

Mayor Tilton read a proclamation for the Girl Scouts declaring February 27 and 28 as National Girl Scout Cookie Weekend as it marks the 98th year of the Girl Scouts selling cookies. 2015 also marks the 98th year of teaching team life skills to Girl Scouts everywhere. The cookie sale campaign is the largest and most successful girl led business in the world and February 27 and 28, 2015 is proclaimed Girl Scout Cookie Weekend in Zanesville, Ohio.

CITY COUNCIL MEETING – MONDAY, FEBRUARY 23, 2015

The Council of the City of Zanesville met in regular session at 7:00 p.m. on Monday, February 23, 2015 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

Mr. Vincent led those present in the Lord's Prayer.

Mr. Vincent: If everyone will remain standing we are very, honored tonight to have Miss Ohio present. Mackenzie Bart has joined us this evening and she is going to lead us in the Pledge of Allegiance to the Flag and the Girl Scouts are going to join her to help her with it. Mr. Vincent thanked the guests for leading the pledge.

The following members of Council answered Roll Call: Mr. Sharrer, Mr. Hutcheson, Mr. Roberts, Ms. Gildow, Mr. Foreman, Mrs. Gentry, Mr. Tarbert, Mr. Baker; Mrs. Norman, and Mr. Vincent.

APPROVAL OF MINUTES

Mr. Hutcheson moved to accept the minutes of Monday, February 09, 2015 as printed, seconded by Mr. Tarbert. All were in favor of approval. None were opposed.

Motion carries. Minutes stand approved.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Resolution No. 15-27 . Introduced by Council . A Resolution recognizing and honoring Mackenzie Bart, Miss Ohio 2014.

Mr. Sharrer moved to waive the three 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. Foreman.

Mr. Vincent: Is there any discussion?

Mr. Sharrer had requested to read the Resolution in its entirety and we got ahead of the request.

Mr. Sharrer: That is ok. Can we do that after passage?

Mr. Vincent: Mr. Sharrer was hoping to read this so would you like to withdrawal your motion.

Mr. Foreman: Yes, I will.

Ms. Gildow: Yes, certainly.

Mr. Sharrer: If I could I would like to make a motion to have the Resolution read in its entirety.

Mr. Vincent: There was a motion by Mr. Sharrer to read the motion in its entirety. It was seconded by Mr. Baker. Is there any discussion? Hearing none, all in favor of allowing Mr. Sharrer to read the Resolution in its entirety, signify by saying Aye. All were in favor, none opposed.
Motion carries.

Mr. Sharrer then read the Resolution in its entirety.

Mr. Vincent: Thank you Mr. Sharrer. With that I will entertain a motion for passage.

Ms. Gildow 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.

9 Ayes

0 Nays

Motion carries. Resolution is passed.

Mr. Vincent: Miss Bart, we do appreciate you coming. We are very honored and appreciate the work you are doing to help encourage youth in these areas that you are promoting. Thank you.

Miss Bart: Thank you. I am honored to be here.

Resolution No. 15-28 . Introduced by Council . A Resolution authorizing the appointing authority to appoint a new employee at a higher step and declaring an emergency.

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

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 need a motion for passage.

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

Mr. Vincent: Is there any discussion?

Mr. Sharrer: It is my understanding that this is for an employee that we have, I guess the Judge is here.

Private Petition: Judge Joseph, 2689 Center Drive, Zanesville, Ohio to speak in favor of this Resolution for Municipal Court.

Judge Joseph: This kind of feels like Deja vu. I was here in October of 2013 when my long time Probation Officer retired. So I had to go out and hire a new Probation Officer. Basically it is a new position from what it used to be. The Probation Department is funded by a grant from the Ohio Department of Rehabilitation and Corrections. They give us \$60,000 a year to run our Probation Department and with that come a lot of stipulations. You have to meet about sixty different standards. You have to report, they audit you a couple times a year, and it is a different job than it used to be. So when I went out and tried to hire a Probation Officer and Program Director to run our grant, I could not find anybody that remotely qualified at the pay range that I was allowed to start at. So I came to Council and what I found out was nobody in the City had the authority to say yes, we understand and we will make an exception. So I came to Council in October 2013 and asked that you allow yourselves to make that exception when it was necessary. Otherwise you can only start at this mid-step of the range that you are in. You approved that. Then I asked you to approve allowing me to start Mr. Bishop who I had lined up to start at pay range 19. You approved that. It worked out fine. He came in and did a great job for about a year; so good that he got hired away. He came from Athens County Municipal Court. He was a Probation Officer down there. He came up here because he had some ideas that he wanted to implement and the

