

CITY COUNCIL MEETING – MONDAY, DECEMBER 28, 2015

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

APPROVAL OF MINUTES

Mr. Hutcheson moved to accept the minutes as printed, seconded by Mr. Roberts.
Motion carried. The minutes stand approved.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Communication from Mayor Jeff Tilton – Muskingum County Convention Facilities Authority Board – I am hereby recommending the re-appointment of Stina McKendry to the MCCFA Board for another three years. Her new term will expire on 12/31/2018.

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

Mr. Vincent: Is there any discussion? Hearing none, all in favor of receiving and concurring with the Mayor signify by saying aye.

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

Communication from Mayor Jeff Tilton – Income Tax Review Board – I am hereby recommending the appointment of Jay Bennett, Ginger Hamilton, and Scott Hillis to the newly formed Income Tax Review Board.

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

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

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

PROPOSED ORDINANCES

Mr. Tarbert: As we move into Proposed Ordinances I would like to move to remove 15-145 from the Agenda.

Mr. Sharrer seconded the motion.

Mr. Vincent: Is there any discussion? Hearing none, all in favor of removing Ordinance 15-145 signify by saying aye.

All were in favor. None were opposed.
Motion carries. Ordinance 15-145 is removed.

Ordinance No. 15-142 – Introduced by Council – An Ordinance authorizing the proper authority to pay an invoice to the Walter Drane Company for the provisions of annual Codified Ordinance Supplement Services, and declaring an emergency.

Mr. Sharrer moved to waive and it was seconded by Mr. Hutcheson.

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

Roll call vote 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 Mrs. Gentry.

Mr. Vincent: Is there any discussion? With no discussion we will move on to the vote. We will have roll call vote for passage.

Roll call vote for passage.
9 Ayes
0 Nays
Motion carries. Ordinance is passed.

Ordinance No. 15-143 – Introduced by Council – An Ordinance authorizing the proper City official to pay for the completion of the demolition at 932-934 West Main St., and declaring an emergency.

Mr. Vincent: We are at first reading.

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

Mr. Vincent: Is there any discussion?

Ms. Gildow: Will the City be filing liens?

Mr. Buck: Yes, yes, we will and they have already been told we will file liens against the property.

Ms. Gildow: Thank you.

Mr. Vincent: Is there anything else from Council? We are definitely seeing more and more of this. It is a problem. I think it will continue to grow and I am not sure if there are other measures we can take to help avoid this or not? It is unfortunate the taxpayers, if this passes, are going to end up paying for yet another demolition of property. Is there anything else from Council?

Mayor Tilton: Mr. President. I would like to say we have gone through the process of getting a hold of the property owners and asking that they would pay and one said they would at first and then they kind of backed off when they saw what the price was to clean it up. So that is why we went on and filed the liens against the property. The number of \$40,000, but I think it will come in lower than that. We have already put \$2,250 in it with the hazardous assessment and demoing it to the ground the day of the fire. So we have that plus the clean-up. Thank you.

Ms. Gildow: Are there three parcels involved?

Mr. Tilton: Two.

Mr. Buck: Two.

Mr. Hillis: I thought there were four. There are two owners.

Ms. Gildow: It just looks as if there are actually three numbers there: 932, 934, and 940 West Main.

Mr. Buck: I will get back with you.

Ms. Gildow: Thank you.

Mr. Vincent: With that you are concerned as far as the addresses and the number of parcels?

Mr. Buck: Well, the number of parcels

Ms. Gildow: Make sure they file a lien on all three parcels.

Mr. Vincent: Oh, okay.

Mr. Buck: I think he did. I am pretty sure he did.

Mr. Vincent: Okay, as far as this legislation, that is not going to affect anything here as far as the addresses? Okay. With that, Mayor Tilton or Mr. Buck, you talked about hazardous assessment. I think there are concerns as far as there being asbestos in there.

