

## **CITY COUNCIL MEETING – MONDAY, September 14, 2015**

The Council of the City of Zanesville met in regular session at 7:00 p.m. on Monday, September 14, 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. Sharrer, Mr. Tarbert, Mrs. Gentry, Mrs. Norman, Mr. Hutcheson, Mr. Roberts, Ms. Gildow, Mr. Foreman, and Mr. Vincent. Mr. Baker was absent at time of roll call but expected to arrive shortly.

Mr. Vincent: Mr. Baker will be late this evening so if I could get a motion to excuse him until he gets here.

Mr. Roberts moved, seconded by Mr. Tarbert, to excuse Mr. Baker until he arrives. Is there any discussion? All in favor of excusing Mr. Baker until he gets here signify by saying aye.

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

### **APPROVAL OF MINUTES**

Mr. Hutcheson moved to accept the minutes from August 24, 2015 as printed, seconded by Mr. Tarbert.

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

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

Mr. Tarbert: Mr. President I would like to make a motion to amend the agenda. I would like to add in item 3A to allow Judge Joseph to speak on matters concerning Municipal Court without a time limit. And Item 3B to allow our Treasurer Paul DuBeck to speak on issues concerning his office without a time limit.

Mr. Sharrer seconded the motion.

Mr. Vincent: I have a motion and a second to allow Judge Joseph and Treasurer Paul DuBeck to speak as Item 3A and Item 3B.

Mr. Tarbert: Thank you.

Mr. Vincent: Are you a second on that Mr. Sharrer?

Mr. Sharrer: Yes

Mr. Vincent: Is there any discussion? All in favor of that amendment to the agenda please signify by saying aye. All present were in favor. None present were opposed. Motion carries.

Resolution No. 15-102 – Introduced by Council – A Resolution requesting the I.R.S. change the name associated with the City of Zanesville’s E.I.N. number, 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? 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. Baker

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? Mrs. Moyer is here if there are any questions. Alright, we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries. Resolution is passed.

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 second reading.

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

Mr. Vincent: Is there any discussion? All in favor of second reading signify by saying aye. All present were in favor. None were opposed. Mr. Baker was absent.

Motion carries.

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 second reading.

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

Mr. Baker arrived about 7:06 p.m.

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.

Mr. Vincent: We are now at Item 3A and welcome Mr. Baker. Glad you could join us.

Mr. Baker: I am sorry.

Mr. Vincent: Judge Joseph, if you would like to come to the podium.

Mr. Judge Joseph: Thank you, good evening. I was asked to kind of give an update on the fine situation at the Municipal Court. I have been the Municipal Judge for approximately fifteen years and for about the first fourteen years I thought we had a very effective manner in which to collect our fines. I think we were doing a good job of collecting our fines and court costs. Obviously there were always some that weren't paying but we did pursue them rather aggressively. Then approximately a year and a half ago or so the American Civil Liberties Union started auditing courts around the state concerned about what they felt were some violations of some peoples' rights. They actually filed several law suits against some courts in northern Ohio. They actually did come and audit our files and took no action which I determined to be they felt that we were not in violation of any rights.

But as a result of some of the actions they did take the Supreme Court then issued some directives and suggestions to all Municipal and County Courts about how to go about collecting fines. And they were really kind of restrictive. In other words, one of the things we would do is we would do a fines hearing. We would bring people in who had not paid fines. We would address them one at a time. We might have fifty or sixty in at a time. We would address them about why they were paying, why they were not paying, or setting up a payment plan. The Supreme Court suggested that we needed to appoint an attorney for every one of those people that would come in. It didn't take us long to kind of sit down and decide that would not be cost effective. We decided that we would not pursue even though as I said the ACLU did not feel we were doing anything improper. But with the new directives we decided to try some other method rather than appointing an attorney for every one that we brought in which like I say might be fifty or sixty a day and we would do that several times a month.

