

CITY COUNCIL MEETING – MONDAY, JULY 13, 2015

The Council of the City of Zanesville met in regular session at 7:00 p.m. on Monday, July 13, 2015 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. Hutcheson, Mr. Roberts, Ms. Gildow, Mrs. Gentry, Mr. Tarbert, Mr. Baker; Mrs. Norman, Mr. Sharrer, and Mr. Vincent.

Mr. Foreman was absent.

Mr. Vincent: We need a motion to excuse Mr. Foreman.

Mr. Roberts moved to excuse Mr. Foreman. It was seconded by Mr. Tarbert.

Mr. Vincent: Is there any discussion? Hearing none, all in favor of excusing Mr. Foreman signify by saying aye.

All present were in favor. None were opposed. Motion carries. Mr. Foreman stands excused.

APPROVAL OF MINUTES

Mr. Vincent: Now for approval of the minutes from June 22, 2015.

Mr. Sharrer: I just noticed on page 17 of the minutes, there is a scrivener's error in the spelling of Captain Coury's name. If that could be corrected throughout, other than that they look okay.

Mr. Vincent: Mr. Sharrer is moving to correct the spelling of Captain Coury's name.

Mr. Tarbert seconded the motion.

Mr. Vincent: Is there any discussion? All in favor of that correction signify by saying aye.

All present were in favor. None were opposed. Motion carries.

With the correction, I guess with that, I should receive a motion to approve the minutes.

Mr. Sharrer moved, it was seconded by Mr. Hutcheson to accept the minutes as amended

Mr. Vincent: Are there further corrections or discussion? Okay, all in favor of accepting the minutes as corrected signify by saying aye. Opposed?

All present were in favor. None were opposed.
Motion carries. Minutes stand approved.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Communication from Rhonda Heskett, Budget and Finance Director – Alternative Tax Budget Information and it is for FY 2016.

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

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

PROPOSED ORDINANCES

Ordinance No. 15-77 - Introduced by Council –An Ordinance authorizing the proper city official to expend funds for building improvements and declaring an emergency.

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

Mr. Vincent: Is there any discussion? Hearing none, all in favor of first reading signify by saying aye. All present were in favor. None were opposed.
Motion carries.

Ordinance No. 15-78 - Introduced by Council – An Ordinance authorizing the proper city official to establish a Fire Capital Projects Fund.

Mr. Vincent: We are at first reading.

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

Mr. Vincent: Is there any discussion? Hearing none, all in favor of first reading signify by saying aye. All were in favor. None were opposed.
Motion carries.

Ordinance No. 15-79 - Introduced by Council – An Ordinance authorizing the proper city official to apply and accept an Edward Byrne Memorial Justice Assistant Grant in the amount of \$10,211.00.

Ms. Gildow moved for first reading and it was seconded by Mrs. Gentry.

Mr. Vincent: Is there any discussion?

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

Mr. Vincent: The motion to waive overrides the first. Is there any discussion on waiving of the readings? Hearing none we will have roll call vote for waiving.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries.

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

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

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries. Ordinance is passed.

Ordinance No. 15-80 - Introduced by Council – An Ordinance authorizing the proper city official to enter into a contract with Genesis HealthCare System and declaring an emergency.

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

Mr. Vincent: Is there any discussion on waiving of the readings? With that we will have roll call vote for waiving.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries.

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

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

Mr. Vincent: Discussion? Hearing none, we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries. Ordinance is passed.

Ordinance No. 15-81 - Introduced by Council – An Ordinance allowing a moral claim.

Mr. Hutcheson moved for first reading and it was seconded by Mrs. Gentry.

Mr. Vincent: Is there any discussion?

Mr. Sharrer: Again, I believe it is just a scrivener's error but the first "Whereas" has \$861.22 and in Section One it says \$866.22. If we could just make that be \$861.22 as what was in the actual paperwork that accompanied the Ordinance.

Mr. Vincent: So you would like to make a motion to correct under Section One is \$861.22?

Mr. Sharrer: To \$861.22.

Mr. Baker seconded the motion.

Mr. Vincent: Mrs. Gentry, this is your Ordinance, is that correct?

Mrs. Gentry: Yes.

Mr. Vincent: So a motion from Mr. Sharrer and a second on that by Mr. Baker. Discussion?

