

### **Public Hearing**

A Public Hearing was held at 6:30 p.m., Monday, January 26, 2015 in the City of Zanesville's Council Chambers, 401 Market Street, Zanesville, OH to hear requests by Dutro Real Estate, LLC to vacate portions of Sewer Alley, Court Alley, and Plum Alley in downtown Zanesville. All testimony for and against will be heard.

Mr. Vincent called the hearing to order at 6:30 p.m. on January 26, 2015.

Mr. Vincent: We have a request by Dutro Real Estate, LLC to vacate portions of Sewer Alley, Court Alley, and Plum Alley in downtown Zanesville. We will now turn the meeting over to Mr. Patrick Denbow.

Mr. Denbow: The applicant is requesting a variance of the portion of Court Alley between South Street and Canal Street, a portion of Sewer Alley between South Street and Canal Street, and a portion of Plum Alley between 5<sup>th</sup> and 6<sup>th</sup> Streets. Dutro dealership has been expanding and redeveloping additional properties in the area surrounding these rights-of-ways. Dutro is now the owner of all of but two of the properties that borders these alleys. The applicant as we stated does own all but two of the properties that borders the alleyways. The other property is owned by the City of Zanesville and there is one other property owner. I can point that out on the map. The City owned property is right here (east side of 4<sup>th</sup> Street from the current city jail) and the other property owner owns property right here (parcel located at Canal Street and Fifth Street) so this property extends over to this alley a little bit. The applicant does have extensive plans for redeveloping all of this property to create an entirely new dealership. These alleys are located in the middle of the space that is planned to be utilized. The Public Service Department has determined any utilities that are within these right-of-ways, and any utilities that will not be relocated, will have to have a utility easement. The Planning Commission is recommending approval of the vacations and we are also requesting that this be considered as an emergency, so that Dutro can stay on their timeline for construction. Someone associated with Dutro will be able to expand on that a little better about their timeline. We are not asking necessarily for readings to be waived and it can go through three readings, but if they can be given that extra thirty days at the end if enacted as an emergency. Are there any questions?

Mr. Vincent: Are there any questions from Council?

Mr. Sharrer: Mr. Denbow, the sole property owner aside from the City and aside from Dutro; are there any issues? I see kind of on the map that the property extending back to the alley. Are there any access issues or anything like that with that property? They can still access it from Canal?

Mr. Denbow: Yes, they have a lot of frontage on Canal Street.

Mr. Sharrer: And there are no objections or anything from the property owner?

Pat Denbow: I have not heard any objections.

Mr. Sharrer: Thank you.

Mayor Tilton: Here is the owner. (Indicating the owner was present)

Mr. Vincent: With that my understanding is the property owners were at all meetings and had no concerns that were expressed.

Pat Denbow: Yes, they did come to all of the Planning Commission meetings.

Mr. Vincent: Is there anything else from Council? I guess as I think of this for the alley vacation we typically think of it as far as access issues; such as emergency vehicles, trash pickup, it is all going to be one continuous property except for those two pieces that were pointed out by Mr. Denbow. They do have access off of main streets. Other concerns are utilities and my understanding of that is they are going to relocate all of the utilities, so we don't need to be concerned as far as keeping utility right-of-ways. It is also my understanding that this is possibly the largest investment ever made in the downtown area. I have seen the plans and it looks very attractive. I think it is going to be nice as far as people coming across the Sixth Street Bridge and it is going to have some real wow factor.

Pat Denbow: This is a current rendering of the project.

Mr. Mark Baker: For what it is worth this came before the Downtown Design Review Board and all of the committee members were enthusiastically in support of this.

