

CITY COUNCIL MEETING – MONDAY, December 22, 2014

The Council of the City of Zanesville met in regular session at 7:00 p.m. on Monday, December 22, 2014 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, Mr. Baker, Mrs. Norman, Mr. Hutcheson, Mr. Roberts, Ms. Gildow, Mr. Foreman, and Mr. Vincent. Mrs. Gentry and Mr. Sharrer were absent.

Mr. Hutcheson moved, seconded by Mr. Roberts, to excuse Mr. Sharrer and Mrs. Gentry.

Mr. Vincent: Is there any discussion on excusing Mrs. Gentry and Mr. Sharrer? A voice vote was held with all present in favor of excusing the absences of Mrs. Gentry and Mr. Sharrer. All present were in favor. None opposed.

Motion carried. They stand excused.

APPROVAL OF MINUTES

Mr. Roberts moved to accept the minutes as printed for December 08, 2014, seconded by Mr. Tarbert. No discussion was requested. A voice vote was held with all present in favor. None opposed.

Motion carried. Minutes stand approved as written.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Communication from Mayor Tilton-Board Appointments-Board of Zoning Appeals- I am hereby recommending the re-appointment of Pat O'Brien, John Raytis, Carol Kaido, and David Hillis to serve as members of the Board of Zoning Appeals for a term ending December 31, 2017.

Mr. Tarbert moved to receive and concur, seconded by Mr. Hutcheson.

Mr. Vincent: Is there any discussion? Hearing none, all in favor of receiving and concurring signify by saying aye. All present were in favor. None opposed.

Motion carries. Mrs. Gentry and Mr. Sharrer were absent.

Communication from Mayor Tilton-Board Appointments-Downtown Design Review Board-I am hereby recommending the re-appointments of Bob Grayson, Mike Nelson, Chip Saunders, and Ginger Hamilton to serve as members of the Downtown Design Review Board for a term ending December 31, 2017.

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

Mr. Vincent: Is there any discussion? Hearing none, all in favor of receiving and concurring signify by saying aye. All present were in favor. None opposed. Motion carries. Mrs. Gentry and Mr. Sharrer were absent.

Communication from Mayor Tilton-Board Appointments-Design Review Board-I am hereby recommending the re-appointment of Jim Geyer to serve as a member of the Design Review Board for a term ending December 31, 2019.

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

Mr. Vincent: Is there any discussion? Hearing none, all in favor of receiving and concurring signify by saying aye. All present were in favor. None opposed. Motion carries. Mrs. Gentry and Mr. Sharrer were absent.

Communication from Mayor Tilton-Board Appointment-Planning Commission-I am hereby recommending the appointment of Vincent Russo to serve as a member of the Planning Commission for a term ending December 31, 2020.

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

Mr. Vincent: Is there any discussion? Hearing none, all in favor of receiving and concurring signify by saying aye. All present were in favor. None opposed. Motion carries. Mrs. Gentry and Mr. Sharrer were absent.

PROPOSED ORDINANCES

Ordinance No. 14-56 - Introduced by Council . An Ordinance to vacate a portion of Balls Lane in the City of Zanesville, Ohio as herein provided. (First Reading)

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

Mr. Vincent: Is there any discussion? We do have several speakers tonight. First one is Heather Vlasuk.

Heather Vlasuk: I will defer to the second speaker, Patrick Finegan.

Mr. Vincent: Ok, Patrick Finegan, 600 Liberty Avenue, Pittsburgh, PA. He is representing PNC Bank in favor of this Ordinance.

Patrick Finegan: Mayor and Council, thank you again for the opportunity to present. I would like to start by thanking members of Council for meeting last week as part of the committee meeting to discuss the proposed Ordinance. I think it was a very productive meeting. I appreciate it. I would briefly like to go over the exhibits presented at the last Council meeting (visual site plans were again presented by Mr. Finegan). Again previous conditions, this was the aerial of the plan before Balls Lane was relocated. As

