

CITY COUNCIL MEETING – MONDAY, MAY 24, 2010

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, May 24, 2010 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

Mr. Vincent led those present in the Lord's Prayer and the Pledge of Allegiance to the Flag.

The following members of Council answered Roll Call: Mrs. Norman, Mr. Kilpatrick, Mr. Hutcheson, Mr. Roberts, Mr. Tilton, Mr. Zakany, Mr. Baker, Mr. Tarbert, Mrs. Gentry, and Mr. Vincent.

APPROVAL OF MINUTES

Mr. Zakany moved to accept the minutes as printed of the Regular Meeting of May 10, 2010, seconded by Mr. Tarbert.

Motion carried.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Communication from Howard S. Zwelling, Mayor - Board Appointment

Planning Commission – I am hereby recommending the appointment of Rick Bland to serve as a member of the Planning commission for a term of six (6) years ending February 1, 2016.

Mr. Tilton moved to receive and concur, seconded by Mr. Roberts.

Motion carried.

PROPOSED ORDINANCES

Mr. Tilton moved to amend Ordinance No. 10-35 Attachment A, seconded by Mr. Tarbert.

Motion carried.

Ordinance No. 10-35 (Amended) – Introduced by Council – An ordinance authorizing the proper City official to file an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, Subpart I State's Program: State Administration of CDBG, Entitlement Funds, and authorizing the administration of the FY 2010 Formula Grant, and declaring an emergency.

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

R. C. to waive

9 Ayes – 0 Nays

Motion carried

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

R. C. for passage

9 Ayes – 0 Nays

Motion carried

Ordinance No. 10-36 - Introduced by Council – An ordinance adding Chapter 1355 to the Codified Ordinances of the City of Zanesville.

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

Mr. Tarbert: Did this go through the Code Committee? Is this their recommendation or where did this come from?

Mr. Tilton: This came from Tim Smith. We received the first draft, we did not get the final draft, so no.

Mr. Tarbert: So this has not been to committee yet?

Mr. Tilton: The final draft has not gone to committee.

Mr. Tarbert: I would propose that this go to committee with a recommendation to council.

Mr. Vincent: Would you like to hear from Mr. Smith first?

Mr. Tarbert: He is welcome to speak but he could also speak to the committee meeting.

Mr. Tarbert moved to send to committee, seconded by Mr. Baker.

Mr. Vincent: Mr. Hillis, as far as someone wanting to speak on this, it has not been tabled we can still have discussion at this point?

Mr. Hillis: Right now you have a motion for first reading. You should vote on the first reading, I am not certain procedurally on motion to send something to committee. In the past it has just been the presidents doing, I don't think it has been a motion.

Mr. Vincent: I will follow Mr. Tarbert's and Mr. Baker's request to send this to committee and go for first reading and I would like to hear from Mr. Tim Smith and then Mr. Michael Wyatt.

