

CITY COUNCIL MEETING – MONDAY, FEBRUARY 08, 2016

The Council of the City of Zanesville met in regular session at 7:00 p.m. on Monday, February 08, 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 was led by Boy Scout Troop #158 of Euclid Avenue Church.

Mr. Vincent thanked the Boy Scout Troop for coming. Mr. Vincent invited them to stay after the meeting for Council members to meet with them.

The following members of Council answered Roll Call: Ms. Gildow, Mrs. Osborn, Mr. Wolfe, Mr. Roberts, Mr. Baker, Mrs. Gentry, Mrs. Norman, Miss Bradshaw, and Mr. Vincent.

Mr. Foreman was absent.

Mr. Baker moved to excuse Mr. Foreman and it was seconded by Mr. Roberts.

There was no discussion and a voice vote was taken with all members present being in favor of excusing Mr. Foreman. Motion carried.

Mr. Foreman stands excused.

APPROVAL OF MINUTES

Ms. Gildow moved to approve the minutes of January 25, 2016 as presented. It was seconded by Mr. Wolfe.

All members present were in favor. None were opposed.

Motion carries. The minutes stand approved.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Communication from Jay Bennett, Public Service Director – Zanesville Municipal Airport Quarterly Report (4th Quarter).

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

Mr. Vincent: Is there any discussion? I think it is very nice to know the employees from the Street Department were out there helping seal the runways. I think that is great to see the departments working together to help each other out for the betterment of the City. That is exciting and the grant of \$404,000 is wonderful from the FAA.

Mr. Bennett: I especially am interested in the celebrity passenger of the quarter.

Mr. Vincent: Oh, yes, Governor Kasich. Multiple trips I think. That is wonderful.

If no discussion, all in favor of receiving the communication from Public Service Director Jay Bennett signify by saying aye. All present were in favor. No members were opposed.

Motion carries.

PROPOSED ORDINANCES

Ordinance No. 16-18 - 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.

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

Mr. Vincent: Is there any discussion on waiving? With that we will have roll call vote for waiving of the readings.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries.

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

Mrs. Norman moved for passage, seconded by Mrs. Gentry.

Mr. Vincent: Is there any discussion? This is for water pumping I assume?

Mr. Bennett: Correct.

Mr. Wolfe: This is similar to what we did last month? In other words at this time of year this is what happens. We are just one month picking it up.

Mr. Bennett: Getting bills and having to cancel end of the year purchase orders and reignite with the new moneys.

Mr. Wolfe: It counts as 2016 budget?

Mr. Bennett: Correct.

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries. Ordinance is passed.

Ordinance No. 16-19 - Introduced by Council – An Ordinance authorizing the Mayor to enter into an agreement with the Muskingum County Commissioners, for the reimbursement of fees paid to attorneys who represent indigent defendants in Municipal Court.

Mr. Vincent: We are at first reading.

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

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

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries.

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

Mr. Baker moved for passage, seconded by Mrs. Osborn.

Mr. Vincent: Is there any discussion?

Ms. Gildow: I know Judge Joseph isn't here. Do we know the ball park figure of the expense on this?

Mr. Vincent: Mr. Tarbert could you answer this?

Mr. Tarbert: Mr. President and members of Council I don't see the Judge or his Clerk here tonight. The ball park as I understand it approximately over the last three years has averaged about fifty thousand dollars a year that we spent in Counsel reimbursement. I think the amount that we might get back from the Ohio Public Defender is about 48% of that so we are looking at approximately \$20,000 to \$25,000 a year in reimbursement.

Ms. Gildow: Thank you.

Mr. Vincent: Thank you Mr. Tarbert. Is there anything else from Council? With that we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries. Ordinance is passed.

Ordinance No. 16-20 - Introduced by Council – An Ordinance authorizing a Partnership Agreement between Muskingum County and City of Zanesville for the application and administration of the PY 2016 Community Housing Impact and Preservation Program (CHIP).

Mr. Vincent: We are at first reading.

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

Mr. Vincent: Is there any discussion?

