

## **ZANESVILLE CITY COUNCIL MEETING – MONDAY, JULY 25, 2016**

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

### **APPROVAL OF MINUTES**

Mr. Roberts moved to accept the minutes as written, seconded by Mr. Wolfe.  
All were in favor. None were opposed.  
Motion carried.

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

Mr. Roberts: I move to add Resolution 16-78 as Agenda Item 3A and Resolution 16-79 as Agenda Item 3B.

Mr. Vincent: A motion was made by Mr. Roberts to add two Resolutions as listed above and it was seconded by Mr. Baker. Is there any discussion? Hearing none, all in favor of adding those items signify by saying aye.

All were in favor. None were opposed.  
Motion carries. We have those added into the Agenda.

Communication from Public Service Director Jay Bennett–City Cemeteries 2nd Quarterly Report (2016)

Mr. Baker moved to receive, seconded by Mrs. Osborn.

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

Communication from Public Service Director Jay Bennett– Zanesville Municipal Airport Quarterly Report 2nd Quarter (2016)

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

Mr. Vincent: Is there any discussion? Hearing none, all in favor of receiving from the Public Service Director signify by saying aye.

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

Communication from Public Service Director Jay Bennett– City Cemeteries' Bylaws, Rules & Regulations/Rate Revisions.

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

Mr. Vincent: Is there any discussion? Mr. Bennett is there anything you would like to add? I know you covered it nicely in the meeting and had good information.

Mr. Bennett: This was presented to the Public Service Committee of Council in a couple of meetings now and thank you for your feedback on these rules and regulations. The Ohio Revised Code does provide that the Service Director has some authority to adjust the rates and regulations as appropriate. The feedback from Council made for a better product in the end. Ultimately there are some minor adjustments which are identified in the text of my memo to Council and embedded within the Rules and Regulations. Those range from where objects may be placed close to grave sites in the future. New openings of sections we would like to go to more of low profile headstone. That would allow for better maintenance long term. An adjustment of rates is being made based upon an analysis of cemeteries in our immediate area and other city owned facilities across the state. It has been since 2003 since we had adjusted rates. The other thing we have added is the charge for columbarium. We now have a columbarium that we have never had before so we are creating a rate structure. We are ready to start selling those niches.

Mr. Vincent: Are there any questions from Council? You did a nice spread sheet comparing rates to five other comparables and it looks like the City still remains lower than most. Here and there are a few spots that go slightly above. All in favor of receiving from the Public Service Director signify by saying aye.

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

Mr. Roberts: Just a note on the next Resolution, I was speaking to Mr. Bennett about this earlier today. This is for the same grant that we applied for and received last year. We received no bids so this is basically a continuance and we need to get this in place so we can actually make the application deadline for this so I will go ahead and move to waive the readings on this.

Mr. Baker seconded.

**Resolution No. 16-78** - Introduced by Council – A Resolution authorizing the proper city official to file a grant application for certain improvements to the Zanesville Municipal Airport 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 of the readings? With that I can add that Mr. Bennett just found out last Friday and ODOT needs it back by this Friday.

Mr. Bennett thanked Mr. Roberts for the summary. Just to add to that this is for the resurfacing of the Crosswind Runways at the airport. They are not eligible for FAA funding so the state has come through the last year and a half with putting money aside for airport improvements that are not FAA eligible. So we applied last year and received the grant. We created the bid specifications. We went out to bid a little bit later that what we would have liked to this spring. We did not receive bids. We had discussion with ODOT Aviation about continuing the award and they were not able to do that. They said they would take our project and put it into the FY 17. They received applications and they have looked at ours, so the communication last Friday if we would like to get this formalized so we can make our award this week. That feels like good news for us. We feel we are going to be able to carry forward and receive that money again and get out to bid earlier next winter.

Mr. Vincent: Therefore is the reason why, to request to waive. Is there any further discussion on waiving?

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

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

Mr. Vincent: Is there any discussion? With that I would just like to point out that this project estimate is \$426,000 which ODOT will pick up a little over \$404,000 so the City's share will be \$21,300. That is really nice for almost half a million dollars in paving. It makes it quite affordable and it is necessary. It is a valuable asset to our community. Is there anything else from Council?