One of the things that I decided to do, that I have resisted for fifteen years, was to use a collection agency. Many courts, I would say the majority of the courts in Ohio, use collection agencies. I didn't feel it was necessary. I thought we were doing fine without it. Plus what I didn't like is that under state law once you turn that over a collection agency they can add a thirty percent fee for the collection. So if somebody owed Municipal Court a hundred dollars once we turned it over to the collection agency they would now owe one hundred and thirty dollars. The first one hundred dollars would go to us and the thirty dollars would be the fee to the collection agency. I kind of felt like those people that weren't paying; a lot of them were not paying because of financial burdens. Some were not paying just because they didn't want to. But I really didn't want to add another thirty percent. But when we were faced with the choice of either doing nothing or appointing an attorney for everybody that we brought in, we decided to try the collection agency route. So we gave up our fine hearing process and we went to the collection agency and for approximately five or six months that resulted in a decrease in the amount of fines and the cost that we were collecting. I would like to tell you, and I am glad to tell you, that I have some numbers here to show that once our two new systems kicked into gear for our fine collections our cost collections have gone up significantly. The two new systems are these: we started in January, everybody that was levied a fine in our court was given a six month deadline to pay that fine. We told them at the time we were not going to turn their fines over to the collection agency. They had six months to pay the fines. Everybody in January whether it was January the 2nd or January the 30th everybody that received a fine in January was given a June 12th report back to court date if the fine was not paid. So the first thing we noticed was a lot of people started paying their fines because they did not want to come back six months from now on June 12<sup>th</sup>. Those that did not pay it; many came back on June 12<sup>th</sup> and I can tell you some of them didn't show up. For those we issued bench warrants. But when they came back on June 12<sup>th</sup> we reviewed each one individually and found out why they hadn't paid. Some had been paying payments, some had paid partial payments, some had done some community service, and those that were making legitimate efforts we gave them another month. We told them to come back in July, I can't remember what date, but each month we have a date. They were to come back in July. As long as they were making legitimate efforts and either paid it off or were making legitimate efforts and doing some payment or community service we would continue it for another month. They would keep coming back each month until it was paid in full. Those that appeared in February were given a July date. Those that appeared in March were given an August date. So we are bringing them back. We are finding a lot of them are not coming back because they are paying it off. They don't want to come back. Those that are coming back are; we get a few that come back and haven't done anything. Those are the ones that we tell we gave you six months, you have not paid anything, you have not done any community service, and you made no legitimate effort. Your account is going to the collection agency. Some of them have asked well I just got a job, you know, I can get it paid off before next month so I try to be lenient. Some I have given them another month. But basically what everybody now has is six months to pay their fine. If it is not paid in six months and they have no legitimate reason or

excuse to have not made a good faith effort in either paying it or working it off, it gets turned over to the collection agency.

The thought it is getting turned over has prompted many to pay. The other option we have that I have resisted for many years is the driver's license. If the fine is for a traffic offense and if it is not paid we can submit that to the Bureau of Motor of Vehicles and the driver's license is suspended until the fine is paid. I have resisted doing that for years because I don't like messing with people's driver's licenses especially if they are employed or whatever. So we have done very little of that but again we have told them if they haven't done anything in six months and they haven't made any effort at all, I mean community service, they get \$10 an hour. If you have a \$200 fine and you work twenty hours in six months it is gone. So when people come up and say I am not employed and then I say then you have plenty of time to do community service. We find that most of them now are working it off or paying it off and I have some numbers here you can pass around just to show you the comparison. This does not show community service which is up too. But as you can see, each month is broken down but in 2014 February through August we collected \$99,612. Pioneer, our collection agency, collected \$2,739 of that. Those same months for 2015 we have collected \$164,337.00. So we are up basically \$65,000 over last year during that same period of time. As you can see Pioneer has collected \$75,000. So they have really got the first couple months of last year and as you can see they collected \$2,700. Part of that was our fault. We were giving them old, some of our dead files, those that hadn't paid for a long time hoping they could generate something. When we started our new program, we gave them files of people who had owed significant amounts of money and hadn't paid anything in the last couple of years and they have generated significant payments from those. Now what we give them, we only give them new files for those people who have not paid in that six month or seven month period and we have given them starting in January. So as you can see, it has been very effective. We are up from \$99,000 to \$164,000 in those same months of the year. So I am very pleased to see that it is working and I think it is even going to work more once people understand what is going on and they see they don't like this coming back after six months and every month thereafter until it is paid in full.

I just had hearings last Thursday. I had a court room full of people. Many who had not paid or only paid partial. I kind of went through and said I will see you next month. I would say at least 75% said no you are not. You are not going to see me next month; I will have this paid off. I am not coming back again. So they have a choice. I went over it again with them about the option of doing community service. They would say oh, I didn't realize. Where do I sign up? We explained it all the first time but after they come back a time or two they get very serious about it and I would expect these numbers will continue to go up. Are there any questions?

