

Tuesday, October 13, 2015

6:50 p.m. Mayor Tilton will read a Proclamation in support of three firefighters prior to the Council meeting.

**City Council meeting
Agenda of business
Tuesday, October 13, 2015**

The Lord's Prayer

Pledge of Allegiance to the flag

Item
no.

A. Roll call

B. Approval of minutes

C. Communications, reports, and resolutions

1. Resolution No. 15-114 – Introduced by Council – A Resolution taking a position against proposed constitutional Amendment to add Section 12 of Article XV of the Constitution of the State of Ohio known as State Issue 3, as herein provided and declaring an emergency. (Emergency or First Reading)
2. Resolution No. 15-111 – Introduced by Council – A Resolution in support of City of Zanesville Law Enforcement and Law Enforcement Officers nationwide. (Second Reading)

D. Proposed ordinances

3. Ordinance No. 15-115 – Introduced by Council – An Ordinance authorizing the proper city official to provide funds to the Muskingum Economic Opportunity Action Group. (First Reading)
4. Ordinance No. 15-116 – Introduced by Council – An Ordinance authorizing the proper city official to provide amenities for the City Employee's United Way Fundraiser. (First Reading)
5. Ordinance No. 15-117 – Introduced by Council – An Ordinance authorizing the proper city official to provide funds to the Zanesville-Muskingum County Port Authority for organizational, promotional, and operational expenses during the year 2016. (First Reading)

6. Ordinance No. 15-118 – Introduced by Council – An Ordinance to adopt Chapter 182 of the Codified Ordinances of the City of Zanesville regarding Municipal Income Tax. (First Reading)

E. Ordinances for action

7. Ordinance No. 15-112 – Introduced by Council – An Ordinance authorizing a partnership agreement between Muskingum County and the City of Zanesville for the creation of a Countywide Analysis of Impediments Plan for Fair Housing and declaring an emergency. (Emergency or Second Reading)
8. Ordinance No. 15-113 - Introduced by Council – An Ordinance authorizing the proper city official to enter into a professional contract for grant writing and technical services for brownfield assessments and declaring an emergency. (Emergency or Second Reading)
9. Ordinance No. 15-103 - Introduced by Council – An Ordinance authorizing contracts for administration, network, medical management, and stop loss insurance services related to the City's Employee Health Plan. (Third Reading)
10. Ordinance No. 15-107 - Introduced by Council – An Ordinance authorizing the proper City official to enter into a Professional Contract with Jobes Henderson & Associates for Storm Water Rate Analysis. (Third Reading)
11. Ordinance No. 15-108 - Introduced by Council – An Ordinance declaring the improvement to certain real property to be a public purpose; declaring such improvement to be exempt from real property taxation; requiring the owners thereof to make service payments in lieu of taxes; designating the public infrastructure improvements to be made that will directly benefit the real property; and establishing a public improvement tax increment equivalent fund for the deposit of service payments. (Third Reading)
12. Ordinance No. 15-109 - Introduced by Council –An Ordinance authorizing the proper city official to advertise for bids and enter into a Professional Contract for providing portable toilets in various city parks. (Third Reading)

F. Traffic orders

G. Miscellaneous and unfinished business

H. Private petitions and communications

Non-agenda item petitions filed

Name	Subject
Eric Jones	Private Petition: New Amendment Chapter 111 Petition to Address Council
Cyndi Royce	Unsolved Murders
Ms. Lejanna Wilson	Walk of Justice-Pilot Project-Community Action Task Force and Prostitution Resolution for curbing the problem and resolving unsolved deaths of them existent in the community.

CITY COUNCIL MEETING – MONDAY, SEPTEMBER 28, 2015

The Council of the City of Zanesville met in regular session at 7:00 p.m. on Monday, September 28, 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. Tarbert, Mr. Baker, Mrs. Gentry, Mrs. Norman, Mr. Hutcheson, Mr. Roberts, Ms. Gildow, Mr. Foreman, Mr. Sharrer, and Mr. Vincent.

APPROVAL OF MINUTES

Mr. Roberts moved to accept the minutes of September 14, 2015, seconded by Mr. Tarbert.

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

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Resolution No. 15-111 – Introduced by Council – A Resolution in support of City of Zanesville Law Enforcement and Law Enforcement Officers Nationwide.

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

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.

Resolution No. 15-96 – Introduced by Council – A Resolution declaring "Beggar's Night"/"Trick or Treat" for the City of Zanesville.

Mr. Vincent: We are at third reading.

Mr. Hutcheson moved for third reading and 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.

