

CITY COUNCIL MEETING – MONDAY, JANUARY 25, 2016

The Council of the City of Zanesville met in regular session at 7:00 p.m. on Monday, January 25, 2016 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: Miss Bradshaw, Ms. Gildow, Mrs. Osborn, Mr. Wolfe, Mr. Foreman, Mr. Roberts, Mr. Baker, Mrs. Norman, and Mr. Vincent.

Mrs. Gentry was absent.

Mr. Roberts moved to excuse Mrs. Gentry. It was seconded by Mr. Foreman.

No discussion. A voice vote was taken and all present were in favor.
Motion carries. She stands excused.

APPROVAL OF MINUTES

Ms. Gildow moved to accept the minutes as presented, seconded by Mrs. Osborn.

No discussion was held. A voice vote was taken for approval of the minutes of January 11, 2016.

All present were in favor. None were opposed. Mrs. Gentry was absent.
Motion carries. The minutes stand approved.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Communication from Mayor Jeff Tilton – Muskingum County Humane Officer—I am hereby approving the appointment of Ms. Carolyn Hughes to the Muskingum County Humane Officer's position. The City's portion of her salary will remain at \$400/month.

Mrs. Norman moved to receive and concur, seconded by Mr. Foreman.

Mr. Vincent: Is there any discussion?

Mr. Roberts: Where does the rest of the compensation come from?

Mayor Tilton: From the county.

Mr. Roberts: Okay.

Mayor Tilton: They are the majority.

Mr. Roberts: Oh, they are the majority. Okay. Do you know what that figure is by any chance off the top of your head?

Mayor Tilton: No.

Mr. Roberts: But they make up the other part of it?

Mayor Tilton: Yes.

Mr. Vincent: Is there anything else from Council?

Mayor Tilton: By the O.R.C. it is a lot lower number, but we over the years have raised it up.

Mr. Vincent: Thank you Mr. Roberts and Mayor Tilton.

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

Resolution No. 16-07 – Introduced by Council – A Resolution supporting the City of Zanesville's application to Ohio Mid-Eastern Government Association for funding for the replacement of the Putnam Hill Water Tank, and declaring an emergency.

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

No discussion on waiving.
Roll call vote on waiving of the readings.
8 Ayes
0 Nays
1 Absent Mrs. Gentry
Motion carries.

Ms. Gildow moved for passage, seconded by Mr. Foreman.

No Discussion. Roll call vote for passage.
8 Ayes
0 Nays
1 Absent Mrs. Gentry
Motion carries. Resolution is passed.

Resolution No. 16-02 – Introduced by Council – A Resolution authorizing the Clerk of Council to act as the designated representative of the members of Zanesville City Council for purposes of required Public Records training.

Mr. Vincent: We are at second reading. With that I should ask are we still okay time wise with this to make the meeting.

Clerk of Council responded it makes it tight, but I think we will be okay.

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

No discussion. Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mrs. Gentry

Motion carries.

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

No discussion. Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mrs. Gentry

Motion carries. Resolution is passed.

PROPOSED ORDINANCES

Ordinance No. 16-08 – Introduced by Council – An Ordinance establishing the wages for unaffiliated employees in the Municipal Service.

Mr. Roberts moved for first reading, seconded by Mrs. Osborn.

No discussion. All present were in favor. None were opposed. Mrs. Gentry was absent.
Motion carries.

Ordinance No. 16-09 - Introduced by Council – An Ordinance amending Ordinance No. 00-16, which adopted a Classification Plan for City employees; and amending Ordinance 13-16 (Amended), which established pay, benefits and employment policies for unaffiliated employees.

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

Mr. Vincent: I know this a really important position and they have been working on for some time. The City is in need of an HR person. The new Law Director has been spending considerable time helping out in that capacity. The Administration and staff has been working on HR duties and this position would be very beneficial. Someone had asked if Council would entertain waiving the readings to move this along. Does anyone from Administration want to add to that?

Rhonda Heskett: I had asked to have the readings waived. That way we could go ahead and start to advertise. It is going to take at least three weeks to advertise. Then the Ordinance could sit and wait while we are advertising.

Mr. Vincent: This has been in the works for a while and Council has talked about needing this position. The rate was not high enough to tempt anyone to get someone qualified to apply and then hopefully with a higher rate we will get someone who is excellent.