Mr. Smith: This is not a "witch hunt" for money. We are attempting to hold accountable those that are degrading our city and devaluing our properties. We are talking about vacant and abandon properties. If you read the definition of vacant and abandon in here we tried to make it clear. There are several criteria we use to determine if the properties are vacant and/or abandon. One of the things that flags the identification of these properties is the disrepair and right now it is easy to identify them because they are not mowing the grass, there is trash on the property, and labels on the doors. When we did the neighborhood sweep prior to our grant activities in the current neighborhood stabilization funds in the late 2008 we identified 404 vacant properties south of Interstate 70. I have begun a street sweep north of Interstate 70 of about 25 % through that and I have found 87 vacant structures north of Interstate 70. I haven't done all the research on them as to which ones are abandon. Some of them I have tagged as abandon just by looking at them and then checking on the back taxes. We have a serious problem in this area and we are attempting to address that with this ordinance. It is not a "witch hunt" that is going to require every vacant structure in the city to be registered, it is going to require those that we considered vacant and abandon to be registered and there is criteria in the definition of vacant that puts them in that category. Some of the calls I had today were we have relatives houses we are taking care of that are empty, poorly furnished but if you read the definition when there is content in the house that is considered content and the is not vacant and abandon. If there is a "for rent" or "for sale" sign in the yard and the house is being maintained the house is not vacant and abandon. We are basically looking at structures that we consider vacant and abandon. We are talking about ones that are no longer being maintained. A large portion of the houses are involved in foreclosures and bankruptcy. Unfortunately, many people that file bankruptcy never see that property discharged from their responsibly because banks do not take them as assists and refuse to transfer the title to themselves and so under the law that individual is always responsible for that property so what we are trying to do in this legislation is whoever initiates the abandonment of that property needs to register that property as vacant and abandon. In some places in the legislation we have carried it over to the larger structures, we have a lot of abandon school building in the city that have been bought by out of town investors. We have cited them time after time to mow grass and board up broken windows. They are degrading our neighborhoods. So we need something in place that requires some sort of liability on the individuals that are buying these properties and one of the key components of this is requiring a local agency to become responsible. That is the biggest key to this entire piece of legislation. Now, I don't understand when Jeff said this did not go through the Code Committee because we went over this draft and I understand what he is saying as there are a few changes in here that we made when it was reviewed. We cannot sit on the problem forever. This year has been tremendous year, we have lost our litter prevention officer and our weed crew so we have no way of doing clean ups and mowing. Unless we can get things through the grant funding from Opportunity Center we may be able to get some seasonals at no cost to the city. The problem is we cannot hire supervision for this program. If Code Enforcement is going to supervise this weed crew I am going have to pull inspectors off to go with the weed crew guys, get them started, and check on them once an hour. There are problems with that. Stacy has been working with some soft cost money on these demolitions I think is going to be approved, but it may be enough to hire a seasonal employee to supervise the crew. This budget crunch to me is not going to go away. So we need to look at ways to hold people accountable and so we can fund a weed crew, we can fund boarding activities, we can fund cleanup activities, and we can fund demolitions. The only way we can fund these activities is with grant funds and if that dries up we are going to be hard

pressed to do anything in the area and continue efforts to clean up our neighbors. If we had some sort of legislation like this in place we have an apartment building on 8th Street that the owner would fix up, right now we are going to lay out \$300,000 to tear that down. Granted it is grant money, but it is still tax payers' money and so these people need to be held accountable and that is what we are attempting to do.

Mr. Zakany: Some of these residents where the weeds are high, whether it is grass or weeds, would it be a problem for the neighbors to go in any cut that down?

Mr. Smith: If it wasn't for some of the neighbors cutting grass now we would be in worse shape than we are. We have neighbors ask "Can we mow this?" and we tell them to go ahead and mow it. We may not have the legal right to do it, but in an effort to protect the neighborhoods we tell them to go ahead. If we don't mow the grass on these places then eventually these places will be dumping grounds and then we will have to clean them up. We are scrambling for every nickel and dime that we can find in order to put something together to preserve what we have done in the last four or five years in getting this town cleaned up. If we don't do something now, we are going to go backwards.

Mr. Baker: This dovetails on what we were talking about at the work session with providing funds to tear down abandon homes that are prevalent in my end of town, which leads to the deterioration of neighborhoods. I had an individual call me to make me aware that on his street alone he could see from his front porch four abandon houses that code enforcement has currently trying to find the owners or hold someone responsible for taking care of a deteriorating property. This gentleman told me if something is not done that he may move out of town. What he is afraid of is that he maintains his property but because of the abandon houses that are around him, he is seeing a drop in his home's equity. This is a very real problem particularly in my end of town.