Mr. Roberts: Mr. President. Just a quick question. There is a bunch of discussion about the video that was taken; which I don't know who took the video. It wasn't explicitly stated in there. Do we have a copy of that that Council could see?

Mr. Vincent: We made the request for that. So I think we will be able to see it. Yes.

Jay Bennett: Absolutely.

Mr. Roberts: Okay.

Mr. Vincent: So right now we are looking at the amendment under Section One changing that figure to match the figure up at the top in the first "Whereas". Is there any discussion on that? All in favor of the amendment signify by saying aye. Opposed?

All present were in favor. None were opposed.

Motion carries.

Mr. Vincent: Now I need a motion for first reading for Ordinance 15-81 as amended.

Mr. Hutcheson moved for first reading as amended and it was seconded by Mr. Tarbert.

Mr. Vincent: Is there any further discussion? Hearing none, all in favor signify by saying aye. Opposed?

All present were in favor. None were opposed.
Motion carries.

Ordinance No. 15-82 - Introduced by Council – An Ordinance allowing a moral claim.

Mr. Baker moved for first reading and it was seconded by Mr. Tarbert.

Mr. Vincent: Discussion?

Mr. Baker: Yes, this is rather long so just to summarize briefly this has to do with Ms. Susan Ryan, who is present today. Who owns the house on Canfield Road in my ward. There is a lot next to the property she owns in which there were some overhanging trees. At least one of which, in a bad wind storm last December, knocked over part of a tree or possibly most of or the whole thing onto her shed and at least one of the cars that were in the drive way. She is after remuneration. If you notice there is no amount settled upon yet. She can explain that here in a second and no line item which we will take care of at the next reading.

Mr. Vincent: Is there anything else from Council?

Susan Ryan: May I speak?

Mr. Vincent: With that please, Ma'am, Ma'am, if you will hold on please, I need to follow up. Is there anything else from Council? With that I do have two petitions here. One is from Susan Ryan of 1227 Canfield Road, Zanesville and she is speaking I assume in favor of this? It looks like it is in opposition. Are you Mrs. Ryan?

Susan Ryan: Yes.

Mr. Vincent: With that ma'am go ahead and pull the microphone down please so we can hear you. And then you will have three minutes to speak. At that time if your time does expire or if Council wants to add additional time to that they can make a motion, but at this point you have three minutes to share.

Susan Ryan: I am here to get my Cavalier fixed. Which I, ah, \$2,000 and I keep the car and I would like a shed which I will tear this old one down for \$3,000. Like Mr. Baker said there was a big wind storm on the 24th of December and the City did come up and remove the trees off the cars and the shed. The tree is on City property. My husband

had trouble with the trees before in the years I lived there. I had an older car of my son's that a trees fell on, before I put the shed there, and the City paid for the car. That is what I am asking for. I have documents on the shed which would be \$3,803.40. The Chevy Cavalier, to have it, the blue book is \$2,680.00. I have the paperwork and I also have pictures of the damage. And that is all.

Mr. Vincent: Okay, thank you.

Mr. Baker: What was the shed amount did you say?

Susan Ryan: On the estimate was \$3,803.40.

Mr. Baker: So the total that you would like is \$6,480.

Susan Ryan: No, \$5,000. I keep the car and I will have the shed removed.

Mr. Baker: \$3,800 for the shed

Susan Ryan: That is what Home Depot letter

Mr. Baker: Okay, and \$2,680 for the Cavalier? Am I adding this right? Yeah, that is \$6,480.

Mr. Hillis: She is willing to settle for \$5,000.

Susan Ryan: I am willing to settle for \$2,000 for the car. I keep the car and I will have it repaired and the shed \$3,000 and I will have it removed.

Mr. Baker: Okay, I see what you are saying. Okay, very good. You say that this has happened how many times before? Once?

Susan Ryan: It happened once before. It was when my son was in high school which would have been probably twenty odd years ago. A tree fell on the same part of the property. There was another tree. Which I have a document picture from 99 where there were trees there and one of them fell on his car and smashed the top of it and the City paid for it. I didn't have no problems with it; I didn't have to come down here. The same part of a different tree had fell down.

Mr. Baker: There are a lot of trees overhanging that fenced in area, right?

Susan Ryan: Yes, further down, yes.

Mr. Baker: That could have happened too. So that is an ongoing problem?