Pat Denbow: If I can, one other item to bring up. About a month from now we will be bringing another Ordinance for vacations to you. After the initial Planning Commission meeting for the alleys, that we are seeing tonight, their surveying crew discovered some additional little right-of-ways that they didn't know were there. They came back to the Planning Commission for those and those will be hitting about the same time as these would be finishing up the three readings. So at that time I am sure we will be presenting it as an emergency with hope to get it all passed about the same time for them. And to point out where those are, it is right here, two little pieces of an alley. This is an undocumented alley and the right-of-way is there and they can't really find where it came from, if you will. It is between 4<sup>th</sup> Street and Court Alley. Two of the parcels in doing their research they found that at least this part had been vacated at some point in time so it is just two pieces here. The other one is up here at the corner of South Street and Fifth Streets. It is a little notch that came out of that right-of-way. Duro has always utilized that space. They are utilizing it now. It is not part of the sidewalk, it is not part of right-of-way but it is right-of-way that is there and they would like to have that vacated. Those will be coming at a later date. I just wanted to make you aware of it.

Mr. Vincent: Thank you, Mr. Denbow. As I recall that was from the mid 1800's like 1845 when those (interrupted)

Mr. Denbow: At least. Yes.

Cole Graham: 1850 or 1845 and we would have obviously included them initially to begin with, but we didn't find them until we got into our due diligence with the original application.

Mr. Vincent: So with that it is kind of poor documentation along the way as what happened as far as vacating stuff?

Cole Graham: Yes.

Mr. Vincent: Do you have anything else, Mr. Denbow?

Mr. Denbow: That is all I have.

Mr. Vincent: Are there any additional questions for Mr. Denbow from Council?

Mr. Baker: Just real quick, as I remember the plans also are to eventually do something with the lot the evidence building currently stands on. Is that correct?

Pat Denbow: I would turn that over.

Jay Bennett: We are in discussion with ownership about their interest. We are not prepared to come to Council with a proposal at this point.

Mr. Baker: Ok, alright.

Mr. Vincent: Is there anything else from Council? With that we do have at least one person who wants to speak in favor of this, Mr. Cole Graham, if you would like to come up to speak to Council.

Cole Graham: I have some color copies of the property drawings that will be beneficial for everybody if you would like to see this close up. Would that be helpful?

Mr. Vincent: That would be great. While he is passing that out, is there anyone speaking against this? Is there anyone else speaking in favor? I guess you are the only speaker.

Cole Graham: I think rather than hearing the specifics again, I will be happy to answer any questions that you have. Pat did a really good job of explaining the process we are going through right now. Again with the initial alleys, we would like three readings, but with the emergency measure attached at the end. The timetable for the construction kind of necessitates that with the thirty extra days. There are two reasons. One with Nissan Dealership wanting us to demonstrate we are actually moving forward on the timetables they have. Second as I think I mentioned before is our construction company is going to be doing some of this prep work and as we get closer toward the beginning of part of the construction season in April we would like to have them done with what we

need them to do in the downtown area so they can then move to the highways where they are actually supposed to be initially to begin with. So that would be the two main reasons and I would be happy to answer any questions that you have about the alleys or the project.

Mr. Vincent: Are there questions from Council?

Mr. Tarbert: I guess this is more of a question for Council. Since we have so much notice on this I guess I have some concerns and I am sure we can justify it as being an emergency measure. I guess I am proposing to at least consider the thought of not making it an emergency measure and waiving the readings or at least the last two sets of readings. Again since we have so much notice I don't think this qualifies at least right now and again it might at the time and I am not saying it is not and it may not be an emergency measure. So if anybody has any questions or concerns about this my thought process would be to waive the readings since it has already had public hearings, it has had notice, it has had everything else and there have not been any objections to a wonderful project, but to remove the emergency language and waive the readings. I probably propose that when this Ordinance comes up. If there are any questions or concerns we can discuss them.

Mr. Vincent: Just to be clear on that, you are considering removing the emergency clause and just waiving the readings? It would put them a couple of weeks ahead of schedule then too.