Mr. Smith: In my research compiling this ordinance on the Internet and research on vacant and abandon properties there is a company out of Cleveland that has a mortgage electronic registration system nationwide and one of the largest property maintenance firms for vacant and abandon properties. They have a data base on a number of cities that are drafting or have adopted legislation of this nature. There are over 350 cities nationwide that either adopted or drafted legislation, several in Ohio. This ordinance I have put together was researched from 13 cities in Ohio. I am not a lawyer and I tried to do the best I can in writing this ordinance. All my intention is to protect what we have here because we certainly need to that for the benefit of the city.

Mr. Baker: I think we have seen in the past how proposals like this often get missed communicated and they are purported to do things that were never intended nor does the wording of the ordinance say anything concerning what people think that it does, so just to make it clear, this does not mean inspections on anybody's home, registering private home owners, or registering businesses.

Mr. Smith: This is basically a registration requirement on vacated and abandon properties. There are several things we use to determine that and we tried to spell that out in the definitions.

Mr. Baker: Mr. Hillis, did you have a chance to take a look at Mr. Smith's definition of vacancy? What do you make of it? It is pretty strict?

Mr. Hillis: I thought that his definition was fine.

Mr. Baker: This is not very likely to lead to misinterpretation as far as the expanding what a vacant home means?

Mr. Hillis: I cannot speak as to how people are going to interpret it, but I think that Tim developed a good definition.

Mr. Vincent: Thank you Mr. Smith, we appreciate it. Mr. Wyatt, you put in a petition to speak. We are at first reading, it will come back to council one or maybe two more times and there will be a code meeting that you could attend or you are welcome to speak tonight.

Mr. Michael Wyatt – 1158 Selsam Street – I am really upset about me having to register a home. The thing is you have broke us. Your short comings on how to pass your ordinances and you

know what my theories are as I send them out to you, but this is not right. What we need to do is table it and get a bunch of people that knows what they are talking about and set down before this thing is constructed. I think it ought to be tabled for at least 90 days so that something could happen. Look, you are trying to make money off of us and we do not have it. You took it all already. You took our jobs, you took our food, and we go to the food pantry to eat. You took everything. What you need to do is go back and take a good hard look at this legislation and others that violates my individual rights. Why are you charging us a \$100.00? In closing, I ask you to get together and do the right thing and make it a lot easier on us.

Mr. Vincent: Just a comment, Mr. Smith was sharing, we have people that do not live here that have brought properties and have left them. They are neglecting them. They do not live here and they do not care and this is an attempt to deal with that.

Mr. Wyatt: What they need is code to do their job and tell them will be cut or they are vacated. I shouldn't have to register my home because somebody out of town is doing something stupid. If I have an abandon home and you are going to come to me because of this legislation I am not from out of town. I think somebody needs to get on the ball and do it right. It is not all about money.

Mr. Vincent: You have a very nice home. I have seen it and this will not be a concern for you.

Mr. Zakany: It certainly it was not the fault of Council that Mattingly Foods is laying people off. It is no fault of City Council. We are not causing those jobs to leave. Don't put that burden on council.

Mr. Baker: It is unfortunate that we have to resort to a mechanism such as fines to begin with, but unfortunately that is the only way to get people to engage in responsible activity in the city and take care of their homes. It is important to leave government out of individual's lives as much as possible but the flip side of that is the gentleman that called me this week and said who is going to fix the home equity that just crashed because I have four abandon homes on my street? I cannot get a bank loan, the neighborhood is continuing to deteriorate, and when he moves out of town what is going to happen to the neighborhood? We will have the same problem and with less responsible neighbors that will be a positive influence on the city.

Mr. Wyatt: I would like to continue my talk. The bottom line is have you ever seen the city property? Your property that you control. You look at it. Look up at Calvert Park you dump trash up there, you dump human waste up there, and you don't care because there is no money you can get between yourselves.

Mr. Tilton: There will be a Code Enforcement Meeting next Wednesday, June 2, 2010 at 5:30 p.m. in the first floor conference room.

Mrs. Gentry: When someone is taken to court for not cutting the grass and they have to pay a fine of \$250, does the court get that money or do we get some of that?

