

CITY COUNCIL MEETING – MONDAY, FEBRUARY 09, 2015

The Council of the City of Zanesville met in regular session at 7:00 p.m. on Monday, February 09, 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: Mrs. Norman, Mr. Sharrer, Mr. Hutcheson, Mr. Roberts, Ms. Gildow, Mrs. Gentry, Mr. Tarbert, Mr. Baker and Mr. Vincent.

Mr. Foreman was absent.

Motion made by Ms. Gildow to excuse Mr. Foreman. It was seconded by Mr. Roberts. There was no discussion. A voice vote was taken with all present in favor of excusing Mr. Foreman. None were opposed. Mr. Foreman stands excused.

APPROVAL OF MINUTES

Mr. Hutcheson moved to accept the minutes of January 26, 2015 as printed, seconded by Mr. Sharrer. All were in favor. Motion carried. Minutes stand approved.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

None

PROPOSED ORDINANCES

Ordinance No. 15-13 . Introduced by Council . An Ordinance approving a Labor Agreement with Fraternal Order of Police, Ohio Labor Council, Inc. Police Secretaries and Records Clerks, and declaring an emergency.

Mr. Roberts 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 for waiving of the readings.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries.

Mr. Vincent: I need a motion for passage.

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

Mr. Vincent: Is there any discussion? Mr. Tarbert, do you want to share anything from Ways and Means regarding this?

Mr. Tarbert: Well, this and all of the other Ordinances coming up. We had a Ways & Means Committee meeting and there was great information presented by the Administration. We appreciate that. There was no recommendation from the committee because we thought that it was better to come here, but we asked if there were any issues, any negative thoughts about this and none were raised. While I can't say there was a recommendation from the committee for those of you who weren't at that meeting it certainly seemed like the administration put in a lot of hard work into this and that the committee seemed to be in favor of these Ordinances.

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries. Ordinance is passed.

Ordinance No. 15-14 . Introduced by Council . An Ordinance approving a Labor Agreement with Zane Lodge #5, Fraternal Order of Police, Ohio Labor Council, Inc. Police Officers, and declaring an emergency.

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

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.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries.

Mr. Vincent: I need a motion for passage.

Mr. Roberts 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.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries. Ordinance is passed.

Ordinance No. 15-15 . Introduced by Council . An Ordinance approving a Labor Agreement with Fraternal Order of Police, Ohio Labor Council, Inc. Police Sergeants and Lieutenants, and declaring an emergency.

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

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.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries.

Mr. Vincent: I need a motion for passage.

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

Mr. Vincent: Is there any discussion? I do have a petition here. Mr. Dave Rogers wants to speak in opposition this Ordinance.

Mr. Vincent: With that Mr. Rogers, you need to leave the personal part out of this as far as names and stuff. If you have an issue with someone, based on past comments you have had, I encourage you to refer to a police officer or sergeant, but leave personal names out of it if you would please.

Private Petition: David Rogers, 1104 Benjamin Avenue, Zanesville, Ohio.

Mr. Dave Rogers: Wouldn't it be public record?

Mr. Vincent: No, I don't want any personal attacks here. You can refer to a sergeant, lieutenant, or whatever you want to refer to, but I am not going to tolerate personal attacks on people. You can still discuss it and I am sure everyone here knows who you are talking about if it is the same issue that you have had before.

Mr. Dave Rogers: Before the incident of June 19, 2013, when I went to file a complaint in which the contract was violated by I wouldn't need to file a complaint. I had spoke about the police being held under scrutiny. Now obviously if they are going to violate their contract, they are not being held under any scrutiny. In general the law enforcement in this community was under federal investigation eight years ago. Not just the Zanesville Police Department (ZPD), but the law enforcement in general along with

the Mayor. I know that for a fact and how I know that is beside the point. On 4-25-2013 the Mayor wants to state that we have such fine law enforcement officers under Chief Lambes who is no longer here and retired. The paperwork that was filed, a complaint, with the City got misplaced even though it was spoke of at a prior meeting. The City is going to have to study how they handle their contracts. Obviously there is a problem with it. Kikosing, water department, fire truck and looks like the police department is free to do what they want with their contract as they have without no threat onto the officers. Everything is to look the other way and under the table. Most jobs if a person is found sleeping on their job; gets fired. I don't see how this could even be considered an emergency ordinance if you are not going to figure out a way to make the so called law enforcement officers abide by their contract. Are we going to keep covering up for them? One other thing, Mr. Hillis, the packet from Columbus is on its way.

Mr. Hillis: Great.

Mr. Vincent: Ok, Mr. Rogers. Is there anything from Council? Are there any questions? With that, we have a motion and second for passage. If we have no additional discussion from Council; we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries. Ordinance is passed.

Ordinance No. 15-16 - Introduced by Council . An Ordinance approving a Labor Agreement with Local #88, International Association of Fire Fighters, and declaring an emergency.

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

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

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries.

Mr. Vincent: I need a motion for passage.

Mr. Hutcheson 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.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries. Ordinance is passed.

