

### PUBLIC HEARING

A Public Hearing was held at 6:30 p.m., Monday, March 14, 2016 in the City of Zanesville's Council Chambers, 401 Market Street, Zanesville, Ohio hearing a request by Russo Real Property, Ltd. to rezone parcel numbers 85-31-02-19-000 & 85-31-02-18-000, also known as lot 35 and part of lot 36 of the Richland Place Subdivision, located on Cambridge Avenue from RM-1 (Low-Density Multi-Family Residential) to C-4 (Highway Commercial). Pat Denbow, Zoning Administrator, explained the purpose of the request. All testimony in favor was heard and no one present spoke against the request. The hearing concluded at 6:45 p.m.

### **CITY COUNCIL MEETING – MONDAY, MARCH 14, 2016**

The Council of the City of Zanesville met in regular session at 7:00 p.m. on Monday, March 14, 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: Mr. Wolfe, Mr. Roberts, Mr. Baker, Mrs. Norman, Miss Bradshaw, Ms. Gildow, Mrs. Osborn, and Mr. Vincent.

Mrs. Gentry and Mr. Foreman were absent.

Mr. Roberts moved to excuse the absence of Mrs. Gentry and Mr. Foreman. Mr. Wolfe seconded the motion.

A voice vote was taken with all present in favor of excusing Mrs. Gentry and Mr. Foreman.

Motion approved. Mrs. Gentry and Mr. Foreman stand excused.

### **APPROVAL OF MINUTES**

Mr. Roberts moved to accept the minutes of February 22, 2016 as printed, seconded by Mrs. Osborn.

Mr. Vincent: Is there any discussion or revisions? Hearing none, all in favor of approving the minutes of February 22, 2016 signify by saying aye.

There were no changes or corrections. Motion carried. Minutes stand approved.  
Mrs. Gentry and Mr. Foreman were absent.

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

Communication from Mayor Jeff Tilton– Zanesville-Muskingum County General Health Board – The Mayor is hereby recommending the appointment of Dr. John Hibler to the Zanesville-Muskingum County General Health Board. Dr. Hibler will be replacing Dr.

Thomas Ruggles whose term expires on March 31, 2016. Dr. Hibler's term will begin April 1, 2016 and end on March 31, 2022. The Mayor would like to thank Dr. Ruggles for his many years of service on this Board.

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

Mr. Vincent: Is there any discussion? Hearing none, all in favor of receiving and concurring with the Mayor signify by saying aye.

All present were in favor. None were opposed. Mrs. Gentry and Mr. Foreman were absent.

Motion carries.

Communication from Jay Bennett, Public Service Director on City Water Policies/Rate Revisions - The Ohio Revised Code 743.02 provides that the director of public service may make such bylaws and regulations as he deems necessary and Ohio Revised Code 743.04 (A) provides for assessment and collection of water rents per the director of public service.

Ms. Gildow moved to receive, seconded by Mr. Wolfe.

Mr. Vincent: Is there any discussion? Mr. Bennett, is there anything you would like to add? I know we had extensive meetings and you gave good explanation to all of Council, but is there anything you want to share with the public?

Mr. Bennett: I think as discussed with Council in several workshops that the staff did an excellent job over the last couple of years of looking to maximize efficiencies. So much that in the middle of the night when our water need drops significantly, for reasons you can understand, we have been turning off pumps to save electricity. We looked at efficiencies and we did not replace staff members. We looked at combining initiatives. With the loss of revenue from Muskingum County's decision to not buy wholesale water from the City that became where we had a \$500,000 hole in our budget that we are still looking for opportunities to explore filling that void. We will continue to do so. We are having discussion with the Commissioners now on those issues. But with the need to do infrastructure work like Linden Avenue beginning on Wednesday to try to eliminate a six inch main that has continually given the City problems and needs to be fixed prior to the paving of Linden Avenue later this spring. We need to prepare for the replacement of Putnam Hill Water Tank which EPA is waiting for us to do. It is those investments, and continued investments in efficiencies and investment in trying to decrease water loss out of our ancient system that we felt we had no choice but to go ahead and increase the rates. When you look at the profile of the City's users and you look at the one hundred cubic feet per month to six hundred cubic feet is over 8,000 customers of our 11,000. It became apparent that in order to raise enough money to pay for those investments that we had to go ahead and increase the base rate.