Susan Ryan: Yes. The mosquitos are terrible up there. But I complained about it, but it just nothing ever comes of it. The rubbish that is down in the hollow. They came up one time and cleaned a few things out and that was all. They never come back.

Mr. Vincent: Thank you, Ms. Ryan. I also have a petition here from Tracy Robinson also of 1227 Canfield Road, here in Zanesville, Oh, I assume.

Susan Ryan: That is my son. He will be the one tearing the shed down and getting rid of it.

Mr. Vincent: Is he here tonight?

Susan Ryan: Yes.

Mr. Vincent: Okay. Did you want to speak sir?

Tracy Robinson: No, I am fine. She got it all and it sounded good to me.

Mr. Vincent: Okay. Thank you. We are done ma'am. Thank you. You may have a seat.

Susan Ryan: Did you need any of this paperwork?

Mr. Vincent: Yes, if you want to give it to Ms. Heskett right here. Do you need that back ma'am?

Susan Ryan: Pardon?

Mr. Vincent: Do you need those back?

Susan Ryan: I think he's got all of the copies.

Mr. Baker: I think the copies are in the packet.

Jay Bennett: The copies are in the packet. I think so.

Mr. Vincent: All of the same stuff that is there then?

Jay Bennett: It looks like it.

Mr. Vincent: So we are good then. We don't need those ma'am. Ma'am, thank you. Ma'am if you could have a seat so we can continue with the meeting then.

Susan Ryan: Thank you.

Mr. Vincent: Okay, we are at first reading. Is there any further discussion?

Mr. Baker: Scott, would it be okay to put the amount in tonight as an amendment and then the line item next time? Is there any problem with that?

Rhonda Heskett: Mr. Baker, I have the line item if you want to include it.

Mr. Baker: You do have the line item? I would like to propose an amendment to this filling in the blanks where ever that is, I have too many papers up here.

Mr. Vincent: Section One.

Mr. Baker: Where is it?

Mr. Vincent: Section One is the dollar amount first and then the line item.

Mr. Baker: \$5,000 and whatever the line item is. Which is?

Rhonda Heskett: 202-6951-53408.

Mr. Vincent: Again, just to make sure 202.6951.53408.

Rhonda Heskett: Yes.

Mr. Vincent: So Mr. Baker, is that you motion then?

Mr. Baker: Yes.

Mr. Vincent: For those two items: the \$5,000 and the 202.6951.53408. A motion is made by Mr. Baker for that and also a second then by Mr. Tarbert. Is there discussion on the amendment? Hearing none, all in favor of that amendment signify by saying aye.

All present were in favor. None were opposed.
Motion carries.

Mr. Vincent: Now I need a motion for first reading for 15-82 as amended.

Mr. Tarbert moved for first reading and it was seconded by Mr. Baker.

Mr. Vincent: Is there any further discussion? Hearing none, all in favor of first reading signify by saying aye.

All present were in favor. None were opposed.
Motion carries.

Mr. Vincent: Mrs. Ryan, first reading tonight, it will come back again for second reading. Basically are all for or against for the first two readings it doesn't matter. It is still coming back as far as three readings, but we do it as kind of a way to get a feel for where

people stand on it. The only vote that will really matter will be the third reading then and how Council votes at that time. Thank you.

Ordinance No. 15-83 - Introduced by Council – An Ordinance authorizing the appropriate official to hire a vendor to digitize court files.

Mr. Vincent: We are at first reading.

Mr. Tarbert moved for first reading, seconded by Mrs. Gentry.

Mr. Vincent: Is there any discussion? No questions from Council? With that, you (Vicki Kirk) only wanted to speak if there were questions. Correct?

Vicky Kirk: Yes. I just didn't know if there was any information that was needed.

Mr. Vincent: Vicky Kirk here from the Courts. She always presents us with wonderful information. Is there anything from Council? Okay. We are at first reading so all in favor of first reading signify by saying aye. Any opposed?

All present were in favor. None were opposed.
Motion carries.

Ordinance No. 15-84 – Introduced by Council – An Ordinance authorizing the proper city official to execute a development and real estate exchange agreement and the necessary conveyance documentation to acquire 0.8349 acres, more or less, fee simple interest from 34 South Fourth Street, LLC located adjacent to and North of South Street in exchange for 0.2234 acres, more or less, fee simple interest owned by the City located adjacent to Fourth and South Streets, and declaring an emergency.