Mr. Vincent: Thank you Judge Joseph. Are there questions from Council? Can you give us an example as far as community service and does any of that fit with the City?

Judge Joseph: We used to send quite a bit to the City. I think there were some problems with one particular person and the next thing we had was we didn't want them

at City Hall anymore. I don't know if that has changed. We are sending you some very good people that just happen to owe some fines and we are sending you some not very good people that happen to owe some fines. So I think we had a bad experience with somebody that we sent down here. But you know, any non-profit organization can request people for community service. We send them to Christ's Table. We send them at fair time. We send a bunch of them to the fairgrounds before and after the fair to help prepare for the fair and to clean up. I have sent them down to Y-City when they were doing some special projects and I have sent them up to Zanesville High when they needed some special help. Frankly, if anybody is listening or whatever, if they are a non-profit agency and they have a special need; we are always open to sending them people to help.

Mr. Vincent: I guess we know there are some talented people with skills that are hard to come by.

Judge Joseph: I had a painter at one time and he was a professional painter, and he had gotten into some trouble and he was in jail for several months and he wanted out to work. We sent him, and he painted a bunch of stuff for the fairgrounds and I think he painted some stuff for the City. We had a plumber who did some work for the City. So they are always anxious to go out so we get some work done and a lot of non-profit agencies get some help from people. The animal shelter, we have sent people there. But if the City would want more or any particular agency in the City, just let me know and we always try. If we send you somebody you are not happy with just tell them you do not want them back.

Mr. Vincent: Alright, thank you again Judge Joseph. We do appreciate it.

Judge Joseph: Thank you.

Mr. Vincent: Then we have Mr. Paul DuBeck, our treasurer, here to speak on the mandatory registration forms that came out.

Paul DuBeck: Yes, sir. First let me start by saying I apologize for the poor start, obviously that was not the way it was planned to happen. The news release was to happen before the forms went out; but when you, and I accept full responsibility for it, but when you find out on Tuesday the forms went out last Friday it is a little late. So with that being said; the purpose of what we are doing is we are going to initiate mandatory filing. We had the ability to do it, well, since the original ordinance was passed. But we have never enforced it. We have a clause in there that says in lieu of a tax return our tax administrator can accept a W-2. We are going to take that out. The reason we are going to mandatory is not because House Bill 5 says we have to. But the conditions that House Bill 5 is imposing upon every city, municipality, and village in the State of Ohio to make them uniform has the potential to cost the City tax dollars.

One of the things for example is we are going to a five year net operating loss carry forward. It will be phased in. We currently have no operating loss carry forward. That

has potential to cost us money. Our penalty and interest fees and rates are going to be mandated by the state. We can no longer can set them. Currently we charge 3.5% per month per penalty and interest on unpaid balances. Okay. The state mandates that whatever the fed rate is as of July 1<sup>st</sup> plus 5% is what we will have for the following year. Currently fed rate is 0.48 to be honest with you plus 5% means we are going to 5% per year which is .46% per month from 3.5%. That is going to cost us some money. The taxes that we collect currently in our ordinance, anything that is \$5 or less we don't collect. You don't owe us. The state says now we are going to raise that to \$10. So anything that you owe \$9.99 or less you don't have to pay. You have to file but you don't have to remit the money. Another thing and I am not going to go through the whole list of all of the changes. I am just giving you some that I think are really could affect the tax revenue for the City of Zanesville. We have an occasional entrant section that currently twelve days in the City before we levy a tax on any wages and then we can go back to day one. On the thirteenth day we can go back to day one and levy the wage tax on you back to day one. The state now said no, that is not good. We are going to allow you twenty days before you can levy a tax and on the twenty-first day you can levy a tax but you can only levy it starting on the twenty-first day. So we just lost twenty days of tax. The reason for the registration was to be able to set up files for disabled, unemployed, retired folks. So when January rolls around and we start sending out tax returns we don't have to send them out to everybody. Granted, I handled it poorly. I should have had a news release before they went out but you know it didn't happen. Once again I can tell you that I accept full responsibility for that. What we are doing is not new? Mandatory tax filing is not new. I want you to realize that currently Coshocton has it, Cambridge has it, and Newark has it. South Zanesville has it. New Lexington has it. We are the last city in the area to go to mandatory tax filings. We thought about it and we thought about it and thought about it. I think one of the things perhaps might have really started pushing me toward this was some conversations I have had with some people that do tax preps that are on the like my age and getting close to retirement saying you know what we wouldn't mind going to work for you in the tax office. We don't need a salary; just give us a percentage of what we collect. I mauled that over several times and I came to the conclusion that they know there are people that should be filing that aren't. We go mandatory there is no getting around it now. That is the purpose of what we are doing. HB 5 does not say we should make mandatory filing. The City Treasurer says I think now is the time to go to mandatory filing because of the requirements of HB 5. Thank you for your time and once again I apologize for the phone calls you folks had to endure because of my mess up.