Mr. Tarbert: Yes, that is great, but again I do not know how we have an emergency six weeks out. Does that make sense? I don't know how we are saying this is going to be an emergency in six weeks. I think that is slightly difficult to justify. I think there is some need for expediency and we can do that by waiving the readings instead of using the emergency language.

Mr. Vincent: Is there anything else from Council?

Mr. Baker: I just wanted to reiterate I would agree with that, to give the public as much chance as they can, until it actually is an emergency; to actually become updated on the project and understand exactly what is going on. I would support that.

Mr. Vincent: Mr. Sharrer did you have something? Is there anything else from Council? Mr. Graham, you told us the utility relocation, and I know that is a huge project, and that is moving forward and everything will be relocated?

Cole Graham: Everything to be relocated we know we are going to have to do work on easements and right-of-ways. We are in full cooperation with every entity that we can be including AT & T right now. We are in the process of making sure we can do that. The utility relocation is something that we are very familiar with doing in general. We do that quite a bit. Not so much building from the ground up it is everything from the ground

down that we do a lot of work with. So, we are currently on schedule with the utilities in every way that we can be.

Mayor Tilton: The Water Department already has changed some valves in the area so that we can get ready for this. We are doing prep work ourselves.

Cole Graham: We would have started some of that also when we had to take out some of the buildings to begin with, down there on the block. We feel comfortable we are on the right track.

Mr. Vincent: Mayor, are there any additional concerns from administration that we should be thinking about?

Mayor Tilton: No.

Mr. Vincent: Is there anything else from Council?

Several expressed thanks for the presentation and the project.

Mr. Vincent: Mr. Denbow do you have anything else? Ok. Again there is no one to speak for or against this? OK. With that we will call this public hearing to a close and we will start again here at 7:00 p.m. for the Council meeting. The hearing was closed about 6:42 p.m.

## **CITY COUNCIL MEETING – MONDAY, JANUARY 26, 2015**

The Council of the City of Zanesville met in regular session at 7:00 p.m. on Monday, January 26, 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. Baker, Mrs. Norman, Mr. Sharrer, Mr. Hutcheson, Mr. Roberts, Ms. Gildow, Mr. Foreman, Mrs. Gentry, Mr. Tarbert, and Mr. Vincent.

## **APPROVAL OF MINUTES**

Mr. Roberts moved to accept the minutes as printed, seconded by Mr. Hutcheson.  
All were in favor. Motion carried minutes stand approved.

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

### **Communication from Mayor Jeff Tilton – Board Appoints-South East Area Transit-**

I am hereby recommending the appointment of Jay Bennett to fill the expired term of Paul DuBeck; Connie Norman to fill the expired term of Roger Fitz; and Tom Peters,

Kurt Ufholz, and Howard Bailey to serve an additional term, on the South East Area Transit Board with terms to begin January 1, 2015 and expiring 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 with the Mayor signify by saying aye. All were in favor. None opposed.  
Motion carries.

**Communication from Jay Bennett, Public Service Director-Zanesville Municipal Airport Quarterly Report (4th Quarter)** Please find attached the quarterly report for the Zanesville Municipal Airport for your information.

Mr. Vincent: I need a motion to receive.

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

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

Resolution No. 15.03 - Introduced by Council . A Resolution authorizing the proper city official to enter into a contract with the Ohio Department of Transportation for resurfacing and related work, lying within the City of Zanesville and declaring an emergency.

Mr. Vincent: We have a due date of January 30, I will entertain a motion to waive.

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

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.

9 Ayes

0 Nays

Motion carries.

Mr. Vincent: I need a motion for passage.

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

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Resolution No. 15-04 . Introduced by Council . A Resolution authorizing the proper city official to enter into a contract with the Ohio Department of Transportation for installation of sidewalks and decorative lighting, lying within the City of Zanesville, and declaring an emergency.

Mr. Vincent: With that we do have a deadline to submit by February 13, so I will entertain a motion to waive.

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

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.

9 Ayes

0 Nays

Motion carries.