9 Ayes

0 Nays

Motion carries. Resolution is passed.

Resolution No. 15-97 – Introduced by Council –A Resolution accepting the amounts and rates as determined by the Budget Commission, authorizing the necessary tax levies, certifying them to the County Auditor, and declaring an emergency.

Mr. Vincent: We are at third reading.

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

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

Roll call vote for third reading and passage.

9 Ayes

0 Nays

Motion carries. Resolution is passed.

PROPOSED ORDINANCES

Ordinance No. 15-112 - Introduced by Council – An Ordinance authorizing a partnership agreement between Muskingum County and the City of Zanesville for the creation of a Countywide Analysis of Impediments Plan for Fair Housing and declaring an emergency.

Mr. Vincent: I need a motion for first reading or to waive.

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

Mr. Vincent: Is there any discussion? With that, Mr. Bennett, time wise?

Mr. Bennett: We are in good shape. We worked hard on this for several months. We have been going through the process of dialoging, putting together a proposal agreement, we need to have it turned in to the state in June of next year. So, it would be convening a countywide committee, and going through that process of analysis and then kind of bringing it out to the public and taking comments on it. So, we anticipate this will be a winter time project.

Mr. Vincent: Alright, thank you. Is there anything else from Council? We are at first reading so all in favor of first reading signify by saying aye.

All were in favor. None were opposed.

Motion carries.

Ordinance No. 15-113 - Introduced by Council – An Ordinance authorizing the proper city official to enter into a professional contract for grant writing and technical services for brownfield assessments and declaring an emergency.

Mr. Vincent: We are at first reading or to waive.

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

Mr. Vincent: Is there any discussion? Again with that Mr. Bennett, time wise?

Mr. Bennett: They have not opened the notice of funds available yet. We anticipate that the first part of October. We anticipate that it will be available with a close date of about mid-November for it. So, we are collecting information now as we speak. We have been working out in the neighborhood. You have seen that. So I think we are in good shape. We have Resolutions to the Port Authority as a partner and to the County Commissioners as a partner on behalf of the township. So it could be a brownfield site in the account that the Commissioners can serve that role; three parties and a strong application for a coalition.

Mr. Vincent: That sounds good for the parties to be working together. That is great.

Ann Gildow: Mr. Bennett, is this the grant at the end of this picture or middle of the picture, is that just the updated version of what Mike Jacoby had presented at the Chamber a little over a year ago?

Mr. Bennett: No, this is a very specific grant. The parties applied for, I believe in 2013, were not successful. It is competitive. When I came in last year they were debriefing after a meeting with USEPA on the Coalitions Applications. There were several things they brought forward as to where they could strengthen in the future. So we've worked hard on that through the Comprehensive Plan development and in the community getting public engagement. This is a \$600,000 grant for the assessment of brownfield sites. At the end you would have a Phase 1 and or Phase 2 assessment. Therefore, identifying any potential problems with that property and working with the owner to allow right of entry and hopefully having that information would take away some of the mystery of what an investor could or could not do with it.

Ann Gildow: Right. So it probably was 2013.

Mr. Bennett: It was 2013 and they found out in 2014 that they did not receive as a coalition. We are going back after it and there is no cost to the City. This is strictly they are going to write it. If we are successful we have agreed to what the cost of services is that grant money would pay for.

Ann Gildow: It looks like a win/win then.

Mr. Bennett: I hope so.

Ann Gildow: Thank you.

Mr. Vincent: Is there anything else?

Mr. Tarbert: Mr. President, I am sorry I made a mistake on my Ordinances. I need to abstain on this because of the involvement of the Port Authority. So I am going to withdrawal my second but I believe we do have someone to do it.

Mr. Sharrer: I will second.

Mr. Vincent: The original motion was made by Mr. Baker.

Mr. Tarbert: Yes, I think

Mr. Vincent: Oh, Mr. Roberts moved for the first reading, so Mr. Roberts for first reading.
Mr. Sharrer for a second.

Mr. Tarbert: Thank you.

Mr. Vincent: Is there anything else from Council? With that we are at first reading so all in favor of first reading signify by saying aye.

All were in favor except Mr. Tarbert and he abstained. None were opposed.
Motion carries.

ORDINANCES FOR ACTION

Ordinance No. 15-103 – Introduced by Council – An Ordinance authorizing contracts for administration, network, medical management, and stop loss insurance services related to the City's Employee Health Plan.

Mr. Vincent: We are at second reading.

