

Public hearing at 6:15 p.m. in Council Chambers pertaining to the rezoning request by David Mitzel for a zoning map amendment to designate 952 Main Street, Zoned RS-5, Arts and Culture Overlay District. Patrick Denbow presented the information on the rezoning request. He explained the property would remain zoned as a RS-5 property and if approved the Arts and Culture Overlay would be added as another layer to this property. Mr. Denbow explained the requested overlay enhances the Arts District in the area. It is only separated from the current Arts and Cultures Overlay District by the roadway. David Mitzel spoke in favor of the rezoning request and spoke of the current and future plans for the further development of the property for Art works. Parking was mentioned as a concern and Mr. Mitzel explained he believed he could obtain an agreement with the adjoining property owner to eliminate parking concerns. There are currently 22 parking spots for this property. No one present spoke against the rezoning request. The hearing ended about 6:25 p.m.

### **CITY COUNCIL MEETING – MONDAY, MAY 09, 2016**

The Council of the City of Zanesville met in regular session at 7:00 p.m. on Monday, May 09, 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: Mrs. Gentry, Mrs. Norman, Miss Bradshaw, Ms. Gildow, Mrs. Osborn, Mr. Wolfe, Mr. Foreman, Mr. Roberts, Mr. Baker, and Mr. Vincent.

### **APPROVAL OF MINUTES**

Mr. Roberts moved to approve the minutes of April 25, 2016 as printed, seconded by Mr. Foreman.

Motion carried.

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

Communications from Director of Public Service Jay Bennett – Zanesville Municipal Airport Quarterly Report (1st Quarter).

Mr. Roberts moved to receive the communication from Mr. Bennett, seconded by Mrs. Osborn.

Mr. Vincent: Is there any discussion? Hearing none, all in favor of receiving signify by saying aye. All were in favor. None opposed.  
Motion carries.

Communication from Mayor Jeff Tilton – Shade Tree Commission – I am hereby recommending the re-appointment of: Mr. Scott Peterson to the Shade Tree

Commission for a 1 year term ending in April 2017 and Mr. Buck Brackman and Mr. John Smith for a 2 year term ending April of 2018. I am also hereby recommending the appointment of Mr. Robert Boehle for a 1 year term ending in April of 2017 and Mr. Ryan Schmidt for a 3 year term ending in April of 2019. I would like to extend a sincere thank you to the following members for their time and dedication to this committee: Albert Hendley, Dan Sylvester, Clayton Rico, Dr. Tom Ruggles, Chuck Bathrick and Rebecca Burkhart.

Mr. Foreman moved to receive and concur with the Mayor, seconded by Mrs. Osborn.

Mr. Vincent: Is there any discussion?

Ms. Gildow asked the Mayor if Ann Bonners name should be at the bottom with the others.

Mr. Bennett answered Ann was never part of the committee. She served in the advisory role as a forester, so she was never actually on the committee. She will still be involved.

Ms. Gildow: Good. I didn't want her not to get thanked because she is fabulous.

Mr. Vincent: If nothing else, all in favor of receiving and concurring with the Mayor signify by saying aye.

All were in favor. None opposed.  
Motion carries.

Resolution No. 16-47 – Introduced by Council – A Resolution authorizing identified land within Riverside Park to be designated and used for the purpose of a dog park.

Mr. Vincent: We are at second reading.

Ms. Gildow moved for second reading, seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion?

Mr. Wolfe asked Mr. Bennett if it was discussed in committee and looking at the graph that is there and if there is any consideration to the section to the right of it, the more oblong section, could have been used and be more appropriate for a dog park.

Mr. Bennett: It is but it is significantly wetter on that side of the road.

Mr. Wolfe: I see.

Mr. Bennett said that is why they looked more at the other.

Mr. Vincent: Is there anything else? As I brought up the last time, and I have not pursued it, and I think we are going to send this to committee for further discussion as far as the size and like I said before, I am all in favor of the dog park and I want this to happen very much, but I am concerned about taking all of that space and taking it away from other uses at the park like flying kites, volleyball, kids running, and stuff like that which they might not feel comfortable going inside. Which I assume it would be a fenced in area.