Mayor Tilton: Yes. We know that there is. When it was torn down we had a gentleman on site telling us and they know almost exactly where it is. So when we start cleaning it up they will take that aside and put it in a certified land fill.

Mr. Vincent: So that is what adds

Mayor Tilton: That is why the cost is higher than what it should be.

Mr. Vincent: It seems very high for what is there and it is already on the ground.

Mayor Tilton: We have to take that material to a certified land fill.

Mr. Vincent: I know there are a lot of concerns with children over there playing on it and it is a horrible mess to leave.

Mayor Tilton: They have called my office and when it rains there is a smell that comes out of it so we waited to try to get the property owners to pay for it, but since they are not we decided it is time to move forward and get it cleaned up.

Mr. Vincent: Now this waste, when it is hauled away, of course, the hazardous material will go to a special landfill to meet those requirements. The other waste?

Mayor Tilton: It just goes to a regular landfill.

Mr. Vincent: It does not go to any City property correct?

Mayor Tilton and Fred Buck: No, no.

Mr. Vincent: That was another concern expressed. Alright. Is there anything else from Council? We do have a petition from Mr. Michael Wyatt, 1158 Selsam Street, Zanesville, OH speaking against this Ordinance.

Mr. Michael Wyatt asked the dollar amount to purchase this piece of property and what was the determining factor that the citizens should pay for the owners' lack of upkeep when it had been a business with revenues. He expressed concerns about the environmental hazards from various timeframes pertaining to items like lead paint, lead plumbing, asphalt, asbestos and crumbling and worn out asbestos products being a real problem that must be dealt with immediately by licensed contractors trained in abatement procedures for proper disposal. He asked Council to not pass this as it is not right in his opinion that the people pay the price or demo and cleanup.

Mr. Vincent: Thank you Mr. Wyatt. We appreciate it. With that I think everyone here shares all but one of your concerns, as far as the safety and the things we discussed as far as proper disposal of any hazardous materials. Yes, we are in agreement too as far as it is very unfortunate as far as tax payers having to step up right now and pay for this. And the one I would disagree with would be not passing this to get this taken care of because that leaves a pile over there and as things continue to seep out of the ground and the children can go play on it. It is a danger. It has raised a lot of concerns. I know Council Members have gotten lots of calls and I am sure the Mayor's office has gotten calls and other offices. So right now it is very dangerous, so I appreciate Mr. Buck and the Mayor for their work on getting this figured out as far as pulling it together so we can get it corrected, if this passes tonight, to get the hazard out of there. Is there anything else from Council? Okay, with that, we will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 15-144 – Introduced by Council – An Ordinance amending Appropriation Ordinance No. 15-23 and declaring an emergency.

Mr. Vincent: A motion to waive?

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

Mr. Vincent: Is there any discussion on waiving? With that, Mr. Hillis, just double checking to make sure we are doing this right. We did receive an update as far as from Ms. Heskett regarding the attachment that was emailed to Council. It was emailed to the media and all of the office holders. Do we need to make an amendment here since that is an attachment or that doesn't make a difference because it is not part of the actual piece of legislation?

Mr. Hillis: Correct.

Mr. Vincent: Correct. Thank you. Is there anything else from Council? We will have roll call vote for 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 Ms. Gildow.

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. 15-145 – Introduced by Council – An Ordinance permitting the Law Director to purchase surplus equipment and declaring an emergency.

Mr. Vincent: Ordinance 15-145 was removed from the agenda tonight so we will move on to Ordinances for Action.

Mr. Vincent: I did have a petition.

ORDINANCES FOR ACTION

Ordinance No. 15-140 – Introduced by Council – An Ordinance to vacate a portion of Water Street near the intersection of Howard Street and North 5th Street in the City of Zanesville, Ohio as herein provided.

Mr. Vincent: We are at second reading.

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

Mr. Baker 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. 15-128 – Introduced by Council – An Ordinance authorizing the proper city official to enter into an agreement between the City of Zanesville and David and Betsy Skrobot providing for a tax abatement on certain improvements to 111 North 4th Street.