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

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

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

Ordinance No. 15-107 – Introduced by Council – An Ordinance authorizing the proper City official to enter into a Professional Contract with Jobes Henderson & Associates for Storm Water Rate Analysis.

Mr. Vincent: We are at second reading.

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

Mr. Vincent: Is there any discussion before we go to the presentation? With that I will turn it over to Mr. Jay Bennett to introduce our speakers this evening and a special presentation. With that there is not a time limit on this. They are just presenting information to Council and information they need as far as to help them make decisions. So Mr. Bennett if you will take over please.

Mr. Bennett: Thank you very much Mr. President. I would like to start off by introducing some folks in the audience. We are talking storm water. We are talking storm water management. We are talking storm water improvements and maintenance. I think it starts and ends with Chip Saunders. He is the City Engineer. You all know Chip. And then also representing the Wastewater Division where a bulk of our storm water work is done is Mr. Jerry Usser. He is the Wastewater Superintendent representing Mr. Rhodes, Deputy, and Mr. Steve Shirley and the men of the Sewer Maintenance Division who very much split their time in some respects with sanitary sewer and storm water; a little known fact. So pre-presentation I thank you for your patience. We had to get Mr. Jim Roberts who is here from Jobes Henderson. He is here, back from vacation, was it? There he is. Thank you for your patience. Jerry, do you want to come on up? He is a Class 4 Wastewater Operator and a PowerPoint. (laughter)

Mr. Vincent: Is that a triple certification now? Two class 4's and PowerPoint?

Mr. Bennett: That is right. Don't say that, he will want a raise. Ordinance 15-107 proposed to hire Jobes Henderson to evaluate existing billing methodology and recommending ERU, Equivalent Residential Unit, model with the appropriate credits. Just a little bit of background on this. We use the Statement of Qualification process as required by the Ohio Revised Code. Staff reviewed the submitted statements and short listed, and ultimately spent time negotiating scope and fee which Jobes Henderson which you have on your docket tonight. Storm water is regulated in Zanesville through the Municipal Code Part 9 Section 927 is Quality and 928 are Regulations. With development happening that is where Chip is going to look for specific quality and procedures on how to make sure that our development is adhering to water quality as well as how they are retaining or releasing storm water. The schedule of charges that we charge monthly are found in Section 925.02. That was developed in 1986 amended in 2007 to a \$1.36 per month per residential units. A \$1.83 per month plus that is a lot of zeros in front of that 145 (\$0.000145 per ft²) per square foot of land occupied or unoccupied. So our commercial business class is paying more plus then they are assessed on top of it for the amount of square footage of their property. What we are proposing is to look at that differently. Because you can think about, and I don't mean to single them out, but Zanesville High School, that is a lot of square footage of property. How much of it is impervious surface? Most of it is green I would count it. So the current methodology that our code has is based upon total square footage of property. Not what your pervious discharging out to the public right of way for the City to deal with it. So we are going to propose to look at this differently.

We propose in the review of qualification based selection Jobes Henderson and their partners have a lot experience in working with Lancaster, Newark, and on, and on, and

on having looked at this ERU model. That generates approximately \$290,000 a year in storm water revenue in a very specific fund. It is not used for anything else. As you can clearly see these are segregated funds solely for the retirement of debt unless otherwise approved by City Council. Why we do it? Because Ohio EPA says we have to plus it's good practice to do public works and actually try to keep people from flooding their yards and properties and suffering damages. The Municipal 4 Compliance (MS4 Compliance) program, we are required to permits to run a storm water program and I think most of you have been on Council for a while so you have seen that come to you before. Chip does a great job and Steve and the folks do a great job down at the plant on reporting and making sure that when there are projects going on that they are taking best practices to make sure that run off is not contaminating ground water or waterways. We do it because general fund relief. We would need a source to fund those improvements. Storm water takes care of storm water. We do it for water and sanitary sewer relief. We make sure those funds are not paying or at least reducing the impact to it. It creates funds for engineering projects. We will see some pictures of that soon. When we have system expansion or new system where none exist; this source of money is what is paying the debt for those projects. Existing effort dollars maintenance/repair of storm system, you see over the last five years what we spend in the Sanitary Sewer Department for storm water maintenance. Again the storm water utility only pays debt; so the day to day repairs of catch basins, cleaning, rebuilding, jetting, and rodding; they are coming out of sanitary sewer.