judge apparently wasn't very progressive. I gave him some opportunities to do some things which really improved our Probation Department. Unfortunately the Common Pleas Court in Athens County had a position come open and they were very familiar with him. They contacted him and offered him a salary of almost double what I was paying. So, he obviously took that job and went back to Athens County. So I found myself looking for a new Probation Officer again. I had the same situation. Fortunately I found a gentleman who actually lives in Crooksville, but has worked in Licking County for probably fifteen years. He was in a program up there that was discontinued so he went to the Municipal Court Probation Department up there for like three years. So he came and I interviewed him. He was very familiar with the program and all of the things that you have to do to qualify for the grant each year. Mistakenly I believed that I had authority to hire him at the same rate that you approved from me to hire a Probation Officer. The Ordinance just said I could hire a new Probation Officer and Program Director at the Pay Range 19 so I hired him.

Mr. Vincent: Excuse me Judge Joseph. I am sorry, we do have a three minute time limit. I will entertain a motion to add an additional three minutes.

Mr. Roberts moved to waive the time limit. It was seconded by Mr. Sharrer.

Mr. Vincent: Is there any discussion on extending the time limit. All in favor of extending the three minute limit signify by saying aye. All were in favor. None were opposed. The motion carries. My apologies sir, please go ahead.

Judge Joseph: So I hired him and I think it came from the Auditor's office. They were a little concerned since they thought maybe I needed to come back to Council for approval again, since this was a different hire. So basically what I am here asking you to do is allow me to hire a Probation Officer/Program Director at the same rate as I was paying the last one that you approved that I have already hired. But if not, obviously we will work around it. He actually took a pay cut. He was making more in Licking County than he is making now, but decided it was worth it because he is closer to home, can save money on driving, and save time. So I am asking you to allow me to hire him at the same rate that you approved that I hired my last Probation Officer.

Mr. Vincent: Thank you Judge Joseph. Are there any questions from Council?

Judge Joseph: I just might add so that this doesn't continue. What really needs to happen and we have started the process is the job needs to be reclassified. It is not the same job as it used to be. It is not just a Probation Officer because the Program Director adds a lot more work, a lot more responsibility, and qualifications. So we are going to start the process to get the job reclassified, so any time we have to hire somebody I don't have to come back and ask you if I can do that. Are there any questions?

Mr. Vincent: Thank you again, sir. We do appreciate it. Is there anything else from Council? If there are no other questions, we will now have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Resolution is passed.

Judge Joseph: Thank you.

PROPOSED ORDINANCES

Ordinance No. 15-19 . Introduced by Council . An Ordinance rescinding Ordinance 00-46.

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

Mr. Vincent: Is there any discussion? Ok, no discussion; all in favor of first reading signify by saying aye. All were in favor. None were opposed.

Motion carries.

Ordinance No. 15-20 . Introduced by Council . An Ordinance amending Ordinance 13-45, which provided for dual occupancy of an employment position.

Mr. Vincent: We are at first reading.

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

Mr. Vincent: Is there any discussion? Hearing none, I do have a private petition from Randy Case.

Private Petition: Randy Case, 916 Vine Street, Zanesville, OH 43701 in opposition to this Ordinance.

Randy Case expressed concerns about the extended time for training and dual working allowance from six weeks to twelve weeks. He felt six weeks should be an adequate time period. He liked the idea of the six week training timeframe for a good transition when it was implemented, but feels twelve weeks is outrageous and the person might not be qualified for the job if training takes that long.

Mr. Vincent: Thank you Mr. Case. Is there anything from Council? With that 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. 15-21 . Introduced by Council . An Ordinance authorizing the proper city official to enter into Professional Contract with Brian Addis Architect, LLC. 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 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.

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

Mr. Vincent: Is there any discussion from Council? With that I do have Cole Ryan here from Brian Addis Architecture for this Ordinance and the next one too, if anyone has any questions for him. He wasn't going to speak otherwise, but he is here in case you do have questions. That is correct, right? Just in case there are questions.

Cole Ryan: Yes, absolutely.

Mr. Vincent: Is there anything from Council?

Mr. Roberts: I would just like to say that I am glad to see this is finally moving forward. We have been talking about this for a long time. So glad we can finally get this taken care of.