Mrs. Osborn requested an amendment under Section Four to add “Partners” before local share because I don’t want this Ordinance to read that we are picking up the entire local share of funding; only what the City is required to pay and not the County’s portion. So I move that Section Four of the Ordinance has the word “Partners” inserted before local share.

Mr. Vincent: The motion to insert the word “Partners” before local share under Section Four. Is there a second?

It was seconded by Mr. Roberts.

Mr. Vincent: Is there any discussion? All in favor of amending by inserting the word “Partners” in front of the words local share signify by saying aye.

All present were in favor. None were opposed.

Motion carries.

Mr. Vincent: We are now at Ordinance 16-20 as amended. Is there a motion for first reading?

Mr. Roberts moved for first reading as amended. It was seconded by Mr. Baker.

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

A voice vote was taken and all present were in favor. None were opposed. Mr. Foreman was absent.

Motion carries.

Ordinance No. 16-21 - Introduced by Council – An Ordinance amending Ordinance 12-68, and declaring an emergency.

Mr. Vincent: We need a motion to waive or for first reading.

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

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. Foreman

Motion carries.

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

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

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries. Ordinance is passed.

Ordinance No. 16-22 - Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids for the Military Road Bridge Replacement, and enter into a contract with the lowest and best bid, and declaring an emergency.

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

Mr. Vincent: Is there any discussion on waiving of the readings? With no discussion we will have roll call vote on waiving of the readings.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries.

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

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

Mr. Vincent: Is there any discussion? Okay, if no discussion we will go to roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries. Ordinance is passed.

ORDINANCES FOR ACTION

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

Mr. Vincent: We are at second reading.

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

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

A voice vote was taken with all members present being in favor. None were opposed. Mr. Foreman was absent.

Motion carries.

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

Mr. Vincent: We are at second reading.

Mrs. Osborn moved for second reading, seconded by Mr. Baker.

Mr. Vincent: Is there any discussion? Hearing no discussion, all in favor of second reading signify by saying aye.

A voice vote was taken with all members present being in favor. None were opposed. Mr. Foreman was absent.

Motion carries.

Ordinance No. 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. Vincent: We are at second reading.

Mr. Roberts moved for second reading, seconded by Mrs. Gentry.

Mr. Vincent: Is there any discussion?

Mr. Roberts: Mr. Bennett just remind me, do we need to get this moving along or are we okay for now?

Mr. Bennett responded that both boilers are down. Parts are ordered for one boiler and the crews are working on it. Some plan designs are needed because there is some ventilation needed to be done as part of this project. So if we get one boiler up and going then this is fine for second reading.

Mr. Roberts: Okay, thank you.

Mr. Vincent: Is there any further discussion? With that we are at second reading so all in favor of second reading signify by saying aye.

A voice vote was taken with all members present in favor. None were opposed. Mr. Foreman was absent.
Motion carries.

TRAFFIC ORDERS

None

MISCELLANEOUS AND UNFINISHED BUSINESS

None

PRIVATE PETITIONS AND COMMUNICATIONS

Mr. Eric Jones, 221 Luck Avenue, Zanesville, OH 43701 speaking on tyranny.

Mr. Eric Jones said it is always easier to ask for forgiveness than to ask for permission. At the last meeting if it was so important for it to be discussed here at City Council it should be important enough to go through the proper procedures. That is a simple matter. If I remember right it was 15-134 and 15-135 that you amended that wasn't on the agenda. So we had no advance notice. So when you did 16-16 and 16-17 again, no advance notice. The citizens of Zanesville didn't have a chance to preview. Most of us didn't even, me, I come to most of the meetings and I didn't have a clue what you were talking about to be honest with you. I went back and I read the minutes and they are in the minutes and everything. But again, it is easier to ask for forgiveness than for permission. That is why the rules are put in place in the first place. That is why you have them, procedural rules, folks. To let the citizens of Zanesville know what you are going to be doing before you do it. Some of you, the newbies especially, I didn't expect that from you. I figured you at least, if somebody would have said that to you three months ago that you would pull something like that off you would have said no way. All three of