What we face? Driving down the alley and you see the discharge of water onto the public right-of-way. I love that picture. I think that says a lot. It is kind of like the manhole cover with the yellow line and the possum painted over top. We see alleys that are in disrepair as a result of water runoff. The freeze/thaw winter time they become unsafe in many respects. There are just no facilities in that part of our transportation system. There is a list since 2007 through last year of what Council has authorized of projects to be paid for recognizing Linden Avenue. You have seen R2/R7 which is coming out of the dedicated sewer CSO Fund, but the Ridgewood improvements you all authorized, Mead Street storm sewer replacement is a big project. Francis Taylor Drainage is another big project. So you see a list of what that \$290,000 plus dollar projects have been buying. A recent replacement is (I am a little far away from that) looks like Market Street?

Jerry Usser: Yes.

Mr. Bennett: That is the backflow preventer, if you will. That is a large back-flow preventer. And then Mead Street a storm sewer collapsed last year. We had to have a contractor come in. Brandywine Culvert replacement project and the Francis Taylor box culvert. Equivalent Residential Units (ERU) what we are proposing is when you look at a residential property you are looking at what is the average amount of impervious surface in one residential unit property. You would have roof top, garage, sidewalks, basketball courts, if that is the case. What is that impervious surface generating? And then you come up and what this would do is average that across our City to come up with one ERU equals X number of square foot. So then we would charge residential

units one ERU. Council establishes that rate or what that will be. Currently it would be \$1.36. What you do then is look at your commercial business development and say okay how many ERU's of impervious surface are on that site and then they are charged an according rate based on the ERU's. So rather than being charged for their entire square footage of property you are looking for impervious surface; that is what is generating the runoff that the public has to deal with. It is also considering building opportunity within it we look at the possibility for providing reduction for property owners and recognition impact that on site runoff control might have on the City's storm water management program. Recent history, Chip correct me if I am wrong, almost every bigger project has been building in storm water retention and systems.

Chip Saunders: Yes.

Mr. Bennett: So they would receive credits for those improvements. What we will do. The analysis, we will do current effort vs. future need. We would develop an ERU based on the average lot and impervious surface, evaluate scenarios for commercial/institutional applications/ examine necessary project and maintenance needs and then develop funding scenarios. We would meet with stakeholder groups. I think that is critical in bringing folks in and educating them on what storm water is. How the City deals with it. What the needs are. What the current needs are. Inform them and try to solicit their guidance on what they would recommend to the Mayor and Council or additions. Are there any questions? Thank you, Jerry.

Mr. Vincent: Are there any questions from Council?

Mr. Tarbert: I have a couple of questions. So I think this probably goes without saying so the fixed costs are what they are; they are going to be determined by Jobs Henderson, your office, Chip and everyone else? So if we reduce the amount that entities like ZHS are paying other commercial entities, obviously their rates are going to go much higher. Correct?

Mr. Bennett: Could be. And then you build credits based upon that and you try to help them.

Mr. Tarbert: Who is doing the analysis of these impervious surfaces?

Mr. Bennett: The proposal is to work with the County GIS Department to look.

Mr. Tarbert: Okay. So somehow you are going to look at the GIS maps and figure out who has impervious surfaces?

Mr. Bennett: We are going to look at the maps and then you actually go out and verify. Some of that has already been done by Chip and his staff.

Chip Saunders: That is correct. All of the commercial properties we take a look at. Plus we have plans. We make them put that on the plans when they submit for development projects.

David Tarbert: Okay, thank you.

Mr. Vincent: Is there anything else from Council?

Mr. Sharrer: Chip, on that you've already done this for all of the commercial properties. Out of the ones you have looked at how is that going to affect the majority of the commercial ones that you have looked at?

Chip Saunders: What I saw on a lot of the ones that we did was they weren't necessarily in line with the code. Some of the ones we saw in there were already being billed on what was more impervious area. I think one that stood out was as we were looking at the analysis was like the Country Club. The Country Club was billed based on more what their impervious area is as opposed to like what the code is currently saying. So it is as much about getting our methodology right and current as much as it is anything.

Jay Bennett: Well, until we decide what the average ERU is; it's difficult to say what the impact would be for any one. You look at a facility like Walmart. A huge amount of impervious surface but they have a storm water pond. So how you build those credits as incentives for folks who will build or folks who already have those, means the impact they will feel. That will come before Council. Council ultimately sets that. So this is just kind of looking at changing the methodology and coming back with a new way of thinking.

Mr. Vincent: Is there anything else from Council? Okay, thank you very much. Thank you everyone. With that we are at second reading so all in favor of second reading signify by saying aye.