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

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

Mr. Vincent: Is there any discussion?

Mr. Tarbert: With your permission the Public Service Committee had a meeting and we recommended the passage of several Ordinances and if I could do those just as a group? They are 15-04 this is one of them, 15-07, 15-08, 15-09, 15-10 and 15-11 were all heard publicly by the Committee. It was recommended by the Committee to this Council to pass each of those Ordinances including 15-04.

Mr. Vincent: Is there anything else from Council. I did have one question. I am sure there is no problem with this, but the confidence in the Muskingum County Convention Facilities Authority going forward and paying what they agreed to pay. We would have to wait to have a contract then?

Mayor Tilton: Yes.

Jay Bennett: It is in your packet tonight.

Mr. Vincent: Well, I know, but as far as it being signed then? Discussion has been held and they already expressed intentions to sign

Mr. Bennett: I believe that to be true. I talked to Carolyn last week. She was aware of the project, that has gone through previously their board. She did not see a problem, I have not been able to follow up with her to verify, but they looked at it the other day and I have heard nothing that they did not honor it.

Mr. Vincent: So their board is supporting it although not necessarily an official vote with that and if it didn't, would it fall into our responsibility to pay?

Mr. Bennett: I believe I will have this signed copy within a matter of a couple of days. We would not go forth without the commitment or coming back to Council because we are committing \$163,000.

Mr. Vincent: That is a chunk of change. I was just being cautious. Is there anything else from Council? With that we will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

## **PROPOSED ORDINANCES**

Ordinance No. 15-05 . Introduced by Council . An Ordinance authorizing the City Auditor to pay the invoices of various departments using 2015 money for 2014 invoices and declaring an emergency.

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

Mr. Vincent: Is there any discussion on waiving of the readings? This is a pretty routine request that we do this annually, as bills come due after the end of the year, and they are due, so it is important that we get them paid quickly. With that we will have roll call vote for waiving.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

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

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

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 15-06 . Introduced by Council . An Ordinance authorizing the proper city official to reduce the water and sewer tap fees for Genesis at the new Bethesda Campus.

Mr. Sharrer: I have a couple of amendments to this Ordinance. Under Section One I would like to amend, just to clarify, for the new Bethesda Campus I would like to remove the words ~~%a~~ the amount+ and I would like to insert the words ~~%a~~ a total charge+ in Section One. Again, just to clarify, it just kind of looks like maybe that is the total.

Mr. Vincent: Then the second one?

Mr. Sharrer: Yes, the second one I would like to insert a new Section Two and change the existing Section Two to a Section Three. The new Section Two I would like to read ~~%a~~ upon redevelopment of the Good Samaritan Campus property, sewage capacity and water tap charges will be assessed by the City at the then current fee structure.+

Mr. Vincent: Ok, so with that just so Council is clear. I will need your help with this last one Mr. Sharrer, but right now under Section One the proposed amendment is to, in the second sentence there at the end, to strike ~~%a~~ the amount+ and change that to ~~%a~~ total charge of \$7,000.00+.

Mr. Sharrer: Correct.

Mr. Vincent: Change current Section Two to be Section Three. Then insert a new Section Two starting with ~~%a~~ upon redevelopment of+ if you can finish that off again.

Mr. Sharrer: Yes. ~~%a~~ upon redevelopment of the Good Samaritan Campus property sewage capacity and water tap charges will be assessed by the City at the then current fee structure+.

Mr. Vincent: Thank you. So I have that motion by Mr. Sharrer for the amendment. Mr. Roberts seconded the amendment. Is that any discussion on that amendment? Mr. Hillis, does that language sound good to you? Mr. Bennett?

They both responded in agreement.

Mr. Vincent: Is there no discussion? All in favor of those three amendments signify by saying aye. Eight were in favor. None were opposed.  
Motion carries. Mr. Tarbert abstained.

Mr. Vincent: We are now at Ordinance 15-06 as amended.