you can see the existing Balls Lane out to Maple Avenue, the two curb cuts which existed, and then in black the new location of Balls Lane. The red represents the PNC property before the taking occurred, for proposed Balls Lane. For the Ordinance what we are looking for is the vacation of the previous location of Balls Lane as well as a perpetual access easement over a portion to protect the only ingress and egress to the PNC parcel. The blue portion would be the portion reverting back to PNC. The yellow would revert back to Walmart. Again, what I have done here is simply overlay the existing access points so everyone can see the reason for the perpetual access easement. Lastly what I wanted to review with Council was something that we had talked about at the committee meeting and that was the reason for the vacation and the half ownership reverting back to PNC and our plans for that. There was some confusion as it relates to exactly what would occur on the portion reverting back to PNC. Back in 2010 and 2012 there was communication with the City. In fact, at the committee meeting there was some correspondence that was shared with us. With the previous plan which showed parking and access reconfigured on the entire portion of existing Balls Lane. At that time there was communication with PNC and Mr. Saunders. Mr. Saunders at the time mentioned that the City would support the concept. What we have done is go back to the drawing board and look at just the portion that would revert back to PNC. We were able to accommodate the same access modifications to create increased vehicular circulation for our pedestrians, as well as, vehicular circulation on site. We wanted to share this although it is very preliminary and has not been submitted to the City for permitting and review. We previously had support from Patrick Denbow, the Planning and Zoning Administrator, back in 2013 on this particular lay out. Again, I just wanted to share this with Council as it related to exactly how we would be addressing that portion. The blue is the portion which is just the half ownership that would revert back to PNC as shown on previous exhibits.

Mr. Vincent: Excuse me, Mr. Finnegan. Your three minutes are up. I will turn to Council to see if they want to waive the rule to extend the time for an additional three minutes.

Mr. Vincent: It was moved by Mr. Baker, seconded by Ms. Gildow. Is there any discussion? I have a motion and a second to grant an additional three minutes. With that, all in favor of granting an additional three minutes please signify by saying aye. None opposed. Motion carries for an additional three minutes. Mrs. Gentry and Mr. Sharrer were absent.

Patrick Finegan: Again, the blue represents the portion reverting back to PNC. As you can see there are modifications to increase circulation at the particular access point which is really a choke point today, where everybody from a vehicular side needs to park in this portion of the parking lot. The drive-thru circulation which used to be able to exit onto Maple Avenue at two points, which no longer existng, would now circulate back to the main point. Again this is for illustration purposes and this has not been submitted to the City for review at this time.

Mr. Vincent: Thank you sir. Are there any questions from Council?

Mr. Roberts: David it is your committee, so if you want to go with an update.

David Tarbert: I was going to let the speakers speak but the committee did meet. The Public Service Committee met and there was a vote or a recommendation for Council that based on a lot of reasons a recommendation from the administration or at least no opposition from the administration it was recommended by the committee to recommend to this Council that we pass this Ordinance. So that is what came out of the committee meeting.

Mr. Vincent: Thank you. Is there anything else from Council? Thank you, Mr. Finegan, we appreciate it. I also have a petition from Mr. Richard Duncan, 1165 Friendship Drive, New Concord, Ohio representing PNC Bank speaking in favor of the Ordinance.

Richard Duncan: Thank you very much for the opportunity. I guess I just want to speak to one thing. Over the past 42 years I have been with the bank and have had my offices in a bunch of different locations. I have been out at our Maple Avenue office several different times and I will be moving back out there at the end of February. It is a safety issue, really. Basically I can speak to two occurrences. One I was crossing the new entrance to Walmart; it is very nice; it provides a lot of good access, but also has three stops on it. I am not sure they are really adhered very well. People don't really seem influenced and they just seem to go through them. I was crossing the road to go back to my car one day and about got hit. Me! The other day I was observing through a window when one of our customers, who I am not quite sure where she was parking exactly, but the lot was fairly full so she must have chosen to park over at Walmart or she was coming from Walmart. She was trying to cross and the person just laid on the horn and she almost got hit. It is not a very safe occurrence. The thing I am concerned about is by not having sufficient employee parking my employees are going to have to park at Walmart. They are going to have to cross the street at least twice and possibly four times including lunch. That is basically all I had.

Mr. Vincent: Thank you Mr. Duncan. Are there any questions from Council for Mr. Duncan? Thank you sir, we do appreciate it. Mr. Vincent asked Heather Vlasuk if she wanted to speak and she declined. Is there anything else from Council? If not, we are at first reading so all in favor of first reading signify by saying aye. All present were in favor. None opposed. Mrs. Gentry and Mr. Sharrer were absent.
Motion carries.

Mr. Vincent: First and second reading really do not matter and are just a formality as far as understanding Council's position. The final vote is what counts.

Ordinance No. 14-83 - Introduced by Council . An Ordinance amending appropriation Ordinance No. 14-20 and declaring an emergency. (Emergency)

Mr. Hutcheson moved to waive the readings and it was seconded by Mr. Tarbert.

Mr. Vincent: Is there any discussion on waiving of the readings? Hearing none, we will have roll call vote on waiving of the readings.