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

Ordinance No. 15-108 – Introduced by Council - An Ordinance declaring the improvement to certain real property to be a public purpose; declaring such improvement to be exempt from real property taxation; requiring the owners thereof to make service payments in lieu of taxes; designating the public infrastructure improvements to be made that will directly benefit the real property; and establishing a public improvement tax increment equivalent fund for the deposit of service payments.

Mr. Vincent: You are at second reading.

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

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

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

Ordinance No. 15-109 - Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids and enter into a Professional Contract for providing portable toilets in various city parks.

Mr. Vincent: We are at second reading.

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

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

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

Ordinance No. 15-110 – Introduced by Council – An Ordinance authorizing the proper City official to allow the private use of a portion of City property.

Mr. Vincent: We are at second reading.

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

Mr. Vincent: Is there any discussion?

Mr. Bennett: If Council would consider moving this along if there is no, I have not had any call from the public. This has a thirty day wait on it once Council does approve so this would give if we could move this forward tonight the first part of November he could be finishing his fence.

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

Mr. Vincent: Is there any discussion on waiving?

Mr. Baker: Has anybody had any feedback on this at all? Are there any problems?

Several indicated no.

Mr. Baker: Okay.

Mr. Vincent: Is there any further discussion on waiving? We will have roll call vote for waiving of the readings. Mayor did you have something to add? Mr. Buck did you have something you wanted to share?

Mayor Tilton: No.

Mr. Vincent: No. Okay. So we will have roll call vote for waiving of the readings.

Roll call vote for 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 Mrs. Norman.

Mr. Vincent: Is there any further 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. 15-100 – Introduced by Council – An Ordinance declaring the improvement to certain real property to be a public purpose; declaring such improvement to be exempt from real property taxation; requiring the owners thereof to make service payments in lieu of taxes; designating the public infrastructure improvements to be made that will directly benefit the real property; and establishing a public improvement tax increment equivalent fund for the deposit of service payments.

Mr. Vincent: We are at third reading.

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

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

MISCELLANEOUS AND UNFINISHED BUSINESS

None

PRIVATE PETITIONS AND COMMUNICATIONS

Mr. Vincent: With that we will move on to Private Petitions and Communications. Because our new rules as far as Council just took effect today, the 30 day mark. It made it impossible, I guess not impossible, but I guess I would like for Council to entertain. We received a petition to speak on a non-agenda item tonight which requires submission by noon the Wednesday before. Because this is new I guess I would look to ask Council to waive that for this evening for the petition I have in front of me from Mr. Eric Jones speaking on questions on Amended 111 and end as far as private petition.

Mr. Tarbert moved to waive and allow speaking for three minutes. Mr. Hutcheson seconded.

Mr. Vincent: Is there any discussion? Okay all in favor of waiving these rules signify by saying aye.

All were in favor except Mr. Roberts and he voted nay.
Motion carries.

Mr. Vincent: With that I have one nay. We only need six votes so we will allow Mr. Jones to speak. Mr. Jones you have the podium and you have three minutes sir.

Mr. Eric Jones, 221 Luck Avenue, Zanesville, OH 43701

Mr. Eric Jones: Thank you for that. I haven't heard a nay in so long I don't know what it means. Everything passes here nine to zero or eight to zero or whatever. It is kind of nice. I want to verify some procedural housekeeping. I didn't know that I was supposed to; I thought it was fifteen minutes before the meeting started. Now it is Wednesday before the meeting started? Two days before the meeting, right? Is that a correct interpretation, Mr. Vincent?

Mr. Vincent: With that as far as the ordinance, yes. A non-agenda item needs to be submitted Wednesday

Mr. Jones: Let me make sure that I can ask now so that I follow the rules. I always try to go according to the rules. Seriously. So when the petitions are addressed to Council the rule was always Rule five gives you sole discretion at the Council meetings are citizens allowed to ask procedural questions and get answers on the record?

Mr. Vincent: Go ahead and present and I will take notes and I will answer your questions, okay so I won't take up your time.