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Resolution is passed.

**Resolution No. 16-79** - Introduced by Council – A Resolution in the matter of the approval of the Solid Waste Management Plan for the Southeastern Ohio Joint Solid Waste Management District.

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

Mr. Vincent: Is there any discussion?

Mr. Roberts stated at the last Public Service Committee meeting we did have Rob Reiter come to speak with us and I believe he is coming back within two weeks to bring us some more information on this legislation.

Mr. Vincent thanked Mr. Roberts and asked if there was anything else from Council. Hearing none, all in favor of first reading signify by saying aye.

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

### **PROPOSED ORDINANCES**

**Ordinance No. 16-73** - Introduced by Council – An Ordinance authorizing the proper city official to dispose of surplus property.

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

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

Roll call vote on waiving of the readings.  
9 Ayes  
0 Nays  
Motion carries.

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

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

Roll call vote for passage.  
9 Ayes  
0 Nays  
Motion carries. Ordinance is passed.

**Ordinance No. 16-74** - Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids for Management Services for the Riverside Softball and Soccer Complexes.

Mrs. Osborn moved to table until the next Council meeting. This and the next Ordinance I think needs to go back to the Public Service Committee for discussion for Council

members, the Law Director, and interested parties. The motion was seconded by Mr. Roberts.

Mr. Vincent: All in favor of tabling Ordinance 16-74 signify by saying aye.

All were in favor. None were opposed.  
Motion carries. It stands tabled until the next meeting.

**Ordinance No. 16-75** - Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids for Management Services for Gant Park Municipal Stadium Complex.

Mrs. Osborn moved to table this for the same reasons, seconded by Mr. Foreman.

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

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

Mr. Vincent said we had three speakers listed for tonight and he thanked the gentlemen for coming and gave his apologies that when something is tabled we are not able to discuss the legislation, but I think you heard the reasons why and I think you will be reached out to by the Clerk as far as when this meeting is set and hopefully you can attend that meeting to share your concerns and discussions at that time. You are always welcome to return and come back to the next Council meeting.

Mr. Roberts wanted to let people know that if anybody else is interested it (the Public Service Committee) is a standing meeting and it is on August 8 at 5:00 p.m. in the conference room downstairs.

**Ordinance No. 16-76** - Introduced by Council – An Ordinance authorizing the proper city official to enter into a lease agreement of a Pierce Pumper for the Department of Public Safety Fire Department through the State Purchasing Agreement, 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?

Roll call vote on waiving of the readings.  
9 Ayes  
0 Nays  
Motion carries.

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

Mr. Vincent: Is there any discussion? If Council does have a question we have Assistant Chief Doug Hobson here this evening to answer your questions.

Mr. Roberts stated this Ordinance did come before the Public Safety Committee and all of the financing was discussed then. The rent being collected off of the Fairview Road property is actually going to fund this so there will be no monies coming out the City General Fund. It was recommended by the committee that this be waived so it could proceed forward.

We will have roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

**Ordinance No. 16-77** - Introduced by Council – An Ordinance authorizing the assessment of liens against certain properties with delinquent bills, 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 of the readings?

9 Ayes

0 Nays

Motion carries.

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

Mr. Vincent: Is there any discussion?

Mrs. Osborn then stated she is wondering what is the cost associated with applying a lien. As I flip through here I see some for \$7, \$11, and are those applied as a batch or is that cost effective to do so?

Mr. Bennett said that is what is remaining after we take the deposit by the tenant. So those amounts are remaining. We send out letters to all property owners. We receive many payments over the several months. They have until usually July 1 to make these payments and then this is prepared and comes to Council in July to meet the deadline. So I think as a total this is and I don't have the number in front of me. I have not had that discussion with the Utility Billing Supervisor, but what we start with volume wise, numbers wise, back at the beginning of 2016 because this is a 2015 debt. Then what is reduced through the notification process and ultimately what comes before you. I would say there is notification of hundreds and then a reduction in number that you see before you. Then the creation of the data base, staff time in creating the memorandum, the staff's time involved with the Clerk, your time, our time, and then to take it over to the

Clerk's office. I think the City Clerk does the work on actually filing the liens. I am not sure what the Clerk's time involvement would be.