Mrs. Osborn moved to waive the readings and it was seconded by Mr. Wolfe.

No discussion. Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mrs. Gentry

Motion carries.

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

No discussion. Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mrs. Gentry

Motion carries. Ordinance is passed.

Ordinance No. 16-10 - Introduced by Council – An Ordinance authorizing the proper city official to purchase items for employee recognition.

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

Mr. Vincent: I want to say thank you. I think it is a great idea. We have a lot of great employees at the City and I think it is nice that we are doing additional work to recognize them for their commitment and long terms of service.

Mayor Tilton: We started last year by just giving them a certificate of appreciation for five, ten, fifteen, or twenty years of service. We would like to just give them a gift too to go along with that for their years of service.

Mr. Vincent: I think that is very nice and probably very much appreciated and I think they enjoyed their certificate. I think they photo shoot then with you too, if I recall.

Mayor Tilton: Absolutely.

Mr. Vincent: That was nice.

No discussion. A voice vote was taken and all present were in favor. None were opposed.

Mrs. Gentry was absent.

Motion carries.

Ordinance No. 16-11 - Introduced by Council – An Ordinance amending Ordinance 13-15 (Amended), which authorized a maximum schedule of positions and declaring an emergency.

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

No discussion. Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mrs. Gentry

Motion carries.

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

Mr. Vincent: Mr. Buck, looking at these numbers and I may just be reading it wrong. The second set under the new proposed, authorized numbers it has one Corrections Officer with six months training, does that tie into the three then down below?

Mr. Buck: Actually no the three down below will be Sergeants. They will be temporary until we can do our Sergeants exam. We have been trying to do this for quite a while. We have been short. Right now I think we are down seven.

Mr. Vincent: So these are unsworn Corrections Sergeants versus when they are permanent then they will be sworn Corrections Sergeants?

Mr. Buck: Well, no. They are never sworn. They are not sworn officers; Corrections Officers are not. They can't carry weapons.

Mr. Vincent: Okay, the temporary then until promotion.

Mr. Buck stated the one position is a training person. This allows us to respond quicker when we run into this problem we are having right now. We had a person who just left. If we had a training slot we could be training him now and it would count toward our staffing which right now they are working twelve hour shifts. All of these people are working six to seven days a week and we are wearing them out to be quite honest. We looked at it and we had a meeting, the Mayor, Rhonda and I, with the Police Chief and the Jail Administrator. We thought that adding the additional female would be good. We have some absences which increases the time worked by those remaining on those shifts. We had one retire or resign. We will not fill this training slot unless we anticipate somebody is either not going to make the probationary period and we are going to

replace them or they are going to retire, which some are getting into the twenty year range.

Mr. Vincent: Thank you, so the total will be 24 to 26?

Fred Buck: No, no, no. It will actually be 22 and then the training slot. Which would make it 23.

Mr. Vincent: I guess looking here and totaling up the numbers on each of these two.

Fred Buck: You have 19 right now. Then you have your 3 Sergeants which will be until they will be CO's and are acting Officers in Charge (OSC's) Do you see that? It is a little confusing because we have to have somebody in charge of the jail.

Mr. Vincent: And basically I am just looking at numbers. I just want to make sure we are right here.

Mr. Buck: Yes.

Mr. Vincent: I am fine with the increases I just want to make sure this is correct. Is there anything else from Council?.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mrs. Gentry

Motion carries. Ordinance is passed.

Ordinance No. 16-12 - Introduced by Council –An Ordinance authorizing the proper city official to provide funds for a Humane Officer and declaring an emergency.

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

No discussion. Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mrs. Gentry

Motion carries.

Mr. Roberts moved for passage, seconded by Mr. Baker.

Mr. Vincent: I do have an e-mail from Margo Moyer, the Auditor, and she could not be here tonight for the meeting. This is on two different Ordinances, but for this one she talks about this Ordinance being for the Humane Society and it has been a long process because of new rulings passed by OPERS. She stated she feels bad because there is so much confusion, but she did not want the City to be fined by OPERS retirement

system, for not paying the agent right away. Mr. McElfresh, the President of the Humane Society, has been very cooperative and patient about the situation. Please waive the readings and pass this so my office can pay him, which you have done.