Mr. Jones: Okay, I will accept that for the moment. Alright. And then on General Rule Number 3 no person who addresses Council shall basically kills the First Amendment. Does everybody here understand the purpose of the First Amendment? Stuff for happy talk? Seriously? It is for hostile speech. If I am going to do it within these three minutes folks, I don't see how that is disturbing the Council if I am getting the three minutes and then I speak and I am saying whatever and I go and I casually go back and sit in my chair. If I don't threaten anybody and if you are saying you don't like the words that I have been using then maybe we should be discussing how you are interrupting the words. For example, I will use this real quick. Is it the little old lady who lies at the local newspaper because I am not allowed to use her name yet? We will find out on that. I called her the wicked old witch of the press. I think everybody knows who I am talking about. Is she a private person or is she a public figure? Under my interpretation she is a public figure because her name is on the mast head of the newspaper. Because it is on the mast head of the newspaper that makes her a public figure if you want to look at it on the local section of the what-ca-call-it it has her picture, mug shot, and her name and title. Again that makes her a public figure. Now that is my interpretation. Do you agree with that Mr. Vincent? The second definition of words what are you going to be using for profane or vulgar or anything? Are you using a dictionary or are you just picking words out of the sky and saying they is going to be my interpretation of it. The third one, okay? Now as I said before, since I get three shots is the way I am looking at it. I see this as a tyranny of the majority. Some of you probably don't even know what a tyranny of the majority is. I can give you the definition. The citizens of Zanesville and I know we don't have very many.

Mr. Vincent: Thank you Mr. Jones. Your time is up.

Mr. Jones: My time is up. Thank you.

Mr. Vincent: With that Mr. Jones, as far as I think this is designed as far as to give a chance to resolve issues before they even come to Council to give better service as far as to citizens that we are hoping to engage citizens with their Councilperson in advance. That is part of the reason as far as submitting stuff in advance. The second part of that too is if people have concerns they present them the week before with the same agenda deadline with all of the legislation that is submitted by everyone. That gives us a chance to resolve the problem. We have had people come before Council in the past who are very upset, angry, and to the point of exploding and they come here and it is a matter of they present what is going on and we ask Mr. Buck and Mr. Bennett if this can be fixed and they say sure. They say yes, we will take care of it tomorrow sort of thing. It is unfortunate that we have to have citizens come here and be so upset, come and take time out of their day to come down here when really we could resolve it prior to that. I think that is one way where this new legislation will help that we have information coming in ahead of time that we can hopefully address that, more timely to give better services to the citizens. Secondly then, it allows for a chance to gather information. We have had people unfortunately come here and make claims, false claims, which make our City workers look bad. And to only find out later on with the chance to research that

information we are able to give true facts that some of these things aren't true. I think that is very unfortunate that anyone who is presented information and our Service Directors, our Mayor, doesn't have a chance as far as to look into that ahead of time. I think that is only fair to the employees here at the City. So it is about giving good service. I see it in that way. So as far as procedural questions I would invite you to ask me before the meeting if you like. I answered one of your questions tonight and I will continue to do that. So the First Amendment as far as your hostile speech, yes, you can be as hostile as you want out on the public sidewalk, but this is a limited public forum and we do have the right to limit times here and also what is said then. We also have the right to not allow any public speech, but I don't think anyone here on Council wants that to happen. We want input. We welcome people who disagree with us. We welcome opposing viewpoints because with that compromise comes and I think we come to the best solutions. I don't always get my way, as no one here on Council does; no one on Administration, but that is part of working together and compromising to come up with the best solutions. Private citizen or public; I think with the new legislation as far as anything related to business people, no, I am going to continue to back that as far as not using that name. Definition of words, I think I will use my good judgement and I think you have toyed with those words before as far as trying to offend Mrs. Norman here and others so I will use my judgement and with that it is not just solely my judgement as it says, the other part of that is that you didn't share is that Council has a right to override the President. It is very easy. If they object to my rulings they have the final word. So they can object to it and vote on it then. If there is a six to three vote to override my ruling; Council is in control. So it is not just me. There are checks and balances. I am not a tyrant because we do have things in place and I think I have demonstrated, as Council has demonstrated, year after year after year, that we do want people to speak. We have extended times. People have valuable information to share or concerns; we want them to share it. So, with that I applaud Council. Sometimes they go above and beyond just to make sure that people are heard. I think that answers all of your questions. I suppose I could use a dictionary if that is necessary, but I think in the past my judgement has been good on that and I think Council would agree with me, but we will wait and see. So if you would like to test it, which you may very well do in the future, and I kind of expect that, we will just have to go from there. You like to challenge, so I guess we will be figuring that out in the future. Thank you, Mr. Jones.

Is there anything else from Council?

Mr. Hutcheson moved to adjourn. Mr. Roberts seconded.

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

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

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

The meeting was adjourned at approximately 8:38 p.m.