Mr. Bennett: Correct.

Mr. Vincent: I will send that to committee. Based on the size of that it was decided from what?

Mr. Bennett: Three to three and a half acres.

Mr. Vincent: What is that based on?

Mr. Bennett: Based upon the committee members who have come over months and months for the last year and a half on their analysis of saying to make an effective space for dogs of different sizes so you can separate the large from the small you need at least three to three and a half acres for doing anything worthwhile.

Mr. Vincent: Okay. We are looking to keep everyone happy, if that can be done.

Mr. Foreman: Will there be separation inside that big fenced in area and there will be other sections?

Mr. Bennett: There will be a smaller section. When you first walk in to an off leash park you go in and there is an immediate separation. There is an area to where you can close the outside gate and open the inside gate as you unleash your pet you open up and let the dog go. There is a different section that you can go into that would be for smaller dogs because sometimes those two don't play well together.

Mr. Vincent: Is there anything else from Council? Mr. Bennett, refresh me, funding and are you looking for private donations to get this started as far as fencing at no cost to the City?

Mr. Bennett: Yes, the group has been working hard for months and months. They recently secured the Muskingum County Community Foundation's support to be a pass through while they are in development of a non-profit status. So any individuals wishing to make a donation to a future dog park within the City limits can certainly make that donation to the Community Foundation purposing for that. They will hold it and they will pass it through during construction. The City has \$20,000 in this year's fiscal budget to assist with that.

Mr. Vincent: Okay, we are looking at \$20,000 from the City to be a part of it. I know people are going to have questions about that as far as funding. I think there will be a lot of donations to the project. People love dogs; that's for sure. Is there anything else from Council? I have a petitioner request from Cyndi Royce speaking against the dog park.

Cyndi Royce, 1543 Ridge Avenue, Zanesville, OH 43701.

Mrs. Royce stated there are more problems and the dog park shouldn't take priorities. We have blight on every part of town, we have abandoned houses on every part of town, we have houses that need rehabbed on every part of town, we have drugs in every part of town, we have hookers in every part of town and the dog park is going to take priority? I don't understand how this is. What are you going to do when one of the dogs gets loose and bites somebody? What if a dog bites a little kid; mulls a little kid? What are you going to do if they bring violent dogs to the dog park and somebody gets hurt? If you are going to put the dog park there I am not even going to use that park any more. That is just how that is going to be because I don't know who would want their kids with all of these dogs that nobody knows. I see a lot of people walking dogs, so I wouldn't want a dog park with my dog or with my kids around the dog park. We have one in four people living in poverty and you guys' preferences are on a dog park. You know the dogs can't vote for you. With me I wouldn't be supporting this at all because there is more stuff that you need to work on before you do this. You can't drive on the road without hitting a bump or a pot hole or losing your car in one of the potholes. I don't understand this. I was here two years ago and we were talking about the drug problem and the hooker problem and you were quoted in the paper saying you didn't have the teeth to solve the problem, but you have the teeth to put in a dog park. It doesn't make any sense that this should take priority over all of the other things that are wrong in this city. There are no good jobs, the mothers and fathers are working and the kids are working just to make ends meet. Jobs should be a priority not the dog park. Getting people living how they should be living and not in run down houses, not in run down neighborhoods. Who is looking for grant money for this kind of stuff? That is what the priority should be on. Just because we are poor middle class and we might not be at your dog park doesn't mean we shouldn't matter too. That is all I have to say. I think it is ridiculous.

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

All were in favor. None were opposed. The motion carries.

Resolution No. 16-41 – Introduced by Council – A Resolution authorizing the proper city official to apply for a Brine Water Permit through the Ohio Department of Natural Resources Division of Mineral Resource Management.

Mr. Roberts moved for third reading. It was seconded by Mr. Foreman.

Mr. Vincent: Is there any discussion? Ma'am. (Mrs. Royce was talking and it was disruptive). Hearing none, we will have roll call vote for third reading and passage.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Resolution is passed.