Mr. Smith: As far as I know all the fines that are collected go into the general fund. Dale could answer that? I know it does not make it back to Code Enforcement.

Mr. Raines: Code Enforcement is general fund.

Mr. Smith: I think what we really need to take a hard look at is we have almost 1 million dollars outstanding assessments. I think it is time that we take a look at turning it over to a collection agency or some young attorney and file some lawsuits in an attempt to collect part of that. Even if you collected 50% or 60% it sure would be a bonus in our coffers.

Mr. Vincent: Could that be discussed at the next code meeting?

Mr. Tilton: It could be discussed.

Motion carried.

Ordinance No. 10-37 - Introduced by Council – An ordinance allowing a moral claim.

Mrs. Norman moved for first reading, seconded by Mr. Zakany.

Mr. Vincent: Mr. Hillis, I see two different amounts on here \$259.13 and \$136.08. There are two receipts for the same amount.

Mr. Tilton: There is one for \$74, that's it.

Mr. Vincent: I don't have that receipt, my question is answered.

Motion carried.

Ordinance No. 10-38 - Introduced by Council – Amending ordinance No. 97-127, as amended, which authorized a maximum schedule of positions, and declaring an emergency.

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

R.C. to waive

9 Ayes – 0 Nays

Motion carried.

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

Mr. Tilton: We are hiring five people – hiring adults or children?

Mr. Raines: The moneys that the Opportunity Center got are for youth employment so they would be from 15 to 21 but we will be hiring 18 and above.

Mr. Smith: They have expanded from 14 to 24. City has requested only those that are between 18 and 24.

Mr. Tilton: So then we hire them?

Mr. Smith: Yes.

Mr. Tilton: Are they on our Workers' Comp at that time?

Mr. Smith: Yes.

Mr. Tilton: So if they get injured we pay for their injuries?

Mr. Smith: Anything that is payroll related will be reimbursed to the city through this grant.

Mr. Tilton: But if a person gets hurt and the injuries are more that the grant then what happens?

Mr. Smith: It will be a standard Workers' Comp.

Mr. Tilton: But we pay Workers' Comp being self insured?

Mr. Raines: Part of what we bill them will be our Workers' Comp premium. If one of those employees gets hurt and our Workers Comp rate and because of that they get a big reserve and \$40,000 is added to that - it is a risk that the city is taking.

Mr. Smith: It would not be any different than any of our normal seasonal employees. This is no cost to the city.

Mr. Tilton: But normally we do not get grant money for seasonals.

R. C. for passage

9 Ayes – 0 Nays

Motion carried.

Ordinance No. 10-39 - Introduced by Council – Amending appropriation Ordinance No. 10-22, and declaring an emergency.

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

R. C. to waive

9 Ayes – 0 Nays

Motion carried.

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

Mr. Zakany: There is not much difference from and to. Only a few places have plus signs and then you see a minus, but it's minor. I don't see much difference.

Mr. Roberts: I have a question regarding the jail reductions, did someone get hurt?

Mr. Raines: Yes, an employee became ill and had some high claims. The problem is there are only two employees funded there so if one of the gets ill we need to add more money.

Mr. Roberts: So are we going to anticipate even more medical bills to come? Are we going to have to adjust this further?

Mr. Raines: We are several thousand dollars in the red right now. I covered that plus added more to it.

R. C. for passage
9 Ayes – 0 Nays

Motion carried.

Ordinance No. 10-40 - Introduced by Council – Authorizing the proper City official to provide funds to the Zanesville-Muskingum County Port Authority for organizational, promotional, and operational expenses.

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

Mr. Baker: Was this money earmarked in the budget to go to the Port Authority to begin with?

Mr. Vincent: I believe so. The Mayor originally proposed \$50,000 and council wanted \$100,000. We have a special guest tonight, I am pleased to have Mike Jacoby with us, and the Mayor wanted to introduce him.