Mayor Jeff Tilton

**RESOLUTION NO. ~~15~~ 114
INTRODUCED BY COUNCIL**

**A RESOLUTION TAKING A POSITION AGAINST PROPOSED CONSTITUTIONAL
AMENDMENT TO ADD SECTION 12 OF ARTICLE XV OF THE CONSTITUTION OF THE
STATE OF OHIO KNOWN AS STATE ISSUE 3, AS HEREIN PROVIDED
AND DECLARING AN EMERGENCY**

WHEREAS, Chapter 713 of the Ohio Revised Code grants Ohio Municipal Corporations the right and power to create zoning ordinances to regulate land use; and

WHEREAS, The City of Zanesville, an Ohio Municipal Corporation, has created within the Codified Ordinances, Part Eleven, Planning and Zoning Code, to regulate land use; and

WHEREAS, State Issue 3 would prohibit any local or state law, including zoning laws, from being applied to prohibit the development or operation of marijuana growth, cultivation, and extraction facilities, retail marijuana stores, and medical marijuana dispensaries unless the area is zoned exclusively residential as of January 1, 2015 or as of the date that an application for a license is first filed for a marijuana establishment; and

WHEREAS, The City of Zanesville contends that if passed, State Issue 3 would remove the power and authority of the City of Zanesville to regulate land use as it relates to the content of State Issue 3; and

WHEREAS, The Ohio Chamber of Commerce Board of Directors voted to oppose State Issue 3 citing "numerous and serious workplace concerns"; and

WHEREAS, The Fraternal Order of Police of Ohio and the Ohio Association of Chiefs of Police have taken a position against State Issue 3 citing "significant public safety concerns." Referencing statistics from states who have passed similar legislation, these agencies cite an increase in marijuana related DUI's, an increase in crime, and an increase in marijuana related hospital visits; and

WHEREAS, This resolution is being proposed as an emergency due to State Issue 3 being included on the November 2015 ballot.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Zanesville, State of Ohio; that

SECTION ONE: The City of Zanesville formally takes a position against the passage of State Issue 3 in order to:

- a. Protect the rights of the City to regulate potentially incompatible land uses to protect the public health, safety, and welfare of the City; and
- b. Promote a healthy, safe workplace environment; and
- c. Avoid placing additional burdens on already strained public safety and medical professions.

SECTION TWO: For the reasons stated in the preamble hereto, this Resolution is declared to be an emergency measure. Provided it receives the affirmative vote of six (6) or more members of City Council, this Resolution shall take effect and be in force immediately upon its passage and approval of the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2015.

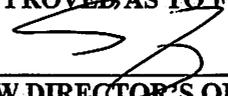
ATTEST:

SUSAN CULBERTSON
CLERK OF COUNCIL

DANIEL M. VINCENT
PRESIDENT OF COUNCIL

APPROVED: _____, 2015.

JEFF TILTON
MAYOR

**THIS LEGISLATION
APPROVED AS TO FORM**


LAW DIRECTOR'S OFFICE

David Tarbert, 5th Ward Council
Daniel Vincent, President of Council



RESOLUTION NO. 15-111
INTRODUCED BY COUNCIL

RESOLUTION IN SUPPORT OF CITY OF ZANESVILLE LAW ENFORCMENT
AND LAW ENFORCEMENT OFFICERS NATIONWIDE

WHEREAS, the City of Zanesville acknowledges the increase of law enforcement officers killed in the line of duty and mourns for the families and communities suffering said loses; and

WHEREAS, the City of Zanesville wishes to stand with the law enforcement officers who stand behind the thin blue line in an effort to protect and serve our community; and

WHEREAS, the City of Zanesville wishes to acknowledge the increase risk to law enforcement officers and the Zanesville Police Department's fearless dedication and sacrifice despite the risks; and

WHEREAS, the City of Zanesville supports and agrees with the National Fraternal Order of Police that additional education and action are necessary, including but not limited to expansion of federal regulations protecting law enforcement officers as a protected class within hate crime legislation and to fully fund the State and local law enforcement assistance programs that provide our men and women in the field with the resources and equipment they need to do their jobs and get home to their families at the end of their shift; and

WHEREAS, the City of Zanesville shall continue to authorize and invest in the safety and protection of our Zanesville Police Department; and

WHEREAS, to honor all law enforcement officers, especially the twenty-eight officers lost this year as they protected their communities, we ask every law enforcement officer in the City of Zanesville to activate their red and blue lights for one minute on the first day of every month at 11:00 A.M.

NOW THEREFORE BE IT RESOLVED, this Council stands behind the thin blue line and supports our Zanesville Police Department and law enforcement nationwide.