Mr. Vincent: With that, there is paragraph Seven under Section Two of the Ordinance. There is a request also from Ms. Heskett, I am not certain, they wanted this changed instead of monthly billing and paying monthly they wanted this changed to quarterly. Where did that come from?

Ms. Heskett: The Law Director met with Mr. McElfresh. Is that correct?

Law Director Tarbert: Yes.

Ms. Heskett: They had discussion about that.

Mr. Vincent: It is the Law Director who had a request from the Humane Society, Mr. McElfresh, changing from monthly under Section Two of the Ordinance from \$400 per month to \$1,200 quarterly. The same amount annually, but just paid quarterly, instead of monthly.

Law Director Tarbert: Correct.

Mr. Vincent: I think that had to do with billing?

Mr. Tarbert: Yes it was. I think Mr. McElfresh just didn't want to submit the same invoice every month for services. He requested if he could just do that quarterly. The City didn't have a problem with that. I believe that is set. You should have an Exhibit A Amendment on your desks. If Council would like to make that change I think there was a typo in the money section and it was fixed and then the quarterly billing was revised in Section Seven.

Mr. Vincent: That is all in the attachment, correct? Those changes?

Mr. Tarbert: Yes, in the one on your desk, yes.

Mr. Vincent: While it is important for Council to have and understand that, that part would not need amended. Correct?

Mr. Tarbert: Correct.

Mr. Vincent: So with that I want to give Council a moment to make sure everyone is clear as far as the changes on this. Are there any questions?

Mr. Roberts: I make a motion to amend 16-12 Section Two to read "authorize to pay \$1,200 quarterly, instead of \$400 per month, or \$4,800 annually".

A second was made by Mr. Baker.

Mr. Vincent: Is there discussion on the amendment? All in favor of the amendment signify by saying aye.

A voice vote was taken to amend and all present were in favor. None were opposed. Mrs. Gentry was absent.
Motion carries.

Mr. Vincent: We are now at Ordinance 16-12 as amended. I need a motion for passage.

Mr. Foreman moved to pass the legislation as amended and it was seconded by Mr. Baker.

Mr. Vincent: 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 Mrs. Gentry

Motion carries. Ordinance is passed.

Ordinance 16-13 - Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids and enter into a professional contract for the replacement of a boiler at the City Wastewater Treatment Plant.

Mr. Roberts moved for first reading, seconded by Mrs. Osborn.

Ms. Gildow: Isn't this what they would like to have passed as soon as possible because of the need for that boiler to be active?

Mr. Vincent: Actually there are two boilers and Mr. Bennett, correct me, but I think one is being rebuilt and it will be back online and then this is one that needs to be replaced and there is a lot of work, with engineering that needs done on it and it is not going to be a quick fix anyway.

Mr. Bennett: Correct.

All present were in favor. None were opposed. Mrs. Gentry was absent.
Motion carries.

Ordinance No. 16-14 - Introduced by Council – An Ordinance authorizing the proper city official to pay an invoice to HCC for investigation & handling of a claim for water damage from a storm sewer drain, and declaring an emergency.

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

No discussion on waiving. Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mrs. Gentry

Motion carries.

Mr. Roberts moved for passage, seconded by Mr. Baker.

Ms. Gildow: Just curious to know what is the story behind this?

Mr. Bennett explained last year the property owners on Norwood Blvd. contacted the City regarding damage as a result of a clay tile pipe that ran through the couple's back yard. It was discovered as part of the Columbia Gas project within the greater Norwood Blvd. area as they televise everything. The City has no knowledge of that clay tile pipe. The City never put it in. In fact the locator when Columbia was televising that, showed that it actually traversed underneath the edge of the property owners' home so thereby giving indication that a home was built on a clay tile pipe. They met with the property owners. We gave them all of our information. There was concern about the water coming from the hillside up above the Normandy area. The City does not discharge water off of that hillside. It would naturally fall from that hillside. After the administration's review and communication to the property owners was while we understood they were suffering some result from storm water in the area, the City government had never directed, had never allowed, had never authorized, so therefore we would not pursue remediation. They filed a claim against the City. That began under the former Law Director Mr. Hillis. He referred that to HCC, the company that represents the City on high risk. The amount of the claim was well over \$10,000 and you see the result of that by HCC spending several months investigating. They went back and forth on their costs plus the settlement offer that has now been accepted. Mr. Tarbert can pick it up as you can see the result of the bill.