## **PROPOSED ORDINANCES**

Mr. Roberts moved to add Ordinance 16-54 as Item 8A to the agenda and Ordinance 16-55 to the agenda as item 8B. Mr. Baker seconded the motion.

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

A voice vote was taken and all were in favor. None were opposed.

Motion carries.

Ordinance No. 16-50 - Introduced by Council – An Ordinance authorizing participation in the ODOT Winter Contract for Road Salt, repealing Ordinance 16-04, and declaring an emergency.

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

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.

9 Ayes

0 Nays

Motion carries.

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

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

Mr. Vincent: Is there any discussion?

Ms. Gildow: We had a similar agreement I believe last year and we had to pay because we didn't buy as much as we had contracted to purchase. Do we have some stored?

Mr. Bennett: Yes. That is why we have only indicated that we would take a thousand ton. That is a decrease from previous years. Just for information and sorry to ask for the emergency. The City received this notice from ODOT on May 3 and we have to return it by May 27 to participate in the state purchase of salt contract. Mary Bush, being

efficient, did bring to and Council did passed 16-04 which is that annual yes we want to participate. However, ODOT changed their language and it requires very specific language, hence the need to pass this and repeal 16-04.

Ms. Gildow: Thank you. That is the reason I asked because I wanted to make sure we weren't committing to the same amount if we had some stashed.

Mr. Vincent: Is there anything else from Council? If not, we will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 16-51 - Introduced by Council – An Ordinance authorizing the proper city official to apply for grant funding through the FAA for the airport security fence installation and advertise for bids for the construction of said project, and declaring an emergency.

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

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

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

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

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

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 16-52 - Introduced by Council – An Ordinance authorizing the proper city official to provide amenities for the Technical Assistance to Brownfields meeting, 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 on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

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

Mr. Foreman moved for 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.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 16-53 - Introduced by Council – An Ordinance authorizing the proper city official to enter into a contract for banking and cash management services for the active deposits of the City of Zanesville of the period June 1, 2016 through May 31, 2021, and declaring an emergency.

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

Mr. Vincent: Is there any discussion on waiving of the readings? 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 Abstention            Ms. Gildow

Motion carries.

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

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

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 Abstention Ms. Gildow

Motion carries. Ordinance is passed.

Ordinance No. 16-54 - 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 Mr. Wolfe.

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

All were in favor. None were opposed.

Motion carries.

Ordinance No. 16-55 - Introduced by Council – An Ordinance authorizing the proper city official to pursue grant funding through the Ohio Department of Transportation Alternatives Program for South Street Improvements, 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? With that we will have roll call vote for waiving of the readings.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

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

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

Mr. Vincent: Is there any discussion?

Mr. Roberts: This isn't the way we like to do things, but it became apparent that we needed this legislation in order to apply for this grant, so that is why it was added to the agenda tonight and we are passing it through. Jay when is the deadline?

Mr. Bennett: It is next week the 16<sup>th</sup>. Mr. Saunders has the application complete and as he was going through the checklist there was one thing he could not check and realized that we needed to have legislation. This would be installing the sidewalk standard improvements that the community and Council members have seen in the Shinnick Street and other parts of the downtown area. The lights, the pavers, the conduit, new sidewalks along South Street and this would be for the North side of South Street from Fourth Street to Sixth. That would match the Dutro improvements they are doing in front of their property. The total was \$440,000 ask and about \$22,000 out of the City's for 5% matching which will be in next year's budget if awarded.

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

Mr. Bennett: Very quickly as well. This is the second application to be submitted. Previously City Council authorized us to submit the tap application for the formalization of the trail on the canal. So we are all set and it has been uploaded and ready to go so we will have two applications in this cycle.

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

## **ORDINANCES FOR ACTION**

Ordinance No. 16-48 - Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids and enter into a contract for the 2016 Citywide OPWC Overlays with the lowest and best bidder.

Mr. Vincent: We are at second reading.

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

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

All were in favor. None were opposed.