Roll call vote on waiving of the readings.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Sharrer

Motion carries.

Mr. Vincent: I now need a motion for passage.

Mr. Roberts moved for passage, seconded by Ms. Gildow.

Mr. Vincent: Is there any discussion? Hearing none, we will have roll call vote for passage.

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Sharrer

Motion carries. Ordinance is passed.

Ordinance No. 14-84 - Introduced by Council . An Ordinance authorizing advertising for bids and entering into contract for Public Employee Bond Coverage. (Emergency or First Reading)

Mr. Vincent: It does have emergency on it, but it is not an emergency. Mary Bush did request through Rhonda Heskett for waiving the readings on this to give additional time to get everything in place, to get coverage set up in advance. I am not sure if Council had a chance to get this e-mail.

Mr. Roberts moved to waive the readings and it was seconded by Mr. Tarbert.

Mr. Vincent: Is there any discussion on waiving? Hearing none, we will have roll call vote on waiving of the readings.

Roll call vote for waiving of the readings.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Sharrer

Motion carries.

Mr. Vincent: I now need a motion for passage.

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

Mr. Vincent: Is there any discussion? These are pretty routine items that we need to put in place. We will have roll call vote for passage

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Sharrer

Motion carries. Ordinance is passed.

Ordinance No. 14-85 - Introduced by Council . An Ordinance authorizing the proper city official to advertise for bids and enter into contract for purchase of various insurances. (First Reading)

Mr. Vincent: Ms. Heskett is there any concern on this as far as timing on this?

Mr. Heskett: No. We have until June.

Mr. Vincent: Ok, we have until June 1. We are at first reading.

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

Mr. Vincent: Is there any discussion? Hearing none all in favor of first reading signify by saying Aye. All present were in favor. None opposed.
Motion carries. Mrs. Gentry and Mr. Sharrer were absent.

Ordinance No. 14-86 - Introduced by Council . An Ordinance amending Ordinance No. 14-31 which authorized the appropriate city official to enter into an agreement with Muskingum County for the supply of water, and declaring an emergency. (Emergency or First Reading)

Mr. Tarbert moved to waive the readings and it was seconded by Mr. Hutcheson.

Mr. Vincent: Is there any discussion on waiving? Hearing none, we will have roll call vote for waiving of the readings.

Roll call vote to waive the readings.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Sharrer

Motion carries. Readings are waived.

Mr. Vincent: I now need a motion for passage.

Ms. Gildow moved for passage, seconded by Mrs. Norman.

Mr. Vincent: Is there any discussion from Council? Hearing none we will have roll call vote for passage.

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Sharrer

Motion carries. Ordinance is passed.

Ordinance No. 14-87 - Introduced by Council . An Ordinance authorizing the proper city official to enter into a contract for the purchase of vehicles for the Police Division by State Purchase Agreement; and declaring an emergency. (Emergency)

Mr. Tarbert moved to waive the readings and it was seconded by Mr. Hutcheson.

Mr. Vincent: Is there any discussion on waiving? Hearing none, we will have roll call vote for waiving of the readings.

Roll call vote to waive the readings.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Sharrer

Motion carries.

Mr. Vincent: I now need a motion for passage.

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

Mr. Vincent: Is there any discussion? With that Mr. Buck, I assume they are going to stick with the Ford Taurus vehicles?

Fred Buck: Not the Taurus we are going with the SUV Explorers.

Mr. Vincent: Yes, that is right. Since we had such bad luck with the Chrysler products and the Ford was going well.

Fred Buck: Yes, definitely.

Mr. Vincent: Ok. Is there any further discussion? We will have roll call vote for passage.

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Sharrer

Motion carries. Ordinance is passed.

ORDINANCES FOR ACTION

Ordinance No. 14-81 - Introduced by Council . An Ordinance authorizing an amendment to the Partnership Agreement with Muskingum County for implementation of the PY 2014 Community Housing Impact and Preservation Program (CHIP). (Third Reading)

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

Mr. Vincent: Is there any discussion? Hearing none we will have roll call vote for passage.

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Sharrer

Motion carries. Ordinance is passed.

Ordinance No. 14-82 - Introduced by Council . An Ordinance providing appropriations for use during the fiscal year 2015 and declaring an emergency. (Third Reading)

Mr. Roberts moved for third reading and passage, seconded by Mr. Foreman.

Mr. Vincent: Is there discussion? Thank you again Ms. Heskett for the presentation and getting us all set up and Mrs. Culbertson for helping. Ok, with that we will have roll call vote for passage.

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Sharrer

Motion carries. Ordinance is passed.