Mr. Tarbert added that their original claim was for damages based on radon gas, some mold, and some other things. It was a pretty big claim against the City. They were seeking at least \$125,000. The claim was just recently settled by our insurance adjuster for \$5,583.00. The City is responsible for the deductible on that which is \$5,000. So the claim has been settled. They have signed a release, a waiver, so everything has been taken care of by the insurance company. This is just our deductible that is in front of you tonight.

Ms. Gildow: Thank you.

Mr. Vincent: Thank you, Mr. Bennett and Mr. Tarbert. Is there anything else from Council? You said this is \$5,000 and it is for the deductible and not for the investigation costs.

Mr. Tarbert: Well,

Mr. Bennett: Some of their time is involved.

Mr. Tarbert: Right. However you want to phrase it.

Mr. Vincent: One in the same.

Mr. Tarbert: Yes. We are repaying HCC for up to our deductible.

No further discussion. Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mrs. Gentry

Motion carries. Ordinance is passed.

Ordinance No. 16-15 - Introduced by Council – An Ordinance authorizing the City Auditor to pay the invoices of various departments using 2016 money for 2015 invoices and declaring an emergency.

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

No discussion. Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mrs. Gentry

Motion carries.

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

Mr. Vincent: Auditor Margo Moyer did also include an e-mail with information on this Ordinance. She said this is a typical Ordinance, it happens at the beginning of a new year. The Auditor is to report to Council any 2015 bills that are using 2016 money. She would also like this Ordinances passed so that vendors can be paid. Thank you for waiving. She said thank you for your consideration.

This is routine, it is just like at home, we don't get our bills until we use electricity and therefore the electricity used in 2015 is being billed to the City in 2016. It is a requirement then that Council is aware of this and approves it.

Mr. Wolfe: You are saying it is essentially 2016 budget even though it is a 2015 expense? It is part of our 2016 budgeting process?

Ms. Heskett: Yes.

No further discussion. Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mrs. Gentry

Motion carries. Ordinance is passed.

Mr. Vincent: With that, there are some Ordinances coming up that have been postponed numerous times. There is information coming on them. But with that, part of that then is replacement of Ordinances that were recommended to be introduced tonight and Mr. Roberts, I don't know if you are interested in that.

Mr. Roberts moved to introduce Ordinance 16-16 as Exhibit 11A and Ordinance 16-17 as 11B under Proposed Ordinances on the Agenda. The motion was seconded by Mrs. Osborn.

Mr. Vincent: Is there any discussion? We will explain that more in a little bit. All in favor of adding these two Ordinances to the agenda signify by saying aye.

A voice vote was held and all present were in favor. None were opposed.
Motion carries.

Mr. Vincent: We are now at Item 11A which is in the thick packet that was passed to you right before Council started.

Ordinance No. 16-16 – Introduced by Council - An Ordinance authorizing the Director of Community Development to enter into a Tax Increment Service Payment Agreement with CMT Zanesville LLC 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 and declaring an emergency.

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

No discussion on waiving. Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mrs. Gentry

Motion carries.

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

Mr. Vincent asked if there is any discussion. With that we will turn it over to Mr. Bennett to explain. Mr. Bennett did send a wonderful letter this afternoon explaining this, I know a lot of work has gone into this. We had to postpone this several times in the past due to information needed from the contractor. I will turn it over to you Mr. Bennett.