Motion carries.

Ordinance No. 16-49 – Introduced by Council – An Ordinance authorizing the City Auditor's Office to enter into a credit card agreement with the depository for the City of Zanesville.

Mr. Vincent: We are at second reading.

Mrs. Norman moved for second reading, seconded by Mrs. Gentry.

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

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

Ordinance No. 16-43 Amended - Introduced by Council – An Ordinance authorizing an encroachment of a City right-of-way.

Mrs. Osborn: After the second whereas, it has said porch-deck encroaches in the City's right-of-way and it says "Taylor Street" and it needs to say "Geneva Drive" and then also under Section 1: the second line says "way located" and instead of "in the street" it should say "on Geneva Drive".

Mr. Vincent: So a motion to amend this Ordinance 16-43 to make corrections to clarify. This is kind of unique that the property has a Taylor Street address, but really faces on Geneva Drive. So under the first whereas change Taylor Street to Geneva Drive and then under Section 1 down below the second sentence under Section 1 where it says way located replace in with on Geneva Drive. Is that correct?

Mrs. Osborn: Yes.

Mr. Roberts seconded the motion.

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

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

Mr. Vincent: We are now at 16-43 as amended. We need a motion for third reading and passage.

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

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 16-45 Amended - Introduced by Council – An Ordinance authorizing the proper city official to enter into a lease with AK Steel Corporation.

Mr. Vincent: We are at third reading.

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

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

### **TRAFFIC ORDERS**

None

### **MISCELLANEOUS AND UNFINISHED BUSINESS**

Mr. Fred Buck: We have three new officers right now out on the street with training officers. They have been through the orientation. Two are on afternoons and one is on days. We are hiring the fourth one and he will be starting mid-month. He has to go to school and we put off his hiring because there is really not a lot we can do with him until he goes through his Highway Patrol Academy for his OPOTA Training. The other three were pre-OPOTA trained. I think two of them were actually officers. We do with the next group coming on with that last advertisement for police officers we have probably three or four more being hired, but they are in the background and polygraph phase of their hiring right now, so I would say by the end of the summer we should be getting close to where we need to be. It has been a tough time for the officers I will say because we have been short. If you call in for a day off you can't really have it now, unless you are scheduled for annual vacation. Probably the officer here could tell you a lot more about it than I could, but it has been a tough time for them. I just wanted to bring that up. We are moving in the right direction finally.

Mr. Vincent: Thank you, Mr. Buck. How are we with minorities?

Mr. Buck: Minorities, I think with this next group we probably have two of them we hope get through the background and polygraphs. So we will see. I really hate to say right now until they do get through that phase of it. There is not really an active list until we get to that point.

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

Mr. Bennett: Just quickly, Council did authorize us a small amount of money to buy some coffee, water, and things for some of our presenters this Saturday and community

members who join us. We want to make sure we invite Council members to the fairgrounds this Saturday at 9:00 a.m. for the Technical Assistance to Brownfields and having our Brighton, Ridge, and greater south-side neighbors in to think about re-utilization of properties that are currently impaired and not reaching full productivity in the south side. We mentioned talking about blight and jobs. These are key initiatives to invest and ask neighbors what they would like to see with these properties that have long stood underutilized. That is specific. We have representatives from EPA and Kansas State University coming in and meeting with our community members and staff to see what would fit on those sites and also our neighbors from Springfield Township. So 9:00 a.m. at the fairgrounds and I hope to see you there for a while.

Mr. Vincent: It is at the fairgrounds this Saturday from 9:00 a.m. until 1:00 p.m. at the Veteran's Hall.

Mr. Bennett: Correct.