Mr. Vincent: Thank you, Mr. Bennett. I know with each of those repairs, its long term, you don't replace a water tank and do some of these major repairs quickly. You need to stay ahead, before they become an emergency and a crisis. Is there anything else from Council? All in favor of this motion signify by saying aye.

All present were in favor. None were opposed. Mrs. Gentry and Mr. Foreman were absent.

Motion carries.

## **PROPOSED ORDINANCES**

Ordinance No. 16-26 - Introduced by Council – An Ordinance amending Ordinance No. 00-16, which adopted a Classification Plan for City Employees; amending Ordinance 13-15 (Amended), which authorized a maximum schedule of positions; and amending Ordinance 13-16 (Amended), which established pay, benefits and employment policies for unaffiliated employees.

Mr. Vincent: We are at first reading.

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

Mr. Vincent: Is there any discussion? With that Mrs. Heskett, is the position vacant now? Is there a need to get this position filled to replace?

Ms. Heskett: No as a matter of fact we want this to go three readings because we have an employee in a current position who will be retiring and if we pass it too soon we will abolish his position. So, we want it to go three readings.

Mr. Vincent: So we are on target then.

Mr. Heskett: We are on target.

Mr. Vincent: Good planning then. Is there anything else from Council? With that we are at first reading so all in favor of first reading signify by saying aye.

All present were in favor. None were opposed. Mrs. Gentry and Mr. Foreman were absent.

Motion carries.

Ordinance No. 16-27 - Introduced by Council – An Ordinance establishing the annual salary and benefits for the Public Safety Director of the City of Zanesville.

Mr. Vincent: We are at first reading.

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

Mr. Vincent: Is there any discussion?

Mrs. Osborn: I don't know if I should ask the Law Director or Mrs. Heskett this question but I noticed it said the position shall not accrue vacation or sick leave time. Is that typical?

Ms. Heskett: Yes, that is typical for all of our salary positions.

Mrs. Osborn: Okay. Thank you.

Mr. Vincent: Is there anything else from Council? We are at first reading so all in favor of first reading signify by saying aye.

All present were in favor. None were opposed. Mrs. Gentry and Mr. Foreman were absent.

Motion carries.

Ordinance No. 16-28 - Introduced by Council – An Ordinance approving a Labor Agreement with Zanesville Professional Fire Officers' Association, Employee Organization 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? Hearing none, we will have roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Foreman

Motion carries.

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

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

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

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Foreman

Motion carries. Ordinance is passed.

Ordinance No. 16-29 - Introduced by Council – An Ordinance authorizing the proper city official to provide funds to the Ohio Flags of Honor Foundation as a donation for the presentation of the Ohio Flags of Honor in Zane's Landing Park.

Mr. Vincent: We are at first reading.

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

Mr. Vincent: Is there any discussion?

Private Petition: Mr. Eric Jones, 221 Luck Avenue, Zanesville, OH 43701 speaking out against this Ordinance.

Mr. Eric Jones stated this is going to be counter intuitive argument. He said he really doesn't have anything against the flag. Mr. Jones has a problem because he believes we are down to one citizen, him. How does he know we are down to one citizen? The government of Zanesville says you only have invitees. Mr. Jones feels you are not a citizen when you come here. He can say that in different ways and he is not going to try to prove it. All he said you have to do is read Roberts Rules of Order and the Federalist Papers and you will come to the same conclusion. He said they are not that hard of a read and through the logical progression you will get it. Now not being citizens you shouldn't pledge. You shouldn't sing the Star Spangled Banner for that matter. Who are you actually singing to if you are not a citizen? Again he comes back to Ordinance 15-44 and that you are residents. You are invitees. So that is another answer to your question. The public will ask Mr. Jones questions like what difference does it make whether we reside in a democracy or a tyranny? That is one of the answers he gives is because you shouldn't do the pledge or you shouldn't do the anthem. He is not against the flag, but he is against Council for not having the citizens in the City of Zanesville.

Mr. Vincent: Thank you, Mr. Jones. Is there anything else from Council? We are at first reading so all in favor of first reading signify by saying aye.

All present were in favor. None were opposed. Mrs. Gentry and Mr. Foreman were absent.