Mr. Bennett explained when you are dealing with developers and developers' attorneys it becomes difficult to get things in timely fashion. I give kudos to staff specifically Patrick O'Malia who spent several months bird dogging this project. Chip Saunders who worked with their developers. So staff continued to work with these folks trying to get this service payment agreement and developer's agreement 16-16 and 16-17 Ordinances finalized. I give kudos to staff on that. I did prepare also on your table tonight just as a refresher. We have three new Councilmembers who may not be familiar and any of our senior Councilmembers who may not remember a TIF, Tax Increment Financing. The site specifically we are talking about with these two pieces of legislation you will find on this piece of paper. This is the Panera site, currently being constructed across from Starbucks area and next to the Mattress Firm. Long story shorter, the City received a request from the local owner, their attorney, their developers as they negotiated the transfer of the property, identified in this site, with the Panera folks and ultimate owner of that site. It became a struggle to finalize all the investment and go back and forth on who was making which investment and who was building which part of the project. Specifically, in the dollars and cents of this TIF and the collection of service payments over thirty years from this site as resulting from the establishment of the TIF by 15-100 we will be returning to the owners a little over ninety-nine thousand dollars for the construction of the right-in lane off of State Route 60, which is a public improvement and the right-in/right-out of the site at the property line. That is the investment that needed to be done that we requested to participate with them on. So they have fronted and are constructing that access. So with the adoption of 15-100 Council established the boundaries of that site and said we are hereby creating this as a Tax Increment Financing (TIF) district. All monies at that point are being collected beyond what is already due to the schools; so known as a non-school TIF. Schools continue to receive what they always will have received. The additional value as a result of the investment we get to capture off of it and it is placed in a fund whereby we can expend that money on public improvements: ninety-nine thousand dollars in these agreements as well as anything beyond that. Because when you look at the estimated value of this TIF over thirty years you are talking to the tune of one hundred eighty to two hundred thousand dollars in those service payments. So what we are authorizing is that ninety-nine thousand to go back the developers who built the improvement the rest of it the City has access to make investments in and around that area that benefit the parcel or the district where they were drawn. So I have attempted to capture what a TIF is and what a non-school TIF is on this document. So with the previous Ordinances that are on tonight for third reading we delayed a few weeks getting again these matters concluded with attorneys in Cincinnati. They had upon construction and approval a few things that happened. One was what was known as ARS as a developer has now become CMT Zanesville LLC. So we need to amend. The address, they have now defined an address; we need to amend. The dollar amount where it was once was estimated a little over eighty thousand dollars because of seventeen thousand plus dollars from AT & T for moving the telephone service as part of the turn lane project they are asking for that on top of that eighty-one thousand which is certainly a valid cost. So those are the revisions to the two Ordinances and upon review by the Law Director he felt especially with the additional dollars besides the other

housekeeping items it was substantive enough to go ahead and create two new Ordinances. I ask for your permission to put those on for consideration tonight and then upon Ordinances for action just defeat those other two. So we are substituting these with the correct names, the correct address, 2016 instead of 2015 post-type, plus the correct dollar amount that we would be returning to the developer. I am happy to answer any questions.

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

Mr. Wolfe: From a cash flow standpoint you are saying it is a reimbursement of expenses so their out-of-pocket, we don't actually reimburse them up front, we reimburse them through reduced taxes. Right?

Mr. Bennett: Correct.

Mr. Wolfe: So we are not paying them now, essentially they get their money back through fewer taxes into the future?

Mr. Bennett: They actually continue to make the service payment. The service payment becomes taxes in lieu. So we will receive that from the County Auditor each year and then out of the monies we receive we reimburse them so much per year.

Mr. Wolfe: As we receive it, not a lump sum? That is what I was trying to understand. We are not reimbursing them up front and collecting our money, we are collecting our money and then doling it out to them until that ninety-nine thousand dollars is paid and then the rest is ours to invest as a City.

Mr. Bennett: Correct.

Mr. Vincent: The rest of that can then be used for improvements, public improvements, not private property improvements, but public improvements in that area. If you would refresh us Mr. Bennett, the future development, by the other two land options, this will allow Panera Bread to open their business, but then it also allows for access to these rear properties. Were they part of the TIF?

Mr. Bennett: They were not. The owner who split the lot requested not to include that within the current TIF as established by 15-100. We have received word from a developer, a local developer, that they are nearing sale of those back lots and will be coming to the City very soon.

Mr. Vincent: So that could become its own TIF or become part of this depending what the needs are?

Mr. Bennett: I don't think it would become part of this TIF. I don't imagine we would; we would have to establish a new TIF as it would remain separate as the TIF law requires that if a property was within a TIF it cannot become part of another TIF.

Mr. Vincent: But this is not part of any?

Mr. Bennett: Correct. Ordinance 15-100, this site, it has not been part of any other TIF.

Mr. Wolfe: On your chart, Mr. Bennett, the dotted line showing the property, is the TIF the portion outside that Maple Avenue portion or is the TIF involved inside of that dotted area?

Mr. Bennett: It is within that site.