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

Ann Gildow: Paul, for those of us who have W-2 income and we live and work in the City so our employers just send you a check. Does this also mean that we will need to file our whole tax returns as well?

Paul DuBeck: Yes. Myself included. I will file a city tax return every year.

Ann Gildow: My second question is, are you building on and hiring four employees to do this?

Paul DuBeck: No. We will be able to scan. We are going to become a little bit more efficient. We are looking at the process of scanning tax returns. Okay.

Ann Gildow: Will people be able to submit them electronically?

Paul DuBeck: Just like we do right now. Yes. That won't change either. Here is the thing, ma'am. I don't believe that... We sent out ten thousand questionnaires. That is ten thousand addresses in the City. You know if we pick up two thousand tax returns or fifteen hundred tax returns they are not going to be that difficult for the people in the tax office. Currently we have four working in there. They are quite efficient. So if it takes them until June to have all of the audits of the tax returns done where right now they will say they have until the end of June where right now they have them the first of May. That is okay. There is no time constraint on auditing. The time constraint comes on getting them filed by the tax payer and having them paid.

Ann Gildow: What about people who work in the City but don't live in the City?

Paul DuBeck: The City of Zanesville has no authority over non-residents. That is where we count on the W-2's for non-residents.

Mr. Vincent: Is there anything else?

Mr. Tarbert: Can you explain the difference or is there a difference between the mandatory registration and the mandatory filing? This piece of paper you sent out, is that mandatory to return?

Paul DuBeck: Okay. Mr. Tarbert no. Let's put it this way. I can't say that it is mandatory to return it to me right now. What I can say is this though. In January when you get a tax return and somebody fails to send it back, okay? The ordinance that says it is mandatory. Then the legal process stuff starts. We are just trying to get everybody registered so I don't have to send tax returns out to my grandmother, or my mother who is in a nursing home because she has no income. So we are just getting our ducks in a row now and more than likely, the word mandatory probably should not have been on that registration form. I have looked at several of them and we could have put new tax payer registration on it but that wouldn't necessarily apply either because we have current tax payers. But that is what that registration is for. The registration is to set up taxing files.

Mr. Tarbert: I am sure you received the complaints that, at least the ones I received, on that form. Was it taken from another city because asking sixteen year olds to put down the names and social security numbers of other adults in their household?

Paul DuBeck: That is vice versa. We were asking the adults to list any sixteen year olds that might be working in their household.

David Tarbert: Where did the list come from? Because I never got a form but you sent one to my deceased father.

Paul DuBeck: We actually purchased the list from some printing companies. The gentleman who does all of our income tax forms. So that is where. Yeah, I know. My wife got one and I didn't. A lot of it came off of home ownership. Once again, you know the fact that somebody that is deceased got one is one more way of clearing it up and getting it out of the system. I answered several phone calls myself as well as the tax office. I know the biggest concern that I heard more than anything is I am not giving my social security number out to anybody. That is fine. I encouraged everybody and I even made the comment. If you don't feel comfortable putting your social security number down, don't. Because when you file your tax return it will be on your W-2 anyway. So that is okay. That was another tool that we were going to use for cross referencing for people who may have W-2 wages that have a side business that we are not aware of yet because the only thing we see is their W-2 since they don't have to file a tax return.

Mr. Vincent: Is there anything else?

Mr. Sharrer: Mr. DuBeck, I just wanted to thank you for coming up here and giving your little speech because I know it is difficult sometimes. We all make mistakes. We are all human. We all make mistakes and to stand up in front of everybody and say hey, I made a mistake, I messed up.

Paul DuBeck: This is a big one.

Mr. Sharrer: That takes some character. I for one, I appreciate it.

Paul DuBeck: Thank you, sir.