Fred Buck: A lot of work has been done by a lot of people. So, I want to thank Jay for a lot of that and really for Addis and Cole Ryan especially for helping us through this. We do not want to make any more mistakes.

Dan Vincent: We want to do it right this time to save the taxpayers' money. 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. 15-22 . Introduced by Council . An Ordinance authorizing the purchase of HVAC materials through the State of Ohio Purchase Program, 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 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. Gentry.

Mr. Vincent: Is there any discussion? Again I do have Cole Ryan here, from Brian Addis Architecture, if there are any questions. Nothing, we will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Mr. Vincent: Thank you Mr. Ryan for coming. We appreciate it.

Ordinance No. 15-23 . Introduced by Council . An Ordinance providing appropriations for use during the fiscal year 2015, and declaring an emergency.

Mr. Vincent: This can go either first reading or waived, it needs to be passed by April 1, 2015.

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

Mr. Vincent: Is there any discussion?

Mr. Tarbert: Ms. Heskett and I talked and if anybody would like a work session on this, or a Council work session, or Ways & Means to go over this again, I think she said she would be happy to do that and I would be happy to call a committee meeting as well. We can have a work session before Council. It is your prerogative if you would like to do something.

Mr. Vincent: Ok. As far as a work session before Council, I think we need to check on times as we may have something else going on, I am not positive. We can figure out something and get word out if we find a time that works well for everyone on Council

and have it then. Thank you. Is there any other discussion? 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. 15-24 . Introduced by Council . An Ordinance authorizing the proper city official to apply for OWDA Low Interest Loan Funding, advertise for bids for construction of the Linden Draining project, and enter into contracts with the lowest and best bidder.

Mr. Vincent: We are at first reading.

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

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

Motion carries.

Ordinance No. 15-25 . Introduced by Council . An Ordinance authorizing the proper city official to advertise for bids and enter into a contract for the 2015 citywide overlays, with the lowest and best bidder.

Mr. Vincent: We are at first reading. Mr. Bennett is there any benefit for this to move along as far as getting out to bid?

Mr. Bennett: The funding for this project is within the budget that you have taken for first reading so they are companions.

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.

Ordinance No. 15-26 . Introduced by Council . An Ordinance amending exhibit A of Ordinance 99-99, which designated property owned by the City of Zanesville as a park and authorized the proper city official to enter into an agreement with Bartlett Hagemeyer Jr. and Kathleen Hagemeyer for the development and maintenance of the park, 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.

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? Hearing none, 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. 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. Vincent: We are at second reading.

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

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

Motion carries.

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. Vincent: We are at third reading.

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

Mr. Vincent: Is there any discussion? Hearing none, I do have a private petition from Randy Case.

Private Petition: Randy Case, 916 Vine Street, Zanesville, OH 43701 in opposition to this Ordinance.

Mr. Randy Case spoke on this Ordinance at the first reading. He stated he has a dislike for this Ordinance. He expressed concerns about what he feels is an inconsistent process with water and sewer tap fees and considerations for Genesis. He mentioned another Ordinance that had been proposed to waive all the tap fees for non-profits and it failed because the water fees are at the sole discretion of the Public Service Director. He then wondered why the water tap fee of this Ordinance is coming before Council. He mentioned the City lost 300 County water customers and with reduced revenue why waive water fees? Will water rates be increased later this year for City residents due to decreased revenue? He cannot see the City waiving fees for one specific company when they wouldn't do it for anybody else. Mr. Case said Genesis knew what their fees would be and they planned for it.

Mr. Vincent: Is there anything else? Thank you, Mr. Case. We do appreciate it. I will see if there are any questions from Council? You are done, you can have a seat. Thank you.

Mr. Roberts: I guess I will make the same statement that I made prior when Mr. Case addressed this at first reading. I agree with you fully on the whole thing with the non-profits. That whole deal I wasn't in agreement with it either. What we are dealing with here is not waiving of the tap fees, but what we are dealing with is transferring, as you said when you were speaking, the consumption of water. They were using it at two campuses and now they will be using it at one. They are consolidating, they are moving the taps and they are paying the difference between what the consumption was. I understand you have issue with it, but I don't see this as waiving of tap fees and I don't think a lot of the other Councilmembers see it that way either. That is all I have.

Mr. Vincent: Is there anything else from Council?

Mr. Bennett: Additionally is the significant reduction in the volume of capacity of sewage as a result of the closure and ultimately removal of the Good Samaritan Hospital. So that is in this as well.

Mr. Vincent: Ok. Is there anything else from Council? And then, Mr. Case's question; did you get to answer that?