Motion carries.

Ordinance No. 16-30 - Introduced by Council – An Ordinance authorizing the proper city official to apply for an OPWC (Ohio Public Works Commission) Grant and Zero Interest Loan and execute contracts in connection with the Round 31 State Issue 1 Program if approved.

Mr. Vincent: We are at first reading.

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

Mr. Vincent: Is there any discussion?

Ms. Gildow: Does this need to be passed as an emergency?

Mr. Bennett: No, we are in great shape.

Ms. Gildow: Okay.

Mr. Vincent: Is there anything else from Council? Okay, we are at first reading so all in favor of first reading signify by saying aye.

All present were in favor. None were opposed. Mrs. Gentry and Mr. Foreman were absent.

Motion carries.

Ordinance No. 16-31 - Introduced by Council – An Ordinance relating to a Property License Agreement with the Ohio Department of Natural Resources; authorizing the Director of Public Service to execute the agreement for improvements for a recreational trail, 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? Hearing none we will have roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and 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?

Mr. Bennett stated he would like to provide a little background information and to remind Council and the public that specifically this is the trail from the Canal Park off of the foot of the Y-Bridge at the downtown exit owned by Ohio Department of Natural Resources (ODNR). The Zanesville Rotary Club worked several months to look at this project and they made a grand announcement last year on their park improvements and ultimately a trail part of that going out of the park traveling along the canal to the Sixth Street Bridge. The City saw an opportunity through an ODOT TAP (Transportation Alternatives Program) which is another piece of legislation and the Recreational Trails out of the ODNR office that is due April 1 for some trailside amenities. We approached ODNR with Rotary's understanding and consent saying we can take the lead on this part of the

project while their funds and efforts could be spent within the park to improve that. For the City it is a connection, linkage from north to south. We have been granted Natural Parks Service assistance to look at south trails which the community members are working on now. They are looking at possible routes and we will be beginning that process so when you think about coming out of Riverside Park on a trail down to Zane Landing and coming off of a public right-of-way over to the Y-Bridge, going through this canal park out on a dedicated trail up to the bridge and over the bridge to Putnam and south to the corporation limits. We envision a future where you can get north/south without actually riding on too many city streets. That is what this is. We submitted because ODNR has said they will take several months to go through their real estate organization to come up with a lease that will be substantial and in the same format. Councilperson Gildow had asked earlier today this says thirty years in the Ordinance and twenty-five in the lease. We have proposed a thirty year to ODNR because the funding source wants to see that and the commitment long term to those investments. ODNR has stated that is not a show stopper for them. We have proposed within all three of these pieces of legislation, this plus the next two, are a substantial grant investment with some match that the City would need to contribute, but long term a source of funding that Council took action on creating a TIF District on the southern part of the downtown that will bring revenue back into the City coffers for thirty years that we would propose to take a piece of that money and put it in one of our funds to make sure these improvements, if Council authorizes and the granting agencies award, that there will be money for future directors and staff to take care of those investments long term. On this particular Ordinance 16-31 authorizes us to execute if we are awarded a grant later this year, only if we are taking interest into ODNR property and substantially the same format that is attached. That would be a dollar lease to make improvements through grant funds on those properties.

Mr. Vincent: Thank you, Mr. Bennett. Is there anything else from Council? I guess I do have one question about performing maintenance on the property. I think I read someplace where ODNR would continue to do the mowing and care.

Mr. Bennett: Right.

Mr. Vincent: We would just be performing maintenance on the improvements that we put in, I know we are challenged with our parks and our crews, when we get some heavy rains and some delays, it is hard to keep up with all of the parks and mowing.

Mr. Bennett: That was one of the things that attracted me to the agreement.

Mr. Vincent: No additional mowing! Thank you. Is there anything else from Council? Okay, we will have roll call vote for passage.

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent      Mrs. Gentry and Mr. Foreman

Motion carries. Ordinance is passed.

Ordinance No. 16-32 - Introduced by Council – An Ordinance authorizing the proper city official to pursue grant funding through the Recreational Trails Fund for development of the Canal Park Trail and amenities located between the Y-Bridge and the Sixth Street Bridge, and declaring an emergency.

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

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

Roll call vote for waiving of the readings.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Foreman

Motion carries.