Mayor Zwelling: Mike comes to us from Marietta with his lovely wife and two small children. He had a similar position in Marietta and of course you know that our Port Authority Director accepted a job in the private sector and moved on. Jerry Nolder did a wonderful job. We had some great candidates for the position. The one selected was Mike Jacoby. He has experience with the Ohio Department of Development and the Port Authority does a lot of business with them. It is my pleasure to introduce to Council and the citizens present the new director of the Muskingum County Port Authority, Mike Jacoby.

(Applause)

Mr. Jacoby: I want to thank all of you for the opportunity to be here tonight. I have been on the job about a month and I have big shoes to fill. I feel real good about opportunities with the long history of the city and county working together. There has been a fair amount of success and I intend to continue that success with finishing up the East Point Park. We are about to start a turn lane project on the East Point property and I thank you all very much for supporting the Port Authority. I intend to work collaboratively with the city. I have met some of you, but not most of you, so in the coming weeks and months I hope to meet you all. I will answer any questions you may have. It has only been a month and I may not have the answers, but I will try and track it down.

Mr. Vincent: I think Council has already spoken and given their support when budget talks were being held. This still has to pass formally. We appreciate what the Port Authority has done for our area. We are glad you are here and excited for you and wish the best for you and all of us. Thank you.

Mr. Zakany: Have you ridden on that donkey yet down Main Street?

Mr. Jacoby: I'm quite confident I have not.

Motion carried.

Mr. Tarbert: Abstains.

Ordinance No. 10-41 – Introduced by Council – An ordinance authorizing the proper City official to pay an invoice for sludge disposal, and declaring an emergency.

Mr. Tarbert moved to waive the three reading, seconded by Mr. Tilton.

R. C. to waive
9 Ayes – 0 Nays

Motion carried.

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

Mr. Tilton: What was the problem, why did we not get these three invoices?

Mr. Sims: That is beyond me. They were lost, not mailed, or misplaced. So the invoices caught up with the existing purchase order, then went they gave the three to us we had already expended the existing open purchase order requiring council's approval for payment.

Mr. Kilpatrick: I do not understand why this needs approval from council? Is it within the budget?

Mr. Sims: It is in the budget; the problem is that we received the invoice with no existing purchase order to cover it. So it was for services provided and we had no open purchase order to pay the invoice, therefore, the auditor requested we bring it to Council.

Petition from Mr. Kevin McPeek – 624 Smithfield Avenue - On the sludge issue – where do you stand on income versus expenses right now, on the disposal of the sludge, and are you going to do an increase?

Mr. Sims: We haven't increased any of the septic hauling fees. It is something we have discussed and will probably have to do before the end of the year. What we bring in from the septic haulers is more than paying for our disposal fees. We are on the plus on what we are receiving versus what we are paying out.

Mr. McPeek: There is a lot of disposal there with a lot of margin.

Mr. Sims: It is something we would like to do but we have put a lot of increases on in the last year and I didn't want to give the impression that we had our hand out again. In this case it is business and not the residents; however, we are in good enough shape that it is not harming us. We are due for legislation later this fall to increase those fees.

Mr. Vincent: Just for clarification, increase rates on?

Mr. Sims: On the septage receiving end of things that we get from any person outside the city that is utilizing septic systems and there are many haulers that bring the raw septic to us. It is an effort minimize the land application, it helps improve environmental conditions and water quality with and provides income for the city. It has nothing to do with raising sewer rates.

R. C. for passage
9 Ayes – 0 Nays

Motion carried.

Ordinance No. 10-42 – Introduced by Council – An ordinance allowing a moral claim.

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

Petition from Sandra Wood – 528 Kinzel Avenue – (Speaking for her Robert Shesky – 528 Kinzel Avenue) We were in here the other day about stepping in the pothole. They put a water line in that house and that could be the hole that she stepped in. This happened in June and it was not a winter pothole I would think that someone would have reported that by June. She had let her brother out and someone had parked there and she parked back in the back and she did not know that it was there.