you; you would have said that. We would never do anything like that. A month in, you do it. Now it is not my job or anybody else's job to trust you. Matter of fact, I advise not to trust you. Make you prove that you are telling the truth; not wait to catch you in a lie. I just assume that if I start talking to you, you are lying to me in one form or another. That is the way it is supposed to be. Even Ronald Regan said, "Trust but verify". I say Mr. Vincent is an enemy of the Constitution, a domestic enemy of the Constitution. There is a reason for that. The reason I use particular words. Mr. Buck is Army. As army, he has a tour of duty, he is done after his tour of duty. This is designed for Marines. The Marines are the only people who say "once a Marine, always a Marine". Everybody else gets to walk away from it. So I expect you to show up and at least check my argument to make sure it is sound enough. They haven't shown up yet. But they are not alone. There is only one last thing I am going to say real quick is we are down to one citizen for Zanesville and that is me. I am the only person who came down here and said I do not consent to being a visitor in my own town. Everybody else seems to go along with that. If you believe in the Ohio Revised Code everybody is here as a visitor and not as a citizen. Thank you very much.

Mr. Vincent: Alright, thank you Mr. Jones.

Mr. Roberts responded just to address Mr. Jones' concerns about the legislation that passed last week as a new piece of legislation instead of as an amendment. There were several changes that needed to be made to the original legislation. That was the process that had been going on for six months to a year. The only changes that were made were mostly name changes. That was to provide access to funds for development to occur in the City of Zanesville. That is why we ran it through. It wasn't that we were trying to sneak anything through. Nobody was trying to pull anything over on anybody. That is the only reason that it was done.

Mr. Vincent: Thank you. Is there anything else? I have a second petition from Scott T. Bunting, 2401 Dresden Road, Zanesville, Ohio. He is speaking on- "Safety concerns regarding the intersection at Taylor Street at Dresden Road. The issue was addressed by WHIZ-TV and I would like to re-affirm my concerns as a resident." You have three minutes sir.

Mr. Scott Bunting provided handouts for Council. Please excuse me for the read, but I wanted to make sure that I covered the information. I know many of you folks. Mr. Bunting thanked Council for allowing him time to come to speak to this evening. First I'd like to thank you as a resident and a member of the Zanesville City School Board for your service to our City, I know sometimes it is a pretty thankless endeavor. So thank you for taking the time to do that. He is present this evening to request Council's assistance with an ongoing problem at the intersection of Dresden Road and Taylor Street West bound from Linden Avenue. Mr. Bunting and his wife, Terri, have owned the house since 2004. To the best of their recollection there have been no less than fifteen incidents or near incidents in front of their house. Most of those incidents have proven to be alcohol related. Many of the incidents include individuals who have either fled or attempted to flee the scene. Mr. Bunting has jumped into the vehicles, not advisedly so,

but have actually stopped some of these vehicles trying to flee the scene. The vast majority are individuals who are discovered to have left some of the establishments on Linden Avenue. Therefore that is why they are coming West bound on Taylor Street. I have provided some photos and they correspond to the dates that are attached. We had an incident on June 1, 2014. Mr. Bunting was at his daughter's high school graduation and celebration up on Military and Dresden at a friend's house. Mr. Bunting received a phone call from Mike Alfman who lives approximately ¼ mile away from the Bunting's home. He said that I am just guessing someone hit something near your house. He was walking the dog and it sounded like a bomb went off. The bomb was actually a Jeep Liberty driven at an estimated speed of 50 miles per hour that struck the Bunting's house directly. No skid marks. The driver was impaired. She had marijuana in the vehicle and was driving uninsured. The incident costs the Bunting family thousands of dollars between the deductibles and additional costs related to uninsured motorist. It appears the motorist received barely a slap on the wrist. The costs of the home repairs were approximately forty-two thousand dollars. The entire South basement wall needed to be replaced along with a finished basement room. The force of the impact was so great it dislodged the chimney from the residence. So we had to take the chimney down inside the roof when the repair was done. The scary part of that is the fact that my sister-in-law who we adopted when she was fourteen was home from school at Kent State and she was sleeping there the night before. Had she been there the night the accident had happened obviously we all know unfortunately what could have happened. On June 20, 2014 we had a tarp and plywood up there and unfortunately somebody slid through the side again which was obviously a couple of weeks later and hit the plywood and the tarp.