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

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

Mr. Vincent: Is there any discussion?

Mr. Wolfe: This would be what you just referred to in the previous. This is the Ordinance for the granting? The first one was the lease and this is now the grant.

Mr. Bennett: This is one of the granting. Correct. This is the Recreational Trails. So this would be for some of the aesthetic features. The ODOT grant which is the next one, 16-33, is for the formalized paving. So the ODOT grant is for paving and Recreational Trails is for some of the grant trail side amenities.

Mr. Wolfe: Thank you.

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

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Foreman

Motion carries. Ordinance is passed.

Ordinance No. 16-33 - Introduced by Council – An Ordinance authorizing the proper city official to pursue grant funding through the Ohio Department of Transportation

Alternatives Program for the development of the Rotary Centennial Trail located between the Y-Bridge and the Sixth Street Bridge, and declaring an emergency.

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

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

Roll call vote for waiving of the readings.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and 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? With no questions we will have roll call vote for passage.

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Foreman

Motion carries. Ordinance is passed.

Mr. Vincent: With that Mr. Bennett I would like to thank you and all of your staff for the tremendous amount of work that went into this. Thank you.

Mr. Bennett did a call out to the Rotary staff and the Rotary members for their leadership for looking at this. He thanked Mike Snode, who was appointed as Chair of this Centennial Project Committee, for his work. When we saw these grants were available we did a reach out to Mid-Eastern Ohio Government Association (OMEGA) staff. We are members of that organization and they offer technical assistance and grant writing assistance so they are doing the bulk of the work on filing this grant for us. Great partnerships.

Mr. Vincent thanked Mr. Bennett and said he appreciated Mr. Bennett calling out those people to thank them. It is a tremendous amount of work and the Rotary has been very beneficial to our community for many, many years. We do appreciate them. Great relationships.

Ordinance No. 16-34 - Introduced by Council – An Ordinance establishing sanitary sewer rates.

Mr. Vincent: We are at first reading.

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

Mr. Vincent: Is there any discussion?

Mr. Roberts stated this did go to the Public Service Committee. This was discussed at length in the Public Service Committee and these are the recommendation that came out of that committee.

Mr. Vincent: Thank you Mr. Roberts. From those meetings I know a lot of consideration was put into this for the amounts and keeping it as low as possible and still being able to achieve what needs to be done to keep us on track, to keep us operating and maybe get a little bit ahead of some of the break down stuff that we might avoid crisis maintenance and repairs. Help us be a little more pro-active in the maintenance phase. Is there anything else from Council?

Ms. Gildow: I just wanted to add that we would like to thank Jerry Ussher for the nice reports and all of the data that we could look at to help us arrive at a good feeling and decision.

Mr. Vincent: Thank you and we appreciate you saying it. It was a tremendous amount of information to consider. Nicely done. Is there anything else? We are at first reading so all in favor of first reading signify by saying aye.

All present were in favor. None were opposed. Mrs. Gentry and Mr. Foreman were absent.

Motion carries.

Ordinance No. 16-35 - Introduced by Council – An Ordinance to amend and revise the Zoning Map and make permanent zoning in the City of Zanesville, Ohio as herein provided.

Mr. Vincent: We are at first reading.

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

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

All present were in favor except Mr. Baker and he abstained. None were opposed. Mrs. Gentry and Mr. Foreman were absent.

Motion carries.

## **ORDINANCES FOR ACTION**

Ordinance No. 16-24- Introduced by Council – An Ordinance providing appropriations for use during the Fiscal Year 2016, and declaring an emergency.

Mr. Vincent: A motion to waive or second reading.

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

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

All present were in favor. None were opposed. Mrs. Gentry and Mr. Foreman were absent.

Motion carries.

Ordinance No. 16-20 A – 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 third reading.

Mrs. Osborn moved for third reading and passage, seconded by Mr. Baker.

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

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Foreman

Motion carries. Ordinance is passed.