Mr. Tilton: You said this happened in June?

Mr. Shesky: Yes, sir.

Mr. Tilton: On your application it has September.

Mr. Shesky: As soon as she stepped in it they came down the next day to fix it. Mr. Zakany said last week they did not have time to fill a winter pothole, it seems to me that it was either June or

July and as many people that drive by there in a city truck, police, and workers that they would have found that hole.

Mr. Vincent: Mr. Sims, the report from Mr. Nauer, Streets and Sanitation Superintendent talked about looking at the address and found no potholes or patches where there was a pothole. The parking area has new gravel down (picture attached) and the city did not do the work. Off street parking – is that the area?

Mr. Sims: I can only assume that is the report I received based on the claim we submitted to Mr. Nauer. I don't know if the claimants have a picture of that, is that the area that you are actually talking about? Mr. Nauer is talking about the gravel area and that is off street parking which the city does not maintain.

Mr. Tarbert: I did not have a chance to go down once I got the packet with the information I did not have chance to meet with Mrs. Wood, but I left her a message. I will go down and look at the area myself and take some pictures and then I will make a recommendation at the next meeting. It will go three readings. We will have some time and I will call you tomorrow.

Mr. Zakany: I have one question; did this happen during daytime or nighttime?

WHO SPOKE?:Daytime.

Motion carried.

ORDINANCES FOR ACTION

Ordinance No. 10-33 – Introduced by Council – An ordinance terminating an enterprise zone agreement with Worthington Foods, Inc. and requesting the Muskingum County Commissioners to approve the same.

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

R. C. for passage
9 Ayes – 0 Nays

Motion carried.

PRIVATE PETITIONS AND COMMUNICATIONS:

Petition from Michael Wyatt – 1158 Selsam Street - Gus Macker Activity

I hereby direct and order this body to stop the illegal activity of the violation of the U.S. Constitution, the Ohio Constitution, and Zanesville Ordinance 09-44A. These documents do not authorize the closure of any public right-of-way or any permanent or portable recreational equipment. The general law indicates that no person or entity shall place or permit the placement of any recreational equipment in the City of Zanesville. Last Gus Macker I confronted Capt. Baker at the police department and asked him to enforce this law. He refused. I showed him the ordinance and after reading it he indicated that my interpretation of this ordinance is correct but nothing was done. But the law of the city was never enforced. Blockades were installed in July Red, White, and Blue and I approached the officers to stop the illegal activities. I was referred to the police department and I was told they have a permit. Of course my request was can I get a permit to commit any crime I want. You guys are not any better than I am. I informed them the permit was illegal. No action on their part. The most recent activity was blocking the right-of-way for the air traffic was transmitted to Home Depot. Somebody in the government must to be punished for the illegal acts. Case law – the U.S. Constitution, Supreme Court, supreme law of the land and be obeyed by all citizens of this great nation. I have the right to challenge the breaking the law and to express my grievance to the government for their lack of responsible people. Case Law – the Ohio Constitution states that a municipality cannot violate general law. Case Law – the Zanesville ordinance is general law written and approved by the people. I support Gus Macker and it should not take place in our city area but it should be in an area that is designed as a park area. In closing, you are blocking a national highway and this highway (40) was designed to support national resources and national disasters. The people want your support to protect this municipality, state, and nation we have fought for.

Mr. Vincent: I know Mr. Brandford is not here, so I will need to talk to him. My concern is if something happened and we had to shut Interstate 70 down and detour traffic down Route 40, if we have some contingency plan for clearing Route 40 off. I would expect they would have thought of that, but I will check with Mr. Brandford.

Mr. Wyatt: If I may? I am prepared to do a citizen's arrest to each and every one of the people that signed that ordinance and approved it and the people that disobey that ordinance. I will be down to the police department to find out what procedures I have to get warrants. I hope you can solve this before I have to get that.