Mr. Wolfe: I see. Their cost inside that is the outside money is City money to do the cutting lane and that sort of thing?

Mr. Bennett: The City has paid no money on this. They are responsible for the construction of everything on their site as well as the service road, but the ninety-nine plus thousand dollars is for that deceleration lane out off of Maple Avenue and the right-in and right-out at that site. This is in the public right-of-way.

Mr. Vincent: Thank you again, Mr. Bennett. Thank you, Mr. Wolfe. Is there anything else from Council? We will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mrs. Gentry

Motion carries. Ordinance is passed.

Mr. Vincent: We are now at Item 11B.

Ordinance No. 16-17 – Introduced by Council – An Ordinance authorizing the Director of Community Development to enter into a Developers' Agreement with CMT Zanesville LLC for the purpose of constructing public improvements within the Tax Increment Finance Exemption established in Ordinance 15-100 and declaring an emergency.

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

No discussion on waiving. Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mrs. Gentry

Motion carries.

Mr. Vincent: The item is waived and now I need a motion for passage.

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

No discussion. Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mrs. Gentry

Motion carries. Ordinance is passed.

ORDINANCES FOR ACTION

Ordinance No. 16-04 - Introduced by Council – An Ordinance authorizing advertising for bids and entering into contract(s) for the purchase of highway rock salt and calcium chloride with the lowest and best bidder, or the State of Ohio Purchase Program.

Mr. Vincent: We are at second reading.

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

No discussion on waiving. Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mrs. Gentry

Motion is passed as far as waiving.

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

No discussion. Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mrs. Gentry

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

Mr. Vincent: Is there any discussion?

Mr. Roberts: Just to reiterate we want to defeat both 15-134 and 15-135 because we have already passed the amended versions in 16-16 and 16-17.

Mr. Vincent: So the vote would be nay, to defeat this because we have already passed legislation to take care of this; the corrected versions. Is there any further discussion? Are there any questions? Is that clear?

Mrs. Norman: Yes.

Mr. Vincent: We passed the other legislation that was introduced tonight and then the goal is defeating this because of the name changes, cost changes, and address changes and things like that. With that we will have roll call vote for passage.

Roll call vote for passage.

0 Ayes

8 Nays

1 Absent Mrs. Gentry

Motion is defeated.

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. Foreman moved for third reading, seconded by Mr. Wolfe.

Mr. Vincent: Is there any discussion?

Mr. Roberts: The same thing as 15-134 we already dealt with this one under 11B 16-17.

Mr. Vincent: So vote nay is what you are saying?

Mr. Roberts: Please.

Mr. Vincent: Thank you, Mr. Roberts. Is there any further discussion? We will have roll call vote for passage.

Roll call vote for passage.

0 Ayes

8 Nays

1 Absent Mrs. Gentry

Motion is defeated.

TRAFFIC ORDERS

Traffic Order 16-01

Section One:

Traffic Order 16-01 hereby establishes a 35 mile per hour speed zone on Fairview Road from city limit to city limit.

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

Mr. Roberts moved to receive, seconded by Mr. Foreman.

Mr. Roberts: Mr. Buck what is the current speed limit on this section of Fairview?

Mr. Buck: Thirty-five, it is just not marked. The County has it marked on both ends this is just cleanup. They came to us about three months ago wanting to clean up some of these areas, ODOT does. We have speed limits going from forty-five to forty to fifty to thirty-five and they just want to make it consistent.

Mr. Roberts: So did we have a traffic order on it prior?

Mr. Buck: No there wasn't, but there were speed limit signs up and that is why we want to clean this up.

Mr. Roberts: So it is not changing the posted speed limit at all?

Mr. Buck: No, not at all.

Mr. Roberts: Thank you.

Mr. Vincent: Is there anything else from Council? I know Mr. Buck, you have been going back and reviewing and looking to see what is in order to make sure we had proper approval for speed limit signs.

Mr. Buck: Yes, yes. We will probably have more.

Mr. Vincent: Okay. I appreciate you cleaning that up to make sure we are official with things on the books. Is there anything else from Council?

All present were in favor. None were opposed. Mrs. Gentry was absent.
Motion carries.

Traffic Order 16-02

Section One: Traffic Order 16-02 hereby establishes a 35 mile per hour speed zone on Military Road from west exit of Pfeifer Drive to Northpointe Drive.