## **TRAFFIC ORDERS**

None

## **MISCELLANEOUS AND UNFINISHED BUSINESS**

Mr. Bennett had referenced earlier the water division is looking to abandon the six inch main on Linden Avenue from Park Street to Adair, basically south of McIntire to Park Street. That six inch main lies on the east side of the street or the north bound lane. That has been a huge problem for years. There is a sixteen inch main on the southbound side of the street. So beginning Wednesday morning we are going to be closing McIntire and I have a note to Sue and she will send that out. We did a public notice today. We are concerned as we are working in that side of the street as folks

travel down to Linden Avenue from McIntire they want to turn right and go to the Y-Bridge. We are going to be right in the way. We are going to close it down and detour people while we work in that section. Tomorrow we will be delivering notices to all of the businesses along Linden Avenue from that stretch to give them information on how we are doing this project. We will have flaggers out. We will work very hard to keep entrances to their businesses open during that time working with people traveling in and out. When we need to terminate water service temporarily or disconnect from the six inch line we will make sure we go in to notify them to give them some time to get ready for that termination and then come back. We are going to work very hard on communication on that part of the project for the next several days. This is a heads up in case you receive calls.

Mr. Vincent: Thank you for sharing and I appreciate it. I know it takes a lot of extra effort to make sure communication goes well to give people a heads up, but I know it will be greatly appreciated. It is inconvenient, yes, but if people can be given some advance warning and make some arrangements to work around it. It is much easier to tolerate for sure. I do appreciate it.

Mr. Bennett: The less likely hood of water bubbling up just after we pave it. It helps people feel a little bit better about that as well.

Mr. Vincent: The end results are important.

Mr. Wolfe: Mr. Bennett, did you say it was from McIntire to the Y-Bridge?

Mr. Bennett stated actually we are going to start at Park, which is just about where the interstate runs over. That is where we will take off and we will make quite a bit of progress. There is not a lot down through there, but we fully expect to be to McIntire on Wednesday afternoon.

Mr. Wolfe: Will it go all the way to the Y-Bridge?

Mr. Bennett said we are just going to close so you cannot get through coming from McIntire. We are going to detour folks because they would be turning into our work crews there on the inside lane. Then we expect to be out of there Thursday so it will be back open. We will maintain traffic thereafter.

Mr. Vincent: Then the fire and ambulance traffic will need to go on around and they cannot go the wrong direction in the one lane.

Mr. Bennett: We will work with them.

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

## **PRIVATE PETITIONS AND COMMUNICATIONS**

Mr. Eric Jones, 221 Luck Avenue, Zanesville, OH 43701 speaking on W.A.S.P.- M & M vs Women's Duties.

Mr. Jones provided his definition as W.A.S.P. is White Anglo-Saxon Protestant and the M&M stands for males and money vs. women's duties. Mr. Jones stated in case it hasn't been noticed we have a majority of women on Council. That is historic. It never happened before. I think it is all for me to be honest with you. I think the universe is reaching down and saying Eric you have a great argument and maybe the women will listen to you because I notice the white men haven't. So why are women's duties higher? Well, the further you get away from White Anglo-Saxon Protestant males with money and Connie Norman is about as far away as you can get you have a higher duty. Why because you didn't have it at the beginning. At the beginning there was an aristocracy that came in and said we are going to take on the British. The reason they did that was because they did not like what was happening like taxation without representation. At the time women and black people were excluded. The amendment to prohibit slavery was not passed at the time because the South did not want to give up their property. Mr. Jones expressed he thinks women have a higher duty to be opposed to tyranny. He then referred to his request for the reading of two books: Roberts Rules of Order which he feels tells democracy from the bottom up vs the Federalist Papers which talks about democracy from the top down. He again encouraged people to read the books. He stated many do not know fundamental Civics. Civics has been removed from the schools and he feels people assume things that just are not true. Mr. Jones said it is a relatively easy matter for the women to get together and have a women's caucus. They can come up with an Ordinance just to return to Roberts Rules of Order as the exclusive Parliamentary authority for Zanesville City Council. He said the State of Ohio recommends that. You have to be a citizen somewhere. This is the somewhere the state wanted you to be citizens.

Mr. Vincent: Thank you, Mr. Jones. With that, is there anything else from Council? I will entertain a motion to adjourn.

Mr. Roberts moved to adjourn. It was seconded by Mr. Wolfe. A voice vote was taken and all present were in favor of adjournment. None were opposed.

Mr. Vincent: The motion carries and we stand adjourned. Thank you everyone and have a good night.

The meeting adjourned about 7:35 p.m.