Mr. Vincent: Is there anything else from Council? With that, was there a thought at one time of sending out a letter with this? I just think (interrupted)

Paul DuBeck: Absolutely. We actually started with a bunch of handouts at the fair. Who needs to file. We had them at the City booth and we were trying to give them away. That was the first step. Like I said, I believe sir that a lot of this would have been cut off, alleviated, if I had my ducks in a row and didn't let them get out ahead of me. I think by explaining to everybody ahead of time here is what you are going to get in the mail. Here is why it is. Here is what the reason is for it. I think the uproar would have been a lot more muted than it currently is.

Mr. Vincent: I think a letter explaining this in simple terms would have alleviated a lot of upset. A lot of upset citizens.

Mr. DuBeck: Absolutely. And you know I understand that. I really do. Any time change is involved without explanation; it gets everybody in an uproar. And rightfully so.

Mr. Vincent: A good learning experience. With that I guess I am not. It says it is mandatory, but it is not mandatory is what you are saying tonight?

Paul DuBeck: What I am saying is if you don't want to push the envelope, fill out your form, if you are going to be exempt, that is fine. If we send a tax return and we don't hear from you, obviously, we think you owe us a tax return and we will go the legal route.

Mr. Vincent: For those people like me that annually receive the forms and have an accountant fill it all out and turn them in each year. I am wasting your time by filling this out then?

Paul DuBeck: No, you are not because you are going to get a tax return. I am going to expect you to fill it out and send it to me. As long as you do that then you are right, then you don't have to fill out the form.

Mr. Vincent: Yes.

Paul DuBeck: But if you don't send me a tax return, do you understand what I am saying sir? I am saying if I don't receive that I am assuming you are telling me you have no tax liability and we won't have until April 15<sup>th</sup> to find out because on April 16<sup>th</sup> we will be able to take everybody that we haven't received an answer from, a questionnaire from, or a tax return from and then we will proceed.

Mr. Vincent: I guess I am not completely clear. So I file every year a tax return and my wife, we both file all of the forms and they come from the City to us. If we do that we don't need...

Paul DuBeck: Do you already get tax returns from me?

Mr. Vincent: Yes.

Paul DuBeck: Okay.

Mr. Vincent: We get a form as far as to pay taxes from the City. The accountant takes care of it.

Paul DuBeck: That is fine. Normally I would never receive a tax return from the City of Zanesville because the only income I have is W-2 wages. We don't normally send out tax returns to people who only have W-2 wages. If you have other income then you would have a tax account with us.

Mr. Vincent: So yes, a business.

Paul DuBeck: Yes, sir.

Mr. Vincent: I was looking to make it easier on you and the people out there that are in a similar position.

Paul DuBeck: That is fine.

Mr. Vincent: Is there any way to maybe put together some points like that, some tips like that, and maybe get them on the web-site just to help people and maybe save you some phone calls?

Paul DuBeck: Tips like?

Mr. Vincent: Better explaining this.

Paul DuBeck: Yes, absolutely. The income tax administrator and I have talked about that already. It is a matter of getting some points up and then taking them to IT.

Mr. Vincent: Okay, sounds wonderful. Thank you.

Paul DuBeck: I have been so busy answering the phones, I know you find that hard to believe, but I haven't had time to come up with those points yet.

Mr. Vincent: When you get a chance that would be helpful. Thank you, sir.

Paul DuBeck: Thank you! Thank you very much for giving me the time.

## **PROPOSED ORDINANCES**

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 first reading.

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

Mr. Vincent: Is there any discussion? With this I believe it goes to Ways & Means then. If no discussion, all in favor of first reading signify by saying aye.

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

Ordinance No. 15-104 – Introduced by Council – An Ordinance amending Appropriation Ordinance No. 15-23 and declaring an emergency.

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

Mr. Vincent: Is there any discussion on waiving? 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.

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

Mr. Vincent: Is there any discussion? With that, I assume Council all received the revised version of addendum A and the letter from Ms. Heskett. Correct? Ms. Heskett, is there anything you wanted to add? Your letter explained it quite nicely but.

Ms. Heskett: No, if anybody has any questions about it I will be more than happy to answer them.

Mr. Vincent: Thank you. Is there anything from Council? Okay, we will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 15-105 – Introduced by Council – An Ordinance authorizing a fee schedule by the Civil Service Commission for the cost of entry-level employment testing that required a prepaid exam as hereby provided and declaring an emergency.

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

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 to waive carries.