The three minute time limit was up.

Mr. Vincent: Mr. Bunting I am sorry if you will excuse me. With that we have a three minute time limit here.

Mr. Bunting: You guys can see the rest.

Mr. Vincent: With that I need to be fair with everyone and this is your first time here so with that Council is aware as far as they have options of waiving the rules to grant additional time. But with that I need to stick with that as far as the three minutes. Just to maintain being fair with everyone.

Mr. Bunting: Okay, thank folks.

Mr. Vincent: Okay, we will read this.

Mr. Roberts: Mr. Bunting, I have had discussions with Mr. Buck about this issue and I believe Mr. Buck is going to take this to the traffic committee.

Mr. Buck: Yes, on July 18th. I actually received some information back today.

Mr. Roberts: I think that is the most appropriate place for this to be dealt with is in the Traffic Committee.

Mr. Bunting: I appreciate the Mayor and Mr. Buck coming out. They have actually been on site and they have actually taken the time to look at it, but again I guess the most recent information you can read that hopefully at your leisure

Mr. Vincent: Sir, I am sorry I have to be very strict here because people are counting the seconds right now. I am sure. So with that thank you much and I invite you to the Traffic Committee and you can share more then. We appreciate you written statement here and my apologizes; but that is what we have to do to be fair.

Is there anything else from Council?

Mr. Baker: Mr. Buck, when does the Traffic Committee actually meet?

Mr. Buck: The 18th, I am sorry in February; we meet every two months. I believe it is at 2:00 o'clock. We change it between one and two because we want to have as many people there as possible. We do have two Councilmembers, I am not sure, and Grant was one of them. I am not sure who took his place when he left, but you might want to look at that.

Mr. Baker: So 2:00 o'clock downstairs in the Conference room?

Mr. Buck: Yes.

Mr. Baker: So that might be something you might want to take a look at.

Mr. Bunting: Thank you.

Mr. Vincent: So again, refresh me with that Mr. Buck. The date is

Mr. Buck: February 18th at 2:00 o'clock

Mr. Vincent: Downstairs in the first floor meeting room. With that I know there has been some discussion. I know Captain Coury has talked about some things.

Mr. Buck: I guess one of the issues I have out there as much as anything is after looking at this, speed seems to be a huge thing. OVI is another thing. So when we get our police department back up to power that is probably the NIU Unit and the DAP Unit will be assigned to that area. Right now we just do not have the manpower, but I am going to talk to Captain Coury because ultimately it is his responsibility to watch that area to make sure someone patrols it. I think the guys are doing a fairly decent job. It is just they are pretty busy right now.

Mr. Vincent: I know we have talked about rumble strips to warn people the stop sign was coming up but that would drive the neighbors' nuts by the noise. That would not work.

Mayor Tilton: Snow removal.

Mr. Vincent: Snow removal would be another issue.

Mr. Buck: We have a lot of things I am looking at. I did get a paper today. It is called a pocket guide for guard rail and barriers from ODOT, believe it or not. So anything you look for is out there online and we are going to look at that. It gives you an idea of what you should try right off the bat and how you should do it. It is a warrant system just like we do traffic signals.

Mr. Vincent: I know in some areas of town we have put up guardrails to help where we have had problems with vehicles going through homes and running into cars and you had to be cautious then too that you don't end up hitting someone who is on the sidewalk between the guard rail and a car that hits them.

Mr. Buck: It is definitely a problem.

Mr. Vincent: There are lots of things so thought has already been put into this and we will learn more on the 18th. I hope we come up with a solution or at least a plan worth trying. Thank you.

Is there anything else from Council?

Mr. Roberts: I move we adjourn.

Mr. Wolfe seconded the motion.

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

A voice vote was taken and all present were in favor. None were opposed. Mr. Foreman was absent.
Motion carries.

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

The meeting adjourned at 7:28 p.m.