Ordinance No. 15-17 . Introduced by Council . An Ordinance amending Ordinance No. 00-16, which adopted a classification plan for City employees; amending Ordinance No. 13-15 (amended), which authorized a maximum schedule of positions; and amending Ordinance No. 13-16 (amended), which established pay, benefits and employment policies for unaffiliated employees.

Mr. Roberts 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 present were in favor. None opposed.

Motion carries. Mr. Foreman was absent.

Ordinance No. 15-18 . Introduced by Council . An Ordinance amending Ordinance No. 00-16, which adopted a classification plan for City employees; amending Ordinance No. 13-15 (amended), which authorized a maximum schedule of positions; and amending Ordinance No. 13-16 (amended), which established pay, benefits and employment policies for unaffiliated employees, 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.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries.

Mr. Vincent: I need a motion for passage.

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

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries. Ordinance is passed.

ORDINANCES FOR ACTION

Ordinance No. 15-06A . 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. Hutcheson moved for second reading, seconded by Mr. Roberts.

Mr. Vincent: Is there any discussion? Hearing none all in favor of second reading signify by saying Aye. All present were in favor except Mr. Tarbert and he abstained. None opposed.

Motion carries. Mr. Foreman was absent.

Mr. Vincent: This will come back for third reading the next time.

TRAFFIC ORDERS

None

PRIVATE PETITIONS AND COMMUNICATIONS

Eric Jones, 221 Luck Avenue, Zanesville, Ohio to speak regarding Axioms & Allegations.

Mr. Eric Jones: Hello everybody. I am going to start out with a few axioms. My guard is basically an axiom. Axiomatic, pardon me, the first axiom I would like to do is: Silence shall be considered as consent. And that is understood. Mr. Vincent doesn't want that to be an axiom. He wants to somehow be outside of that rule. Sort of like Bill Cosby wants to be outside that rule. It didn't work for him and it is not going to work for Mr. Vincent either. The next one is citizens; if there is no law against something a citizen has the right to do it. With elected officials and for appointed officials; if there is no law for it, they are not allowed to do it. Now, I want to go to the presiding officers. If you can't rule; you can't lead. Mr. Vincent does not have the authority. He does not have the authority to make a ruling pursuant to the Ohio Revised Code. If you check back into your minutes you will discover he has never made a ruling. He can say I rule. He can say that, but that is him ruling. If he doesn't say pursuant to and he will give a statute number and he will give the section and then now he can make a ruling. He is not a lawyer. Since he is not a lawyer, he cannot make a ruling. If he makes a ruling he will be practicing law without a license. Now the truth, again another axiom, the truth is an absolute defense against slander and liable; absolutely, even if it is malicious. If I am telling the truth about you, tough. Now I am going to make a statement. I will state my statement and I have said this one a million times. Zanesville has been deprived of republican democracy. What we have here is a tyranny of the majority. I said for you to

think about how that happened and how stewards make change. Before I make an allegation against you Mr. Vincent it is not going to be personal Mr. Vincent. I am going to say that Council has a problem distinguishing between such things as private and public; between personal and professional. This is not about personal. This is about you in your official capacity as elected officials. You don't seem to understand the difference between official and unofficial. This is official. The lovely Ms. Culbertson is taking transcript of what we are doing. You don't seem to understand the difference between in session and adjourned. Now I bet you don't know the difference between (I know 10 seconds) name calling and descriptive adjectives. So here is my allegation. Mr. Vincent has lied, he is practicing treason, and he is a tyrant. All of those statements I can back up with.

Mr. Vincent: Thank you, sir. Your time is over.

Mr. Jones: Thank you very much.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mr. Vincent: Is there anything from Administration? Is there anything from Council? With that I would like, I mean we passed all of these contracts tonight, or Council did. I think comments I have heard in the past from all of Council and I think I can speak on behalf of Council on this one here. We do appreciate all the services that our City workers do provide. They do excellent work. I will leave someone out here but all of the safety forces, all of those who provide service, we are very appreciative. We hear lots of good things all the time. We do appreciate it. It is nice to be able to do this at this time. Things have been tight in the past. It is nice to do this this time around. Thank you to the Mayor, Mr. Hillis, Fred Buck and whoever else was involved. I think all of administration was involved, I guess with getting the contracts done, so thank you. Is there anything else from Council? Ms. Gildow, did you have something?

Ms. Gildow: I was just wondering if these are new employees of our Fire Department.

Fred Buck: One of them is, Matt Reed.

Ms. Gildow: I just thought it would be a nice opportunity for us to meet these gentlemen.

Mr. Vincent: We can talk to them afterwards. We won't put them on the spot. Is there anything else from Council?

Mr. Hutcheson: I move we adjourn.

Ms. Gildow: I second it.

Mr. Vincent: I have a motion and second to adjourn. All in favor of adjournment signify by saying aye. All present were in favor. None were opposed. Mr. Foreman was absent. Motion carries.

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

The meeting was adjourned about 7:20 p.m.