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

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

Mr. Vincent: Is there any discussion? Did you see this is basically a \$5.00 increase? If no discussion so we will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 15-106 – Introduced by Council – Authorizing the proper city official to enter into a contract for the purchase of vehicles for the police division by state purchase agreement; 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? 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. Foreman moved for passage, seconded by Mrs. Norman.

Mr. Vincent: Is there any discussion? With that we will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Mr. Vincent: I do like the idea of going with the all-wheel drive vehicles. Hopefully some better gas mileage too.

Mayor Tilton: There seems to be so far.

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: A motion for first reading.

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

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. 15-108 – 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: We are at first reading.

Mr. Roberts moved for first reading, seconded by Ms. Gildow.

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. 15-109 – 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 first reading.

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

Mr. Vincent: Is there any discussion?

Ms. Gildow: Mr. Bennett is this something where these porta-potties are going to be there for specific occasions or during summers?

Mr. Bennett: It is all of the above Councilperson. This is a three year and we would propose a three year contract with the successful bidder. Then they are put out throughout the year.

Ms. Gildow: And we don't have those now?

Mr. Bennett: We have a contract with a provider now. That is going to expire so this is in preparation to go back out to bid and enter into a contract for the next three years.

Mr. Gildow: Thank you.

Mr. Vincent: Thank you. Is there anything else from Council? Okay, 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. 15-110 – 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 first reading.

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

Mr. Vincent: Is there any discussion? Mr. Bennett, I assume this is for means as far as tying into I-70, the interstate fence?

Mr. Bennett: It does. The City had a sliver left and the individual came to my office and was trying to construct a fence and the Code, Building office is doing a great job and said you have one slight problem. To be able to continue and to complete that last tie in that is the City's parcel, some left over property. I met with them. They have been maintaining that sliver as their yard and in some respects. We do have a sanitary sewer through there so in discussion with the property owner they are more than happy to put that last leg of that fence as a gate. So, if we ever needed in we would be able to access without tearing down their investment but also recognizing that we would want to hold harmless if something happens since it is our property that we would be held harmless as well. They are very amenable to all of that.

Mr. Vincent: It sounds like a very nice win-win situation. We don't have to maintain that grass, they have taken care of it. They take care of their home. They don't have to put in a fence across the back they can tie into existing fence, so it is pretty nice.

Mr. Bennett: Their young children can be kept inside safely.

Mr. Vincent: It sounds good.

Mr. Roberts: Jay, has anybody checked with ODOT to insure they agree?

Mr. Bennett: We have. They have no problem with that tie in.

Mr. Vincent: Is there anything else? Okay all in favor of first reading signify by saying aye.

All were in favor. None were opposed.

Motion carries.

## **ORDINANCES FOR ACTION**

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.(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. 15-91 A - Introduced by Council – An Ordinance enacted by the City of Zanesville of Muskingum County, Ohio for resurfacing and related work on US 40 and State Routes 60/60D/60G/146.

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. Ordinance is passed.

Ordinance No. 15-95 - Introduced by Council – An Ordinance authorizing the appropriate city official to waive the ordinary rental fees charged for Secret Auditorium for the November 6, 2015 program honoring veterans.

Mr. Vincent: We are at third reading.

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

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

### **TRAFFIC ORDERS**

When we brought it up at the last meeting it was amended to 200 feet and it should be 100 feet so it should be as follows:

Section One: Traffic Order 15-10 is hereby rescinded TO 87-29 which established No Parking Zone on the south side of Forest Avenue from the intersection of Forest and Ashland Avenues west 100 feet and rescind TO 90-23 which established a No Parking Zone on the south side of Forest immediately north of the helicopter pad.

Section Two: The appropriate signs shall be removed in accordance with O.R.C. 4511.09.

Mr. Tarbert moved to receive Traffic Order 15-10. It was seconded by Mr. Roberts.

Mr. Vincent: Is there any discussion? Okay, hearing none, all in favor of receiving signify by saying aye.

All were in favor. None were opposed.

Motion carried.

### **MISCELLANEOUS AND UNFINISHED BUSINESS**

No information provided.

### **PRIVATE PETITIONS AND COMMUNICATIONS**

Eric Jones, 221 Luck Avenue, Zanesville, OH 43701 speaking in regard to Rules for Speaking before Council.

