, Ohio as herein provided.

Mr. Tilton moved for first reading, seconded by Mr. Hutcheson.  
Motion carried.

Ordinance no. 11-93 – Introduced by Council – An ordinance to amend and revise the zoning map and make permanent zoning in the city of Zanesville, Ohio as herein provided.

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

Petition from Pam Uddin, 530 Main Street

Ms. Uddin: The art district overlay ordinance. I am a property owner downtown. I have been a resident of Zanesville for a lot of years. What I think is really important that you pass this and you would be inviting all aspects of the arts not just fine arts but music, dance, drama, theater, to our city and also complement other businesses. We have a lot of visitors coming into town. I not only work downtown, but I live downtown. I answer questions, I think it is important that we go forward and this gives our city direction. It tells visitors and people looking to come into our community that we are not talking about something, we are doing something. We are going forward. We are in favor of revitalization, restoration, and renewing our city. I think it is important that we keep our buildings, we save our buildings, it is our history, it is part of the present, and it is part of our future. We have young people and artist coming into town looking for places to work, spaces to take up, and places to live. We need to think about that as they are the future. Not only that, but just because we are saying it an arts district, it also gives us the possibility of new businesses, cafes, supply stores, other galleries, studio space. We need this, we need more money, and we need to generate that. We have established businesses in

Zanesville now looking to relocate in the downtown area. They are professional people. This will bring new customers to those of us who have been here for some time. I think it is important that you get an over all view of what we are trying to do. I think it is a positive thing for Zanesville. I would like to think that Zanesville is going to be remembered for what we have and not what we lost. I am in favor of this overlay. I would like to complement Stacy Clapper, Pat Denbow, Dana Matz and the work of some of the city departments, Mr. Smith, the Street Department, they are very cooperative, they are very kind and they do want they can to help us.

Mr. Vincent: Thank you for speaking. I think your business and what you have done to your building and opening it up to the public to see what you have accomplished, it is a great asset to the downtown. The other artists, that have done similar things that you have accomplished, it is very exciting.

Motion carried.

### **ORDINANCES FOR ACTION**

Ordinance no. 11-84 – Introduced by Council – Amending Ordinance No. 09-37, which established pay, benefit, and employment policies and procedures for unaffiliated employees in the municipal service, and declaring an emergency.

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

Mr. Vincent: Mr. Raines do we need to get this passed before the first of the year or it will be defeated?

Mr. Raines: I believe these raises are going into effect the first full pay period? Is that right Mr. DuBeck?

Mr. DuBeck: Yes.

Mr. Raines: So actually the first full pay period begins January 13<sup>th</sup> and your next council meeting is January 9<sup>th</sup>, so I guess you could probably go the three readings.

Mr. Vincent: In the past I recall we adjusted the unaffiliated to bring them up to what the unions received in negotiations as far as percentages and made them retroactive. Is that correct?

Mr. Raines: Yes, that is typically what has been done.

Motion carried.

Ordinance no. 11-86 – Introduced by Council – Approving a labor agreement with Local #88, International Association of Fire Fighters, and declaring an emergency.

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

Mr. Kilpatrick: Did I hear at the last meeting that if we do not do something this evening this will go into affect thirty days after the agreement.

Mr. Raines: That is accurate however; I believe that the thirtieth day would be two days after your next Council meeting.

R. C. to waive  
6 Ayes – 2 Nays Mr. Tarbert and Mr. Roberts voted nay.  
Motion defeated

Mr. Tarbert moved for seconded reading, seconded by Mr. Roberts.  
Motion carried.

### **PRIVATE PETITIONS AND COMMUNICATIONS:**

None.

**MISCELLANEOUS AND UNFINISHED BUSINESS:**

Mayor Zwelling: Since this is the last meeting that I will be attending as the Mayor of Zanesville, there are a few things I would like to say.

First of all it has been an honor and a privilege to serve our citizens as Mayor for the past six and one-half years. I brought my experience as a lawyer, as a judge, as a teacher to this position and I am proud to say I have given something back to a community that has been very generous to me.