Mr. Vincent: We are at third reading.

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

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Abstention Mr. Baker

Motion carries. Ordinance is passed.

Ordinance No. 15-130 – Introduced by Council - An Ordinance providing temporary appropriations for use during the fiscal year 2016 and declaring an emergency.

Mr. Vincent: We are at third reading.

Mr. Roberts moved for third reading, 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.

Ordinance No. 15-131 - Introduced by Council – An Ordinance authorizing the proper city official to increase the salaries of the City of Zanesville Elected Officials and declaring an emergency.

Mr. Vincent: We are at third reading.

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

Mr. Vincent: Is there any discussion? With that do I have a petition for someone to speak on this one? Yes I do. I have a request to speak from Mr. Eric Jones. He is against this legislation.

Mr. Eric Jones, 221 Luck Avenue, Zanesville, Ohio.

Mr. Eric Jones started out by saying this is a tyranny of the majority and should the citizens of Zanesville give the tyrants an increase in pay. He expressed his thoughts against the wage increase as he expressed concerns Council members are not doing enough to employ minorities within the Police Force. He expressed his citizenship to members of City Council. He expressed concerns of a stacked committee and the public not showing up to the committee meeting to express their opinions on the wages. He expressed Ordinance 15-44 limited citizens' civil liberties in his opinion and the three time limit of speaking on a topic and therefore Council should not receive a wage increase. He mentioned the need for dissent and the need for citizens to have the opportunity to voice their concerns.

Mr. Vincent: Thank you Mr. Jones. Is there anything else from Council? With that I think Council Members have been on Council for a period of time and recall the time, recall the situation we have been in the past as far as not having money for raises and other people got raises and Council declined their own raises. I know this is more than Council, but with that I know in the past we have not done raises for a period of time because we have not been able to afford that. We get into a position where we fall further and further behind. So I think the committee, was aware of that as far as when they brought that forward. I am not sure if Mr. Tarbert wants to add anything to that.

Mr. Tarbert: I do not. I think we have gone over it in detail. The meeting was open to the public. Several members of the public came to that meeting. Several members of the public came and spoke at that meeting. This committee, this group of individual volunteers, they were all members of the public. There were no Council persons present at any of these meetings where they met to discuss this. I saw recently where I think it was Coshocton was giving all of their elected officials' increases because of this; because they wait so long and don't do small incremental increases. The argument is you want to attract good people to these positions, but it is tough when you don't pay comparable, I am not saying even come close to matching private industry , but you have to come close as you can to matching other communities. I saw Coshocton just gave their elected officials a 25% raise. So this cost of living 1.7% raise or whatever they are getting here, this committee worked very hard on. Again, I thank them for their effort. It was open to the public. Many members of the public came and I think they did a good job.

Mr. Vincent: A very extensive report and with that I don't think Council had any input on who was a part of that committee and I heard the mention as far as doing that and bringing it up and then I didn't hear anything until the report came out.

Mr. Tarbert: We didn't choose the committee. I didn't know who was on the committee until after the decision was made.

Mr. Vincent: Thank you, Mr. Tarbert. 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.

Ordinance No. 15-132 – Introduced by Council – An Ordinance authorizing the proper city official to dispose of surplus property.

Mr. Vincent: We are at third reading.

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

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 15-134 – Introduced by Council – An Ordinance authorizing the Director of Community Development to enter into a Tax Increment Service Payment Agreement with ARS Property Acquisitions that establishes a payment schedule and all associated securities, fees, penalties, and other covenants for the payment in lieu of taxes benefiting the Tax Increment Finance Exemption established in Ordinance 15-100.

Mr. Vincent: We are at third reading.

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

Mr. Vincent: Is there any discussion? With no discussion we will move on to voting.

Charles “Chip” Saunders: May I speak?

Mr. Vincent: Yes, please.