TRAFFIC ORDERS

None

PRIVATE PETITIONS AND COMMUNICATIONS

Mr. Larry Emerson, 13290 Pear Orchard Road, Dresden, OH 43821 representing the Muskingum Area Real Estate Investors Association with general comments.

Mr. Larry Emerson: With this being the end of the year I wanted to take the opportunity to thank everybody for all of the hard work you have done through this year. I know a lot of times you are used to seeing me stand up here as an adversary. But actually, 98% to 99% of the time our organization is in agreement with you. We want the same things. And even when we don't, I want you to know we do give everyone here credit. If what you are doing, we know that in your hearts you are doing it for what you think is best.

Now we may not agree on what is best, but we think that what you are doing, you are doing it because you think it is always for the best for the community and that you want Zanesville to be prosperous and to be a pleasant place to live. We want the same thing. According to the last information I have seen which is several months old, is investors owned 49.5% of the housing stock in Zanesville. Since it is commercial most of the commercial property in Zanesville is owned by investors. So if nothing else, just for our own preservation we want the same thing. We want Zanesville to be prosperous and we want it to be a nice place for everyone to live. I wanted to tell you that our group is always ready to speak with you on anything coming up. We all want to take part and help in any way that we can with the City going forward into the future. Mainly and lastly I want to wish everyone here a Merry Christmas and a Happy New Year.

Mr. Vincent: Thank you Mr. Emerson. One quick question, sir; I wondered about your position with this association?

Mr. Emerson: I am a board member. I am not an officer, but I am a member of the board.

Mr. Vincent: You do represent them officially?

Mr. Emerson: Yes.

Mr. Vincent: Ok, thank you sir.

Mr. Vincent: I have a petition from Mr. Eric Jones, 221 Luck Avenue here in Zanesville regarding his civics test continued.

Mr. Eric Jones: Hello everybody. We have been and are being deprived of our republican democracy. The last time Mr. Sharrer mentioned that I was an advocate for direct democracy and that is not being the case. I am a fan of the Constitution, Article Four, Section Four; that guarantees a republican form of government. Here is something under tyranny of the majority. So this is just a couple of reminders, nothing major. First off, silence shall be construed as consent. If you want to refute me, by all means do. I want you to. I pretty much have everybody's argument in my head, I don't think you can really argue for tyranny and as we get there probably treason. Now for our citizens there is no law against it. The citizens can do it. For elected officials there is no law for it, elected officials and appointed officials cannot do it. I ended my last meeting just mentioning treason. Let me go a quick round on that real quick. If there is tyranny of the majority, then is tyranny an enemy to the constitution. The constitution is more or less an idea folks, an ideal; idea, ideal or a higher ideal. If tyranny is an enemy to that then this would be treason. Now I don't know if anybody is going to take tit for tat for that. I am not a prosecuting attorney, but if I can make a probable cause case with my little bit of knowledge I am pretty sure somebody else with more skills will be able to do it too. Now, everything I am saying is based on my opinion. My theories, conjunctures, presumptions, hypothesis, standard of approval I am using, it was using more likely than not. Now, sooner or later everybody here is going to start seeing what I see when I

come here. I see you as basically nice people, but this is official. So in your official capacity I see you as rogues, scoundrels, whoremongers, whoremasters, and whores and all that other stuff.

Mr. Vincent: Mr. Jones, Mr. Jones!

Mr. Jones: I am using the right words here. My vocabulary is good. I checked to make sure I was not using anything profane or whatever.

Mr. Vincent: We have been through that before and you did.

Mr. Jones: You have a dictionary back there from 1988. Get a more recent dictionary.

Mr. Vincent: Thank you sir, your time is up.

Mr. Jones: Thank you very much. Could I have three more minutes?

Mr. Vincent: Would anyone like to give Mr. Jones an additional three minutes? Additional three minutes? Additional three minutes? (No motion) Thank you sir.

Mr. Jones: Thank you very much.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mr. Vincent: Is there anything from administration? Is there anything from Council?

Mr. Baker: If I didn't get around to thanking everybody personally for your kind condolences with the recent passing of my father, I would like to say so sort of as a group. Thank you very much. It certainly helped. I appreciate the kind thoughts.

Mr. Vincent: Thank you. Is there anything else from Council?

Mr. Hutcheson moved to adjourn. It was seconded by Mr. Tarbert.

Mr. Vincent: All in favor of adjournment signify by saying aye. All present were in favor. None opposed. Motion carries. Thank you everyone we stand adjourned. Have a good evening. Meeting adjourned about 7:30 p.m.