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

Mr. Vincent: Is there any discussion? I do have a speaker here so if we could hold off for a minute. Is there anything else from Council? With that I do have Mr. Case to speak on this.

Private Petition: Mr. Randy Case, 916 Vine Street, Zanesville, Ohio representing himself speaking in opposition to this Resolution.

Mr. Randy Case: In all of my years of following Council and coming to Council meetings and all of that. I can only recall a couple of times that the City has waived sewer tap fees. And the two main ones I can remember are when the building catty-corner from here the apartment building was being built and the Frank Cook Senior housing was being built. The main reason the City waived on one and reduced the fees on Frank Cook was because their application had been put in and submitted and was approved or mostly approved when the City changed the water and sewer tap fees. Any other business in this City that wants to build a building, they are going to have to pay the City's water and sewer tap fees. Any business or anybody that builds a building before they even break ground or anything they know what the fees are. So I mean I know Genesis has been planning this and raising money for this for years. So it had to be in their original design that they knew they had to pay for this fee, so I see no reason for the City to take one business and say we are going to waive your sewer tap fees. To me it is not fair to the rest of any other anybody that wants to build a building in the City.

Mr. Roberts: Randy just to explain to you and this is something that came up in Public Service and David if you want to take it? Ok. The situation we have right now is they are demoing the Good Sam campus and they are building other things on the Bethesda Campus. So what we are looking at more so than just waiving tap fees is an exchange. Jay can probably explain this better to you, but the water and sewer tap fees are for capacity and that is what we are charging for is additional capacity. They are more or less just transferring capacity that they are already using at Good Sam over to Bethesda and basically the wash that comes out of it is this \$7,000.00 fee that is in this Ordinance.

Randy Case: I understand that.

Andrew Roberts: The additional language that Mr. Sharrer amended to have put in here tonight was so that it was perfectly clear that if anyone was to develop the Good Sam campus in the future, they would have to pay brand new water and sewer tap fees. So this isn't like somebody going out and building on a green field site, this isn't like somebody selling an existing building because nobody in their right mind is going to sell a building without a water tap. I understand your concern but I just wanted to clarify that.

Randy Case: I guess my opinion of that is if I build a house across the street from my existing house and tore down my existing house would the City waive my sewer tap

fees, because I tore down that house and I am basically just transferring. No! You guys would make me pay the full fee just like anybody else.

Mr. Roberts: Also Mr. Case just so you understand I think the Public Service committee expressed it and I think Council as a whole has expressed it. There are issues with the current sewer & water tap fees and we want to address them in whole. But this is just some things that we have come up with here as of late.

Mr. Case: Like I said there have been other businesses that have paid these sewer and water tap fees because we have had them now for years. I just don't see how it is fair for one business to get their fees waived. We had the Rec Center and they wanted their fees waived and they didn't get their fees waived.

Mr. Roberts: I understand Randy, but we are dealing with apples and oranges.

Mr. Case: I know.

Mr. Vincent: Thank you gentlemen, I appreciate you not getting into a debate here. I do appreciate the information. Thank you. Is there anything else from Council? With that we are at first reading so all in favor of first reading signify by saying Aye. Eight present were in favor. Mr. Tarbert abstained. None opposed.  
Motion carries.

Ordinance No. 15-07 - Introduced by Council . An Ordinance authorizing the proper city official to advertise for bids, and enter into a contract with the lowest and best bidder for the construction of the R2/R7 combined sewer separation project, and declaring an emergency.

Mr. Roberts 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.

9 Ayes

0 Nays

Motion carries.

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

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

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Mr. Vincent: With that I should explain to the people here tonight, as far as Council not having discussion on this, many of these Ordinances Mr. Tarbert had shared, they had been discussed in great detail at the Public Service Committee meeting. So Council is well informed and has known about these different projects and the details and had their questions answered previously. That is why there are not questions here this evening.