Mr. Vincent: A motion to waive or for first reading.

Mr. Tarbert: I move to table this for two weeks, please.

Mr. Sharrer: I second.

Mr. Vincent: All in favor of tabling signify by saying aye. Any opposed?

All present were in favor. None were opposed.
Motion carries. It is tabled for two weeks.

ORDINANCES FOR ACTION

Ordinance No. 15-72 – Introduced by Council – An Ordinance authorizing the proper city official to dispose of surplus property. (Second Reading)

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

Mr. Vincent: Is there any discussion? Hearing none, all in favor of second reading signify by saying aye. Any opposed?

All present were in favor. None were opposed.
Motion carries.

Ordinance No. 15-62 – Introduced by Council - Authorizing the issuance of notes in the amount of not to exceed \$2,500,000 in anticipation of the issuance of bonds for the purpose of acquiring, constructing, reconstructing, renovating, repairing, and otherwise improving municipal facilities, particularly Secrest Auditorium and the City Jail, acquiring land and interests in land necessary for the foregoing, equipping, furnishing and equipping the same, and landscaping and improving the sites thereof, and declaring an emergency. (Third Reading)

Mr. Vincent: We are at third reading.

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

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries. Ordinance is passed.

Ordinance No. 15-64 – Introduced by Council - An Ordinance authorizing the proper city official to enter into a contract for the lease of a Vector Sewer Cleaner for the department of Public Service Sewer Division through State Purchase Agreement. (Third Reading)

Mr. Vincent: We are at third reading.

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

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries. Ordinance is passed.

Ordinance No. 15-65 – 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-8/R-9/R-10/R-11 Combined Sewer project. (Third Reading)

Mr. Vincent: We are at third reading.

Mr. Roberts moved for third reading, seconded by Mr. Hutcheson.

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries. Ordinance is passed.

Ordinance No. 15-44 – Introduced by Council – An Ordinance amending Chapter 111 of the Codified Ordinances of the City of Zanesville. (Third Reading)

Mr. Vincent: We are at third reading.

Mr. Sharrer moved to table this Ordinance until August 10, 2015. It was seconded by Mr. Tarbert.

Mr. Vincent: All in favor of tabling until August 10, 2015 signify by saying aye. Any opposed?

All present were in favor. None were opposed.

Motion carries. It is tabled until August 10, 2015.

Mr. Vincent: Those submitting petitions, Council wants something tabled and voted upon, it is not discussed then. It will be back on August 10, 2015.

TRAFFIC ORDERS

None

MISCELLANEOUS AND UNFINISHED BUSINESS

Mr. Vincent: Is there anything from the Administration?

Mayor Tilton: Yes, Mr. President, in the last few weeks we have had several phone calls about pot holes, the paving, and the mowing. With the potholes and the paving we can't do anything with those as they are not making hot mix at this time. With the mowing, we put all hands on deck today and are trying to catch up even though with the rain we have had several days of rain and we can't keep up, but right now we are trying to catch

up, with the good days we have. So those people that call you, please have them call my office and we will explain what is going on.

Mr. Vincent: Thank you. Is there anything?

Mr. Bennett: Just to add on to what the Mayor is talking about as well is striping. We have had conversations about we are behind on striping because the temperatures have not been conducive to painting. The weather has not been conducive, so all of these factors have influenced Public Services over the last several weeks. So we are ready to go when the weather cooperates.

Mr. Vincent: Hopefully soon.

Jay Bennett: Yes.

Mr. Vincent: Is there anything else from the Administration? Is there anything else from Council?

PRIVATE PETITIONS AND COMMUNICATIONS

Mr. Vincent: With that, I do have two petitioners here under Private Petitions and Communications which is next. First is Mr. David Rogers, 1104 Benjamin Avenue, Zanesville, Ohio regarding "Lt. Rice's actions before the last meeting, 6-22-2015 and other depending on time".

Mr. David Rogers: Before I get to Lt. Rice I will give Council Members the case number. Rogers vs. City of Zanesville Case Number 215-CV-02-441. And claiming first and fourth amendment rights violations on that and the paperwork is on line.