To my staff, I am grateful for your service to this community and loyalty to me. Bob Brandford is completing his tenure as Safety Director. He has served this community as a policeman, as a police captain, as a Safety Director for many years. His loyalty is second to none that I have ever seen.

Dale Raines is can only say you are going to be sorely missed. You balanced the budget year after year enabled this city to not join the ranks as many others in this state and countless others throughout this country who had to layoff employees in many cases police and fire. It has been a struggle balancing the budget, your magic will be sorely missed.

John Kunkel who served us as manager of Secrest Auditorium has been exemplary. Your affiliation with Miss Ohio, Miss U.S.A. people and the many things that most people are unaware of for Secrest and the people of Zanesville have made a tremendous impact that will cause you to be sorely missed.

Finally, I want to thank many people, Zack Space, Bob Gibbs, Sherrod Brown, George Voinovich, Rob Portman, just to name a few who have been personal fiends and more importantly friends of Zanesville.

If I could point to the top three things that happened in my administration, it would be completion of phase two of the wastewater treatment plant with the second upgrade of \$26 million of improvements down there. The opening of the new water plant which was a stimulus grant of \$4.5 million zero interest loan and we borrowed the rest, and along with those two historic events the Slidell Louisiana experience. The Maple Avenue improvement project ranks high and that we obtained a \$3 million safety grant with the cost to Zanesville is around \$63,000. The project will be completed in the summer of 2013 with the intersection at the hospital and the reworking of Terrace Point.

Other projects in the works and soon to be implemented are too numerous to mention. I wish the new administration nothing but the best and I can only say that I regret not having been mayor during prospers times as opposed to a recession.

My only advice to Council, if Council wants it, let's quit being R's and D's and let us all be Z's for Zanesville. And do not do what Washington Republicans and Democrats do. This is a small community, let us all be Z's and let's get beyond the party lines.

Thank you Mr. President.

Mr. Vincent: Thank you Mayor. Is there anything else from the administration?

Mr. Brandford: This is my last Council Meeting also. My years started in public service on September 3, 1971 and I know one thing we had discussions like we had here tonight. I look at that in a positive way. I have always believed in all my years and I will continue to believe that we have a wonderful community. We should all be proud of it. For me, I have had a wonderful adventure and journey during my years of being a public servant. My career has been fantastic. Over the years I have seen a lot of good times; I have seen some bad times; I have seen some ugly times. The bad and ugly times make the good times look even better. I want to wish the Mayor elect and my successor and all of you the very best. Continue on doing what we have all tried to do over the years. I think everyone heart is there. I do think we should all try to work to make our community better. I feel when it is all said and done, we all do that. I would not exchange anything that has happened in my career for anything. It has been a pleasure and an

honor, and a privilege to serve when you take a little black kid that grew up on the streets and there have been a lot of changes over the years. I have always looked at myself as being an ambassador for the city when I have gone places. I feel good about that. I look forward to my retirement. You do not spend forty years and just get up and walk away and forget, you can never do that. I am going to hold my head up high and I can tell you I have given my best. I think I have proven I love my community and I hope my service to this city and the people have made a difference in their lives. I have a lot of people I consider friends. I respect all of you. I have seen a lot of changes over the years and only thing that I ask is keep on getting better and better.

Mr. Vincent: Thank you Mr. Brandford and thank you for your service. Mayor Zwelling thank you for your service. Mr. Raines, thank you very much for your knowledge and always having the answers we needed. We greatly appreciated that. Mr. Kunkel, I do not think he is here, but we also appreciate him for his years of service. Mr. Roberts, we appreciate your service here and Mr. Tilton we appreciate your service, but you are not leaving, you are just moving.

Mr. Zakany: One thing I would like to mention, when the Mayor got sick and passed away. Then Mr. Zwelling was brought in. And the way that he fit in to the city of Zanesville with the team work there was never a let down. It was a fine job to come in and take over the reins and to continue.

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

Meeting adjourned at 8:15 p.m.