Ordinance No. 15-08 - Introduced by Council . An Ordinance authorizing the proper city official to advertise for bids, and enter into a contract with the lowest and best bidder for the construction of the Ridgewood Circle storm sewer project, and declaring an emergency.

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

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.

9 Ayes

0 Nays

Motion carries.

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

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

Mr. Vincent: Is there any discussion? With no discussion we will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 15-09 - Introduced by Council . An Ordinance accepting a bid for previously declared surplus property and authorizing the proper authority to execute all documents upon said property to the highest and / or best bidder.

Mr. Vincent: With that Council, you had a memo here in front of you from Mr. Bennett regarding this Ordinance 15-09 and 15-11 regarding two separate surplus properties that Council has before them this evening. With that he requested consideration for waiving of the three readings and inserting emergency language into both Ordinances. With that you have those in front of you. With that I will entertain a motion to waive or I

guess a couple of things here. If you want to insert the emergency language, or motion to waive, or a motion for first reading.

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

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

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Abstain Mr. Tarbert

Motion carries.

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

Mr. Sharrer moved for passage, seconded by Mr. Foreman.

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 Abstain Mr. Tarbert

Motion carries. Ordinance is passed.

Mr. Case: Excuse me, I put in to speak on this Ordinance.

Mr. Vincent: My apologies. Would you still like to speak sir?

Mr. Randy Case, 916 Vine Street, Zanesville, Ohio representing himself in favor of this Ordinance.

Mr. Randy Case: The in favor part is kind of moot since you have already voted. My only other thing about this is considering the fact that the money that the City is going to get paid for the property is basically free money to the City because before anybody tries to jump on me about it. This is the old Army Reserve building, right? Right. The City has leased this property out to the federal government for over fifty years I am sure. And the federal government built all of these buildings. The City didn't. The money you all are getting for this is a majority of it is because the buildings are on there. So basically this is free money. I would like to see this Administration, this Council, or somebody at least take a small percentage of this money and utilize it for our veterans. Whether it is helping out with the VFW, the Veterans Day Parade, just figure out a small percentage of it, because our veterans are basically the ones who built the buildings on there that you all just sold and are getting \$300,000. I personally feel our local veterans

should get at least something for their organizations around. That is just my personal opinion and you all have yours. Thank you.

Mr. Vincent: Thank you again. Mr. Case, again my apologies. With that we are moving on to Ordinance 15-10.

Ordinance No. 15-10 - Introduced by Council . An Ordinance authorizing the proper city official to accept funding and execute a related agreement with the Muskingum County Convention Facilities Authority, and declaring an emergency.

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

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.

9 Ayes

0 Nays

Motion carries.

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

Mr. Sharrer moved for 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.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 15-11 - Introduced by Council . An Ordinance rejecting a bid for previously declared surplus property.

Mr. Vincent: Again a memo from Mr. Bennett regarding the request to waive the readings and also the emergency language. It is Council's pleasure for first reading, waive or insert emergency language?

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 on waiving of the readings.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays  
Motion carries.

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

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

Mr. Vincent: Is there any discussion? With no discussion we will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 15-12 - Introduced by Council . An Ordinance to vacate a portion of Court Alley, Sewer Alley, and Plum Alley in the City of Zanesville, Ohio as herein provided and declaring an emergency.

Mr. Tarbert moved to amend Ordinance 15-12 by removing the emergency language in the Preamble as well as in Section Three.

Mr. Vincent: A motion by Mr. Tarbert to remove the emergency language in the Preamble and also in Section Three. It was seconded by Mr. Baker. Is there any discussion on the amendment language? Is everyone clear? With that all in favor of the amendment please signify by saying aye. With a voice vote all were in favor. Motion carries. We are now at Ordinance 15-12 as amended.

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

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.

9 Ayes

0 Nays

Motion carries.