Mr. Eric Jones: Hello everybody. What I wanted to do was to speak on the 15-44 real quick. On the petition to address Council and the rules for speaking before Zanesville City Council real quick. From my understanding 15-44 is not in effect yet but it takes thirty days before it goes into effect so I think I am still under the old rules. And if such, I think I will start with the third one which basically says no person who addresses Council shall make personal, impolite, repetitive, disrespectful, and that whole thing there. The reason I am bringing that up is that is going to be in Mr. Vincent's personal domain. Whatever he decides is profane or whatever it does, that by definition is sort of tyranny. Anybody that decides with no checks or balances, no kind of over site, just by the very nature of the word. All tyranny is is an arbitrary use of power. Alright and so, if I would look at Mr. Vincent and say Mr. Vincent is a liar, he is a tyrant, and he is a traitor. I have said this a million times. Now, the way I see things, it says a position that is not contradicted need not be proven. Therefore, if he doesn't say I am not a liar, I am not a tyrant, I am not a traitor; it is to be accepted as true. I don't do anything. All I do is make

the charge, if he doesn't respond; it is to be accepted as true. Now as I keep coming back to this I said that since there is no override, because the Mayor, I don't think the Mayor has ever vetoed anything that has happened at City Council. Is that correct?

Mayor Tilton: Correct.

Mr. Eric Jones: I don't think any of the Councilors up there have ever tried to overrule Mr. Vincent on anything. I don't know how long that goes. I can go back ten, twenty, thirty years. There is a fancy word in the law, it is called desuetude. It is a \$1.50 word. All it means basically is if you don't do something for a period of time, you can't. If you don't use something for any length of time for over like say twenty years; then you can't do it. Technically, you can't even do it. You guys can't technically try to overrule him. Now, I know that is stretching it just a bit. Don't panic. But right now what I am saying is we should understand that Mr. Vincent by the very nature of this is a tyrant. Thank you very much.

Mr. Vincent: Thank you Mr. Jones. With that I will repeat as far as Council does have the option to override the President's ruling. This Council is very much aware of that and that it was talked about at length in the revision of this. And what is needed to do that. I will be perfectly fine with that. I think Council has demonstrated repeatedly expressing their wishes on things that they want to happen especially relating to people wanting to speak and extending speaking times. So I am quite confident with Council as far as people speaking and them allowing them to speak when they have something that they need to share and to finish up on for something of value. Alright, thank you.

Larry Emerson, 13290 Pear Orchard Road, Dresden, OH 43821 speaking in regard to mandatory people registration.

Mr. Larry Emerson: I come to speak tonight on this people registration as I call it because it is actually registering people. I thought when Mr. DuBeck got up to speak that I would understand it a little more clearly, but actually I didn't. Mr. Tarbert asked a very pertinent question that I thought was very direct because he kept talking about mandatory filing. But the paper says mandatory registration. No one is complaining about having to file and pay taxes. I mean, we all complain about it, nobody likes to pay taxes, but we all accept that as something we are going to have to do. But what I am hearing the people complain about is the mandatory registration. They are saying that we are not on parole, we are not sex offenders, and we are not Jews in Nazi Germany that we have to register where we live to the government. It is not about the taxes, it is personal human rights issue that people do not feel they should have to register. Now, I am not affected by this. I don't live in the City and I get a tax return mailed to me because I pay taxes to the City every year at my home address. Another thing that I am worried about, the thing that worried me about it right from the get-go was I thought and several of my people have told me, well, we have just thrown them in the trash. We are not going to do it. So what is going to happen then? As a landlord the next thing you know they are going to be up there wanting you to pass a Resolution to make me send in a list of everybody that lives in every one of my houses. It wouldn't do you very much

good anyway because people move. I mean, I have people that have been in houses seven or eight years, the average is probably two. And there are probably thirty or forty percent of my houses that at the end of the year don't have the same person there that lived there at the first of the year. So this is not going to be very effective. And it is not going to be very well obeyed as far as the registration because the people think of it as a personal, they are not worried about paying their taxes, they know they are going to have to pay taxes. But they do not want to have to register that I live here or I live there. They feel like your nuts and I am not a sex offender. I shouldn't have to register as to where I live. And I did not understand when you asked the question and his answer, I did not really understand completely on what he was explaining about the difference between mandatory registration and mandatory filing. I am not speaking for my group tonight because we are going to want a little bit more information on it here later on. Okey doke. Thank you much. Does anybody have anything to ask me?

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

Mr. Hutcheson: Mr. President. I move we adjourn.

Mr. Sharrer seconded.

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

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

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

The meeting adjourned about 7:52 p.m.