PASSED: _____, 2015

Susan Culbertson
Clerk of Council

Daniel M. Vincent
President of Council

APPROVED: _____, 2015

This legislation approved as to form:

Jeff Tilton, Mayor



Law Director's Office

Mayor Jeff Tilton

ORDINANCE NO. 15-115
INTRODUCED BY COUNCIL

AUTHORIZING THE PROPER CITY OFFICIAL TO PROVIDE FUNDS
TO THE MUSKINGUM ECONOMIC OPPORTUNITY ACTION GROUP

WHEREAS, the Muskingum Economic Opportunity Action Group, Inc. was designated a Community Action Agency for Muskingum County on March 20, 1968; and

WHEREAS, such organization was incorporated as a non-profit organization in the State of Ohio with the mission to utilize public and private resources to attack poverty and its causes in Muskingum County and surrounding areas; and

WHEREAS, the Organization receives funding from the State of Ohio under the Community Services Block Grant program and the City of Zanesville has for many years provided local funds to help finance administration of the organization's programs; and

WHEREAS, the Administration of the City of Zanesville believes that said organization is helpful throughout the community in regard to community services and general outreach and referral.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Zanesville, Ohio, that:

SECTION ONE: The proper city official is authorized to provide local administrative funding to the Muskingum Economic Opportunity Action Group, Inc. for the period January 1, 2016 through December 31, 2016. Said funding shall be \$10,000.00, and will be paid from account number 101.2110.53209 in equal installments in January, April, July and October.

SECTION TWO: This ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED _____, 2015

ATTEST: _____
Susan Culbertson
Clerk Of Council

Daniel M. Vincent
President Of Council

APPROVED: _____, 2015

This legislation approved as to form:

Jeff Tilton
Mayor



Law Director's Office

Mayor Jeff Tilton

ORDINANCE NO. 15-116
INTRODUCED BY COUNCIL

AUTHORIZING THE PROPER CITY OFFICIAL TO PROVIDE
AMENITIES FOR THE CITY EMPLOYEE'S UNITED WAY
FUNDRAISER

WHEREAS, the employees of the City believe in and support the cause and efforts of the United Way of Muskingum, Morgan, and Perry Counties; and

WHEREAS, employees from all divisions of the City donate their time and effort organizing a chili cook-off to raise money for the United Way; and

WHEREAS, the City wishes to support the efforts of these volunteers and alleviate some of their monetary burden by allowing amenities to be purchased for the event.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Zanesville, Ohio, that:

SECTION ONE: The proper city official is authorized to expend an amount not to exceed \$250.00 on amenities for the chili cook off fundraising event to benefit The United Way of Muskingum, Morgan, and Perry Counties. Said funds shall be expended from line item 101-7863-53226.

SECTION TWO: This ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED _____, 2015

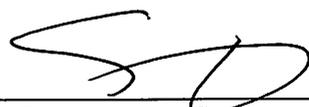
ATTEST: _____
Susan Culbertson
Clerk Of Council

Daniel M. Vincent
President Of Council

APPROVED: _____, 2015

This legislation approved as to form:

Jeff Tilton
Mayor



Law Director's Office

Mayor Jeff Tilton

ORDINANCE NO. 15-117
INTRODUCED BY COUNCIL

AUTHORIZING THE PROPER CITY OFFICIAL TO PROVIDE FUNDS
TO THE ZANESVILLE-MUSKINGUM COUNTY PORT AUTHORITY
FOR ORGANIZATIONAL, PROMOTIONAL, AND OPERATIONAL
EXPENSES DURING THE YEAR 2016

WHEREAS, the City of Zanesville and the Board of Commissioners of Muskingum County did enter into an agreement for the creation of the Zanesville-Muskingum County Port Authority (Port Authority) on November 2, 1987; and

WHEREAS, the City of Zanesville and the Board of Commissioners of Muskingum County are mutually desirous to expand the economic development activities of the Port Authority as set forth in section 4582.201 through 4582.99 of the Ohio Revised Code; and

WHEREAS, in order to expand its economic development activities; the Port Authority will incur organizational, promotional, and operational expenses throughout the year.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Zanesville, Ohio, that:

SECTION ONE: The proper city official is authorized to provide funds to the Zanesville-Muskingum County Port Authority for the period January 1, 2016 through December 31, 2016. Said funding shall be in the amount of \$100,000.00, to be paid in eleven monthly installments of \$8,333.00 and one monthly payment of \$8,337.00 from account 101.7951.53297.

SECTION TWO: This ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED _____, 2016

ATTEST: _____
Sue Culbertson
Clerk Of Council

Daniel M. Vincent
President Of Council

APPROVED: _____, 2016

This legislation approved as to form:



Jeff Tilton
Mayor

Law Director's Office