Mr. Saunders: We are working with the developer on this Ordinance and the next as far as the service payments, as well as, the developer’s agreement. Their attorney has told us that they have some minor comments on the language, but they have not gotten that information to us, so we feel it best that this Ordinance should be tabled for the time being until we can get that information worked out.

Mr. Vincent: Postpone is the language that we need to use, as we changed our Ordinance, if that is what you are after.

Mr. Saunders: Yes.

Mr. Vincent: To table would only be for this actual meeting.

Mr. Tarbert: Does that then go hand and hand with Ordinance 15-135 so it should be postponed as well?

Mr. Saunders: That is correct.

Mr. Tarbert: Is that two weeks to the next meeting?

Mr. Saunders: Yes. It is incentive for them to get this done, but we can't make them give it to us. If it, obviously it is a benefit to them to get the information to us, but we don't have their comments. They said they are minor, but they haven't shared them with us.

Mr. Vincent: Those are essential to move forward?

Mr. Saunders: Yes.

Mr. Baker moved to table this Ordinance for two weeks. It was seconded by Mr. Tarbert.

Mr. Vincent: Motion to postpone for two weeks? The new language.

Mr. Baker: I am sorry, right.

Mr. Vincent: So a motion by Mr. Baker to postpone for two weeks. It was seconded by Mr. Tarbert. All in favor of postponing signify by saying aye.

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

Ordinance No. 15-135 – Introduced by Council – An Ordinance authorizing the Director of Community Development to enter into a Developers Agreement with ARS Property Acquisitions for the purpose of constructing public improvements within Tax Increment Finance Exemption established in Ordinance 15-100.

Mr. Baker moved to postpone for two weeks. It was seconded by Ms. Gildow.

Mr. Vincent: All in favor of postponing for two weeks signify by saying aye.

All were in favor. None were opposed.
Motion carries. The Ordinance is postponed until next year.

TRAFFIC ORDERS

None

MISCELLANEOUS AND UNFINISHED BUSINESS

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

Mr. Tarbert: I know we have a petitioner after this, but this seems to be the end of our Council period. So, I am not one to intentionally make a meeting longer, but I feel like I would be remiss if I didn't make a few brief remarks. I just want to say it has been an honor representing the Fifth Ward for nineteen years. I want to say thank you to my friends, my neighbors, my constituents who have voted for me and entrusted me with the responsibility for almost two decades. And to my current Councilmembers I truly want to say it has been a privilege working with all of you. Over the last two decades many of us have worked with other Councilmembers who, from time to time, perhaps weren't so dedicated. I can honestly say that this Council, as currently constituted, is the most hard working, dedicated, most prepared group of Council people I have had the pleasure of working with. Nobody can count the amount of hours and the care and the worry that Dan puts into that job as President, and I believe that for all of you. You know we get called a lot of names, because it is easy to sit on the sidelines and criticize. So let me be one of the few, to thank you. I know how much you care about this City. I know how much work you put into this job. I know how much you worry about making the right decisions. You deserve a thank you every so often. So if it has to only come from a former Councilman every so often; I will be the one to do it. Thank you for all of the hard work you have put into this. I can honestly say that none of the people up here have any other agenda than making this City a better place to work, live, and raise their families. Sometimes we all disagree on how to get to that decision, but in twenty years I don't remember any substantive issue voting along party lines and I am proud of that. We don't always vote together, but I can't remember any time any substantive issue voted along party lines and I am proud of that and I am proud of the work that we have all done together. To the other Councilmembers leaving office I want to thank you both. Your intelligence, your ideas, your hard work have been invaluable to this Council and to this City. To those of you remaining and to those of you who are joining Council, you have my seat, you have my prayers, and you have what little guidance I have to offer. Again few people know the work and the stress that this job entails unless you are sitting up here. So I want to thank you all so much for what you have done for this City and for what you have done for me over the past twenty years. I know that you will work tirelessly to keep this City moving forward. Thank you all.

Mr. Vincent: Thank you, Mr. Tarbert. I greatly appreciate that.