Mr. Zakany: Main Street being Route 40 goes clear through the east side of town also Market Street is also a street that goes to the east side, so when something like that happens Market Street is usable it does not stop traffic from going through.

Mr. Wyatt: Have you read Ordinance 09-44A that you voted for? What you need to do before you give an answer like that you need to read the ordinance. The ordinance tells you that you cannot block any right-of-way with recreational equipment. No entity or no permit can be approved to do that so which all of you need to do is to look at 09-44.

MISCELLANEOUS AND UNFINISHED BUSINESS:

Mayor Zwelling: Just one thing. We have had a lot of calls about the grass growing rampant. Almost every street, abandon houses, foreclosed upon houses, and places where there are absentee owners. I had some calls recently from citizens who have people in the neighborhood that are mowing some of these places. One such person was taking care of the house next door that has been repossessed by an out of town bank. So what I am doing is to call upon the good citizens of this community to mow some grass in their neighborhood. I talked to Judge Joseph and people on probation that have public service hours to perform and I have talked to the law director and as long as they use their own lawn mowers to mow grass in their own neighborhoods it is okay. We appreciate the citizens stepping up and helping mow and some of them are doing so.

Mr. Roberts: I just need clarification that there is no issue with trespassing if you do that because I thought about doing that on my street.

Mayor: Someone could make an issue out of that. I talked to the law director about it.

Mr. Roberts: Some of them are actually inhabited structured and they are just too lazy to mow their grass. I thought about cutting it myself, but the major thing I was worried about was having someone call that I was trespassing.

Mr. Hillis: On the city's perspective we are not having people out there to mow it. If a neighbor wants to mow his neighbor's property the city is not responsible for that.

Mr. Roberts: With the litter control person moving up to Parks and Cemeteries, is that position going to be back?

Mr. Sims: Not according to the way the Budget Committee and the budget was laid out. That was part of the quandary making the selection where ever the selection was to come from that position was to go away, unless it was a water or sewage position..

Mr. Baker: Mr. Dubeck or Mr. Raines, is this a quarterly report we receive in our packets? I would like general characterization, for us non-accountants, as far as where we are headed as far as the overtime issue and comp time in lieu of overtime, should we start getting concerned now or more concerned then we already are?

Mr. Vincent: Mr. Baker if I could offer. Mr. Tarbert just set the next Budget Committee Meeting.

Mr. Tarbert: We are trying to get everyone schedules lined up hopefully in the next ten days.

Mr. Vincent: Do you want to be a part of that?

Mr. Baker: Sure. One more thing, Mr. Sims, there is a gentleman on Wayne Avenue having all sorts of problems with some construction crews that were treating him with disrespect. If what I heard from that gentleman was true that was pretty disheartening. If what I was listening to was true, the gentleman I saw on the news is due some kind of apology from the crew. There seems to be a lack of understanding from the contractor's side. Before payment is made for that project that properties have to be maintained, fixed, or repaired to the state they were previous in.

Mr. Sims: I think Mr. Baker the one thing you need to consider is there are two sides to this story. The contractor was upset with the airing of that. They were obliged to review the footage and if they felt necessary to be interviewed themselves they opted not to be to avoid further contentious situation. What you have is a situation that people have been in each other's way for six or seven months, they have endured through the winter, they have been tied up everyday getting to and from work, they are all kind of tired of the project. The end of it is in sight in about the next ten days. If you have a roster of the residents that have issues please forward them to me. We have not paid the final payment and will not pay or release the retainage until we have the okay from my engineers and the inspectors on the project. They are expecting to do the final paving next Tuesday, weather providing.

Mr. Baker: When you are talking about the final paving and inspection the people who live on Wayne Avenue to make sure that their properties are undamaged.

Mr. Sims: As a final close out there is always a final walk through and a list drawn up of any items undone, ones that were opted out of the project for various reasons, and any damages or reclamation work that needs done.

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

Motion carried.

Meeting adjourned at 8:10 p.m.