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

Mr. Bennett: One last thing I would mention is in June, part of the work that we and staff have been investing into our volunteers, known as our boards and commissions. Mr. Tarbert was generous enough to give us his expertise and time on a Saturday a while back and a few folks attended that. Thank you, Councilperson Gildow, as well as, our other members of the boards and commissions. The second follow up to that is specific land use law training. Two of our committees: the Planning Commission and the Board of Zoning Appeal are charged with decision making in some respects recommendations to Council on other matters of decisions on land, affecting land, variances, special use permits, those types of things, subdivision of land. Something when we sat down with Mr. Tarbert and said these are folks who give us a lot and we ask a lot. We would like to invest back into their knowledge base to make the best possible recommendations and decision making. Mr. Tarbert was generous enough with his budget, as well as, with his permission to allow us to go out and search. We have secured Mr. Chuck Riehl, who is a Land Use Attorney, who has worked with other jurisdictions and does training across the Great Lakes Region in Land Use Law and Land Use court cases. He will be delivering two trainings specifically designed with the first one to the June meeting of our City's Planning Commission. Mr. Denbow can help me out if he is still here. There he is and then the date on the Board of Zoning Appeals, Pat? June 23, it is a Wednesday. Two separate trainings, two different focuses, but again investing into our community members who give us time and decision making. Council members will receive notice. It is a public meeting. So we will certainly advertise accordingly and Councilmembers are encouraged and invited to attend.

Mr. Vincent: Mr. Denbow, was there a correction? It should be June 22 for BZA and the Planning Commission's date is June 21.

Mr. Roberts: What will be the time on those?

Mr. Bennett: Starting at 5:30 p.m. and it is my understanding they will go until at least 7:30 p.m. at night. So a couple hours of training, depending upon question and answers it could go longer.

Mr. Vincent: Thank you. Mrs. Culbertson will send out reminders to Council on that so they get it on the calendars and right before the events and it is very much appreciated.

## **PRIVATE PETITIONS AND COMMUNICATIONS**

### **Non-Agenda Petition**

Mr. Eric Jones, 221 Luck Avenue, Zanesville, OH 43701 speaking on racism-of-indifference vs. culture, climate and environment of fear.

Mr. Eric Jones: Hello everyone. I was going to do a history of tyranny, but if you need to know anything about tyranny you can ask Mr. Baker as he knows history way better than I would ever know it. One of the tools of tyranny is intimidation, coercion, corruption, and those kinds of things always with the purpose of fear.

Mr. Vincent: Mr. Jones you have spoken on tyranny many, many times. Can you bring it to what you are talking about here and tie it into what you are going to talk about?

Mr. Jones said he would have sworn he had fear down there somewhere. Let me double check here real quick. Let me see, environment of fear, is that there?

Mr. Vincent: Yes, sir, it is.

Mr. Jones: Okay, there you go. Tyrants try to instill fear in their populous. Does that work?

Mr. Vincent: Sure.

Mr. Jones: Okay, good. I am just making sure. I try not to interrupt you. So tyrants normally, you have ever checked with tyranny or anything; wait a minute Mr. Vincent, I am going to get there. Don't worry. I am going to sum it up and all of that good stuff. Don't worry. They have a group that is always there. There have their henchmen. They have their bootlickers. They have a certain group of people they go to. The main weapon against tyranny is democracy. Remember tyranny has been here for thousands of years, democracy for three hundred. It is a relatively recent idea. I try to tell people about the Constitution and Declaration of Independence every chance I can, folks. It is about ideas; not about who I am, not about the color of my skin, what God I worship, or any of that crap. It is a weapon against tyranny. When I talk about fear because I was wondering what kept people from standing up and saying I am a proud citizen of Zanesville, Ohio and I always keep coming back to, that anybody should be able to say that. The only thing that would keep somebody from saying something as simple as that is fear. That is it. I mean there should have been a line out there, way out there; saying hey, guess what, I am not an invitee of Zanesville, Ohio. I am a citizen of Zanesville,

Ohio. I am serious about this. If you can't say that folks then you got to know something is wrong here. I mean something serious. Come Memorial Day because we are going to have the trial here in a few weeks and after that trial it is going to be Memorial Day and I want you to think through the process. Thank you very much.

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

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

The meeting adjourned about 7:35 p.m. by motion of Mrs. Osborn and second of Mr. Roberts. A voice vote was taken and all were in favor. None were opposed.

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