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

Mr. Roberts moved to receive, seconded by Mr. Foreman.

Mr. Roberts: Mr. Buck, the same thing here? Is all of Military thirty-five right now?

Mr. Buck: Yes it is.

Mr. Vincent: Miss Bradshaw, you had a question earlier, which is a good one?

Miss Bradshaw: It was answered by Mr. Buck.

Mr. Vincent: Oh, was it. Okay, so it is all in the City then because I could not answer it?

Mr. Buck: It is half-and half, but the last administration made an agreement with them to take care of, according to the County Engineer, that we would take care of that section of the road is basically what we said.

Mr. Vincent: That is a written agreement then with them?

Mr. Buck: I am not sure if it is written or we would have to look it up.

Mr. Vincent: Just thinking, are we authorized to do this?

Mr. Buck: We wanted to make sure we had thirty-five set. Their speed limit is thirty-five now. Ours is thirty-five so it just cleans up more of this whole traffic order book we have.

Mr. Vincent: Good, thank you. Is there anything else from Council?

All present were in favor. None were opposed. Mrs. Gentry was absent.
Motion carries.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Tilton: I would just like to say a great job by the street department and vehicle maintenance over the weekend with the snow removal. Friday night we had several trucks break down, but the vehicle maintenance got them back up and running by 5:00 a.m. and Saturday afternoon we were done.

Mr. Bennett: Parks and Cemetery folks came in.

Mayor Tilton: Yes, this is something we started with Parks and Recreation cleaning the sidewalks on the bridges and Dug Road, so those areas are open too. So great job for them too.

Mr. Vincent: Excellent, just some great City workers and I like the fact the departments are working together now and helping each other out. Is there anything else from the Administration?

Mr. Bennett: A request to convene a Public Service Committee of Council and a request to convene a meeting of the Community Development Committee of Council.

Mr. Vincent: Public Service and Community Development?

Mr. Bennett: Yes. We have business to attend to.

Mr. Vincent: The year has started. So with that I believe that is Mr. Roberts for Public Service and Community Development.

Mr. Baker: That is me.

Mr. Vincent: Community Development is Mr. Baker. Excellent. Is there anything else from Administration? Is there anything from Council?

PRIVATE PETITIONS AND COMMUNICATIONS

Mr. Eric Jones, 221 Luck Avenue, Zanesville, Ohio regarding Self-Assessment 2015. (second time)

Mr. Jones: Hello everybody. Quickly I thought I would do a couple quick housekeeping items. First up I asked Ms. Culbertson to find out why I am being paraphrased when everybody else is verbatim, as far as the minutes are concerned. I don't have a problem with being paraphrased if everyone is paraphrased. I don't have a problem with that. I do not want to be singled out and paraphrased when everybody else gets verbatim. That is my little statement there. The second part of it is I have asked again is about speaking about the approval of the minutes. I am wondering if you are going to vote on something, if you are going to discuss something, then if I am going to be in the minutes, I should be able to say something on the minutes. The third thing is about 16-17 real quick. I am just bringing this up because you brought it in on the day, you passed it on the day, and there was no opportunity for anybody to speak on it as far as the community. It is a done deal.

Mr. Vincent: Mr. Jones, with that, you are kind of going off topic here as far as you had put in a petition to speak about the second assessment here and I...

Mr. Jones: Believe it or not, this is how I assess what I am doing. I will go back to that real quick here.

Mr. Vincent: I will let it go ahead since it was introduced tonight.

Mr. Jones: Let me just say something real quick. It is going to be the tyranny exposure that I, for Mr. Vincent, Mr. Vincent is, this is my opinion; he is a tyrant. Mr. Vincent is an enemy to the Constitution. Domestic, and again, my opinion what that is supposed to trigger, it is supposed to trigger something in the community if we had citizens. Citizens are supposed to come down here and check whether or not what I am saying is true. So when you do something it is a quick payment of political help in the City of Zanesville. Let's assume for the sake of argument that fifty people represent a healthy community

coming down here to these meetings. That is one in five hundred in a community of 25,000. If fifty people came here this is healthy. Inverse relationship if it goes down you are talking about sickness going up: tilting up toward tyranny or down here healthy. Down here you have more people coming in and if it goes up like this the community is healthier if we are moving closer to democracy. That is again: one out of five hundred. Now, Mr. Vincent says he wants community participation, but he is doing everything to make sure people do not come here. I am running out of time, thank you very much.