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

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

Mr. Vincent: Is there any discussion? With that, people who were not here earlier we did have a public hearing on this and extensive information on it was provided. I do have a petition from Mr. Cole Graham and I think he is here mainly in case there are questions.

Cole Graham: Yes, if there are any questions I would be happy to address them.

Mr. Vincent: Does Council have any questions for him? If there is nothing else, we will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

## **ORDINANCES FOR ACTION**

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

Mr. Vincent: We are at third reading.

Mr. Roberts 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.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

## **TRAFFIC ORDERS**

**None**

## **PRIVATE PETITIONS AND COMMUNICATIONS**

Mr. Eric Jones, 221 Luck Avenue, Zanesville, Ohio to speak on authority.

Mr. Eric Jones: Hello. I hope to find the right way to start out. You do not have a republican democracy here in Zanesville. You have been deprived of it. You have a tyranny of the majority. The next point I want to say is silence shall be construed as consent, so if you do not argue against me I assume that you approve. The last time I was here if you imagine without a republican democracy in your community? That was back then. For those of you who do not know it was by Ordinance I think 1984-86 and change it over from Roberts Rules of Order to the Ohio Revised Code. At the last meeting Mr. Vincent was upset because I used a word. The word is in the dictionary, the word is not profane, nor vulgar. So I am going to asked him what the rules for a private petitioner. Do I have freedom of speech?

Mr. Vincent: Go ahead and speak sir.

Mr. Eric Jones: If you are going to stop me

Mr. Vincent: Mr. Jones, with that I will save you some time here. I think you are smart enough to understand that two meetings ago when you gave us a series of very offensive names, called all Council and administration different names, that is what I was bothered by and I would not allow Council to call you those names. I would not tolerate that from anyone on Council or the administration. I would stop them and they would comply. Whereas you continue with that, do not comply, and argue with me. As far as when you are out of order you continue to argue with me. You have no respect with this body. If you truly wanted to make improvements (Eric started to interrupt) sir, sir, I am still speaking. So with that if you truly wanted to make a change and make improvements with this body you would work with us, not come and call us names, and come and belittle us. Go ahead.

Eric Jones: I asked you to read two books. One was the Federalist Papers and the other one was Roberts Rules of Order. I keep coming back to this oddly enough. Because one of the things in Roberts Rules and the Federalist Papers is tyrants do not want to give up their power. So you are a tyrant Mr. Vincent. I am telling you that and if you lost republican democracy it is also treasonous. Now I know, I get it, I get it. Either you are going to stand up and defend we have a republican democracy here or you are going to assume that I am right and we have a tyranny. Nobody has defended you as a tyrant Mr. Vincent. I won't be too, I will be quick about that, but there is a point in the law that is called adverse witness rule. That is when people should say something against it don't. Then what they are saying is that they are agreeing with my statement. So again, I do not have a problem with the police being here. The police are fine by me. I have never assaulted anybody up here. The terms I was using, I was using them correctly.

Mr. Vincent: Thank you Mr. Jones. With that I would like to say I do appreciate you being more respectful tonight and I think that is helpful. I think that is a good step in the right direction, if you would truly like to make some changes here. With that, the things you repeat over and over and over again, doesn't really change anything. As far as Council being quiet, construed as consent, if you want to believe that, but Council I think has spent many hours talking with you as I have myself, and sadly we have made no progress. Ok, thank you.

## **MISCELLANEOUS AND UNFINISHED BUSINESS**

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

Jay Bennett: February 5<sup>th</sup> Faith United Methodist Church on Blue Avenue we will have a second community meeting and the public is invited. It will be at 6:30 p.m.

Mr. Vincent: Thank you, sir. Is there anything else?

Mr. Hutcheson moved to adjourn, seconded by Mr. Baker.

Mr. Vincent: All in favor of adjournment please signify by saying aye. All were in favor. None opposed. Motion carries we stand adjourned. Thank you everyone and have a good night.

The meeting was adjourned at 7:35 p.m.