Mr. Hutcheson: I have a few words myself here as I am leaving. I want to thank the members of the community, the City Administration, and the members of Council. It has been a great honor and like Mr. Tarbert mentioned a privilege to serve the Second Ward in the City of Zanesville for that matter for the past six years. Like David said a lot of time and commitment goes into making the City a better place. If you look back in 2010 we have come a long way since where we were when I was elected, and Mr. Roberts was elected, and a few others. We have come a long way. We have a surplus now from my understanding of the budget and it definitely has been an honor and a privilege. Going back to high school when I was elected; briefly, nothing you do in the course of schooling can get you ready for something like this and you learn a lot about government so fast that no Civics classes you take in high school or in college or U.S. Government classes can relate to learn about the budget. You can learn about how Civil Service works, how the government and the people work to keep the City and

provide public service and safety for the people. It has been a real pleasure and an honor to serve the people with some good colleagues of mine. Thank you very much.

Mr. Vincent: Thank you, Mr. Hutcheson. Is there anything else from Council? With that I would like to add as far as thank you for your service as far as the youngest Councilman I think ever elected to Zanesville City Council and for six years of service. We greatly appreciate that. You have kind of grown up here.

Mr. Hutcheson: Yes I have. Definitely. Thank you very much.

Mr. Vincent: Mr. Tarbert thank you for your very kind words and thank you for your nineteen years of service. You have been very strong member of Council. You have been very helpful. You have been a good voice for Council. Your legal knowledge has been very valued along with your opinion and I think you can help to probably to everyone throughout the years. And then Mr. Sharrer I also want to thank you. One term, two years, but it seems like you have been here longer than that and I greatly appreciate all you have done. You have been a big help and a strong Councilperson and your knowledge and your drive has been very much appreciated. Is there anything else from Council before we move on to private petitions?

PRIVATE PETITIONS AND COMMUNICATIONS

Mr. Eric Jones, 221 Luck Avenue, Zanesville, Ohio spoke for the third time on Police racism and sexism.

Mr. Eric Jones spoke and acknowledged he is speaking for the third time on the Police Force and will never be able to speak on this subject again. He stated this rule must be applied to all citizens. Mr. Jones feels it also applies to the Administration and Council being limited to speaking three times on a subject and then they must stop. He spoke on the lack of diversity on the Zanesville Police Force. He is concerned about the low percentages of blacks and women on the force and if we are down to 0% for blacks racism is at an extreme. He also spoke on the employment ratios and how Councilwomen need to try to improve the numbers for women on the Police Force. He suggested Council people complain to Mr. Buck that there are no blacks on the Police Force. He wished all a Happy New Year.

Mr. Vincent: Thank you, Mr. Jones and Happy New Year to you to sir. With that just to address a few things- as far as speaking on subject matter, not to be allow more than three meetings, unless there has been a substantial change of legislation or a situation, as determined by the President. So it is not all hard and fast there. That is included in the legislation. With that Mr. Buck has talked about the issue and I think he is well aware and I think he is making efforts. He is challenged with that. I don't think it is Council's job to complain. I think it is Council's job to be part of the solution. So I would expect and hope, and I am pretty certain actually, that Council does a pretty good job as far as stepping up and wanting to be part of the solution coming, not just with issues, but also coming with ideas.

So there is one other person that I also failed to mention that I had written down here and wanted to talk about. I want to thank Mr. Hillis. Sixteen years as Law Director, two years

-serving as Council-At-Large. I just wanted to let him know that I appreciate you very much. You have done a lot of hard work and you have spent a lot of time with me and helped us through a lot of challenges and I very much appreciate your knowledge, your passion, and you will be missed. Thank you for your services.

Is there anything else from Council?

Mr. Hutcheson: One more time, a motion to adjourn.

Mr. Tarbert: I second.

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

All were in favor. None were opposed.

Mr. Vincent: The motion carries. We stand adjourned. Thank you everyone and have a Happy New Year.

The meeting adjourned about 7:40 p.m.