Lt. Rice prior to the meeting on the last meeting asked to search my bag. He singled me out. By singling me out that is no more than police harassment. That falls under a 1982 decision out of California. A 1983 Civil Rights Act, which I once read to an officer in 1991 and was arrested. And for some reason the courts tape transcript didn't, the tape recorder didn't work, so I wasn't able to get a transcript off of that case. But he had really no right to search my bag unless he was going to search everybody else's bags. Going through the contract the complaints that were made against the officers, there are no supporting documents. That I was supposed to sign out of a contract, paperwork procedure was not followed. But any business that had employees like Zanesville and Muskingum County or has law enforcement would fire them. No wonder Zanesville was ranked five worst cities in Ohio. I guess if the feds tried real hard they might be able to get Lutz and Haddox on the RICO Act (Racketeer Influenced and Corrupt Organizations Act) or something. But that pretty much covers it. It was an unlawful search. I was singled out. Your metal detector, if you want to use it, belongs down stairs; one door in and one door out. Two people running, one at the door with the metal detector and the other one upstairs and in and out of Council Chambers if you want to have an officer

here. Because more or less that is nothing but, an eye-sore back there. Both of them. I think I am just about up with my three minutes. Thank you.

Mr. Vincent: Your time is up. I have a petition from Mr. Eric Jones, 221 Luck Avenue, Zanesville, OH regarding Initiative Petition.

Mr. Roberts: I think Fred wanted to speak.

Mr. Eric Jones: Hello everybody.

Mr. Vincent: I'm sorry. Just a moment, please. Do you want to speak?

Fred Buck: It will be okay. Let him speak. I will speak after the meeting.

Mr. Vincent: Alright, thank you, please go ahead.

Mr. Eric Jones: Hello everybody. I normally start out with the same statement. I will start out again with the same one. We do not have a democracy in Zanesville, Ohio we have a tyranny of the majority. I am sure you guys get tired of that. I am kind of getting tired of saying it myself. So I thought I would change tactics. I will adapt here real quick. What I am going to do, I am going to do an Initiative Petition. The title of the Initiative Petition is an Ordinance restoring democracy to the City of Zanesville. The body says whereas the citizens of the City of Zanesville desire democratic autonomy. Now therefore, be it ordained by the Council of the City of Zanesville, Ohio, that a commission be chosen to frame a Charter with Roberts Rules of Order as its parliamentary authority for the City of Zanesville, Ohio. Now, of course, I didn't get a lawyer to do all of that. I got a template from the Secretary of State. I modified it a little bit. It'll come down to that and I think I am close enough and what I will be doing is in effect educating the City of Zanesville about democracy. You know, one at a time. I think I can get two people to sign the petition. I need four hundred forty-four signatures of registered voters. I figured that shouldn't be too hard. I mean three a day for 100 days or so, one hundred or so days and we are good to go. In the interim while I am doing it, again, I get to hopefully create an organization out of all of this; one that should have been created probably thirty years ago, maybe fifty years ago. I think it will work. I think in showing the people in Zanesville, you know, a question I felt I would be getting is what is the difference between a tyranny and a democracy as it applies to me? Alright. A number of you asked me that question. Under a tyranny I am a subject. Under democracy I am a citizen. Under tyranny Mr. Buck with the police department is reinforcing a tyranny. It is the force behind a tyranny. Under a tyranny saying the Pledge of Allegiance is a little kind of shaky. Under a tyranny the twenty year plan will again reinforce that tyranny. That is because Mr. Bennett told me to read some books that he said was going to be homework on the twenty year plan. I actually went out and read some books on it. The twenty year plan has a lot to do with the politics of the government. You will reinforce whatever the politics are. I don't want to go past my three minutes. I have been smacked a little. That is okay too. Thank you very much.

Mr. Vincent: Ten seconds. Alright. Is there anything else?

Mr. Roberts: I have a question. Scott, any person stepping foot into this building is subject to search? Is that correct? Or is this not the same as other county buildings.

Scott Hillis: I don't know if we have that posted on the doors or not. I would defer to what is on each door.

Mr. Roberts: Okay.

Mr. Vincent: Is there anything else from Council?

Mr. Sharrer moved to adjourn and Mr. Hutcheson seconded the motion.

Mr. Vincent: All in favor of adjournment signify by saying aye. Any opposed?

All present were in favor. None were opposed.
Motion carries.

Mr. Vincent: Thank you everyone. We stand adjourned and have a good night.

The meeting adjourned about 7:33 p.m.