Mr. Bennett: No, it was just, I believe the question was as to previously the water policies established at the setting of rates solely by the Public Service Director position. I presented to the Mayor an outline of what we believed and looking at this methodology the Mayor submitted to Council for transparency and it went to Public Service committee.

Mr. Vincent: Ok, thank you. Is there anything else from Administration? I do have a petition basically to answer questions if there are any questions for Mr. Allen Burns,

representative from Genesis HealthCare System. Are there any questions for Genesis? Ok, with that we are at third reading. If there is nothing else from Council we will have roll call vote for passage.

Roll call vote for passage.

7 Ayes

1 Nays Mr. Hutcheson

1 Abstention Mr. Tarbert

Motion carries. Ordinance is passed.

TRAFFIC ORDERS

None

PRIVATE PETITIONS AND COMMUNICATIONS

David Rogers, 1104 Benjamin Street, Zanesville, Ohio regarding Ohio Sunshine Laws Public Records training at Zane State on July 8th.

Mr. Rogers wanted to make the general public, that are watching on TV, aware of the training for the Public Records and Open Meeting Act on July 8th at OUZ. Registration can be made online at the Ohio Attorney General's site. He highly disagreed with Mr. Vincent's interruption of his speaking at the prior Council meeting of not mentioning names from public record. Elected officials entitled to any and all criticism without any recourse to the individual.

Mr. Vincent asked for anyone being addressed should be by title and not by personal names. Go ahead and speak sir for your three minutes.

Mr. Rogers suggested some of the police officers might need to attend the training previously mentioned since it is open to the general public and Mr. Rogers does not feel they responded well to a records request.

Mr. Vincent: Thank you, sir. Are there any questions from Council? Thank you. I have a petition from Mr. Eric Jones.

Eric Jones, 221 Luck Avenue, Zanesville, Ohio regarding allegations continued.

Mr. Jones made a statement about being deprived of a republican democracy and concerns about the government process. He expressed concerns about how things have changed over time and the ability of Council to use and enforce some of the policies and the Ohio Revised Code. Mr. Jones states only attorneys can interpret and rule on items of the Ohio Revised Code. Mr. Jones mentioned his request for Councilmembers to read two books: Roberts Rules of Order and The Federalist Papers as a foundation for civics. Mr. Jones stated he made allegations at the last meeting as he said the President of Council was basically a liar, a traitor, and he is a tyrant. Mr. Jones said he can prove each of those statements, but Mr. Jones feels he doesn't have

to because Mr. Vincent has not denied and defended himself, and silence is construed as consent.

Mr. Jones asked for a time extension, but no motion was made to extend his time.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mr. Vincent: Is there anything from Administration?

Mayor Tilton: I have a couple of things this evening. Before the next Council meeting I would like to give the State of the City address, as quickly as possible. I know we have a Public Hearing and I will be short and to the point. Also on March 26 we will have the third of our community meetings. It will be held at the Eastside Community Ministry building. It will be the same hours as the others to begin at 6:30 p.m. to 8:30 p.m. We would like Council and all of the people of that ward to show up and ask questions or express concerns.

Mr. Vincent: Thank you, Mayor. Is there anything else from the Administration?

Mr. Bennett: Quickly, a shout out to the Street Department, employees of the Public Service Department that have worked a lot of hours lately. Thank them; thank their other halves, for getting them out the door at various times throughout the day and weekend to do the work. For those residents who have been snowed in, shall we say, as a result of plows going up the street; we apologize for that. We are trying as hard as we can to move as much snow as possible. Again, we apologize for that and our folks will help out where we can, but our objective is to get streets open and passable for safety. Thank you.

Mr. Vincent: We do appreciate them. I saw wonderful things such as people walking along the street and the drivers slowed down as it wouldn't cover them with snow. So, it was very kind and thoughtful of them. I encourage people, when you see the drivers out there, to give them a little wave as a thank you. They have had a long day. It might help brighten their day and help keep them going for however many hours they are working. I know they are out all night long.

Jay Bennett: We have some cold weather coming up so everybody stay warm.

Mr. Vincent: Thank you. Is there anything else from Council?

Mr. Hutcheson moved to adjourn. It was seconded by Mr. Roberts.

Mr. Vincent: All in favor of adjournment signify by saying aye. All were in favor. None were opposed. Motion carries. Thank you everyone. We stand adjourned. Have a good evening.

The meeting adjourned at 7:40 p.m.