Mr. Vincent: Thank you Mr. Jones. With that I will answer your question as far as paraphrasing. The Clerk is doing exactly what I have asked as far as the minutes. With that if you look under Ohio Revised Code 121.22 C, as confirmed with the Law Director. With that we do need to take minutes, but we do not have to do minutes word for word. No you are not being singled out. Other people have been paraphrased; actually a lot of stuff that I say has been cut out too. We are working to reduce the minutes and it is a big job and also reviewing them and updating them and it is hard to hear some people as you have admitted for yourself. It is hard to hear some people and get things word for word where we have tried to do that in the past. So ideal yes, practical no. So we are capturing main points and I think the Clerk is doing an excellent job. No you are not being singled out, I will emphasize that. As far as me being an enemy, as far as how I run the meeting; that is perfectly fine, your opinion. I respect that opinion, but with that I feel I should add in here that I have received numerous compliments as far as how I run the meeting, as far as the organization, the clarity of items, the professionalism, and I give credit to Council and the administration as far as the level of professionalism here. And I have worked very hard here to make things clear as far as people understanding before they vote. That they understand and they have the information they need before they vote and I will continue to do that. I have taken criticism and I will welcome that. If there are things I can do better, please let me know. I have made changes, and I will continue to do so, I will continue to improve myself in ways that I can, if that fits in with needs of Council and what is allowed.

The Ordinances tonight, with that I am very cautious about that as far as allowing new things to be introduced. With that, we could have taken the route of leaving the two Ordinances in, that were there, and done a lot of editing by motions and made these changes, but at the direction of the Law Director he felt it best that we get rid of those Ordinances which we defeated both of those tonight and introduced new legislation to clean up names, dollar amounts and adding in removing utilities. It is what Council has been looking at. What did change were some figures. It didn't impact the City in any way other than maybe a little less money in the end that we have to work with, long term, but what it has done is it has allowed development in the area, jobs, a new business, income tax coming in, so that is a good thing. I am very cautious with that as I have heard concerns before. This is a last minute thing yes, because of the changes; we could have done it the other way which is what we have done on many things in the past. Council does have the right to make amendments to Ordinances, like was done here tonight, but this way is much cleaner. So, with that I will turn to the Law Director to see if there is anything he would like to add.

Mr. Tarbert: No. I think you encapsulated everything fine.

Mr. Roberts: I just wanted to add and say to Mr. Jones point that the public did not have time to review 16-16 and 16-17. The spirit of 15-134 and 15-135 were both fully backed up with 16-16 and 16-17. It went three readings. And it has been tabled since those three readings several times in trying to get with the developer and get things done. We are just trying to get this so that we can get these developments moving forward to get tax money for the City of Zanesville.

Mr. Vincent: Thank you Mr. Roberts. I do fully agree with that and I do fully agree the appearance of this is not ideal. That is for sure. But it has gone; tonight is the third reading on this as far as the content. The numbers have changed, some of the wording has changed, it has been out there and Mr. Bennett provided it was in the paper. The news has covered it so this has been discussed for a while as far as this TIF with Panera Bread. It has been postponed two different meetings. So plenty of opportunity here to discuss; we are not sneaking anything by.

Mr. Bennett: Six months.

Mr. Vincent: Six months then.

Mr. Wolfe: And toward your point, I would say I would argue to indicate I believe that the changes really are identified greater in this regard and it leaves the legislation itself cleaner. So we have talked about it and we have identified the changes and really tried to be forthright in that and I am just adding to the comments that the other two have made.

Mr. Vincent: Thank you. I want to thank you for your concerns and I do appreciate you bringing it up. My apologies as I should have made it clear as far as we went through that then as what the changes were and what we were doing here. So hopefully that clarifies it for people, so if not I will be here after the meeting then or you can talk to any Councilmember or the Law Director. Is there anything else?

Mr. Roberts moved to adjourn. It was seconded by Mrs. Osborn.

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

All present were in favor of adjournment. None were opposed.
Motion carries.

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

The meeting was adjourned about 8:00 p.m.