Council Clerk said she files it with the County Auditor's office and they have their process to complete to apply the assessments to each parcel.

Mrs. Osborn said it sounds like an awful lot of time, work and paper work for a \$7 bill?

Mr. Bennett said that is \$7, but then there are some that are more so he would find it as an administrator very difficult to start saying we will waive for this, but we won't for that.

Mrs. Osborn said she would just like to see a break even point. That would be my concern.

Mr. Bennett said his concern then would be Councilperson, that people would pay it down to that point.

Mrs. Osborn said If people are smart.

Mr. Bennett said that would be his concern on how we treat this since it is a debt owed. I know there are liens on properties, there are old assessments on property that after years, years, and years that remain unpaid. We do from time to time take things to City Council to say this is such a small amount and it has not been paid let's waive these off the books so we don't have to account for them. But not to assess, it is not our recommendation.

Mr. Wolfe asked if there is any sense this is the \$28,900 is that similar to an annual type. It is done annually correct?

Mr. Bennett said it is done annually.

Mr. Wolfe asked if this is a similar amount that we get year after year.

Mr. Bennett said it is up and down and Ms. Heskett agreed.

Mr. Wolfe asked if this whole thing goes as a packet to the Clerk.

Mr. Bennett: Yes.

Ms. Gildow then asked during the reviewing of the nine page listing it appears that most of those are rental properties. Do you happen to know the percentage of renters?

Mr. Bennett said he had not examined that and he has not asked that. We certainly could.

Ms. Gildow said she was just curious.

Mr. Bennett said by and large it is rental because generally when a property owner would become delinquent they are fairly quick through reasons that they forgot or came across some difficulty, they quickly reinstate. This is generally a rental where somebody has vacated their property and we have taken the deposit and then the property owner is responsible for the remaining unpaid balance.

Mr. Gildow: Unlike other utilities that can go back to the property owner, as far as responsibility to pay that obligation?

Mr. Bennett said Water and Sewer. The storm water, garbage collection, CSO fee, if there is any remaining, if any of the occupants would come back in to sign up, we would not connect until those are paid. So we collect that through records at the billing.

Mr. Wolfe then asked what is the process for the deposit amount. It sounds like these are a large amount of rentals and we have a deposit required from the landlord.

Mr. Bennett stated is it \$100 on the tenant.

Mr. Wolfe asked if that would be a committee assignment that we might look at raising the deposit amount?

Mr. Bennett said we raised it within the last water increase from \$75 to \$100 so we just raised it. Again when a tenant makes application for service we require a lease agreement showing that they have permission and the owner gives us permission to put it in the renters' name understanding that if they fall delinquent we will use the deposit, but then the water and sewer portion is on the property.

Ms. Gildow said this was part of the thought process that prompted going to monthly billings instead of every other month because then property owners would know more quickly if their tenants are in default on their water bills.

Mr. Vincent asked if there was anything else from Council. You may have answered this and I didn't quite catch it. The cost as far as time is one thing, but cost as far as extra costs for the Auditor. It goes as a file and they import it then into their software? Then it applies and the computers take care of it.

The Clerk of Council stated the City files electronically and paper file so we have it stamped that it was filed and the date.

Mr. Vincent then asked again if there was anything else from Council.

Hearing none, we will have roll call vote for passage.

8 Ayes

1 Nay

Mrs. Osborn

Motion carries. Ordinance is passed.

### **ORDINANCES FOR ACTION**

**Ordinance No. 16-68** - Introduced by Council – An Ordinance amending Ordinance No. 00-16 the classification plan, and Ordinance No. 13-16A the unaffiliated employees Ordinance increasing pay range of the Municipal Court Probation Officer.

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

Mr. Vincent: Is there any discussion?

Ms. Gildow stated this went through Ways & Means Committee and that committee found this acceptable.

Mr. Vincent asked if there was 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.  
Motion carries.

**Ordinance No. 16-70** – Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids and enter into contracts for cleaning, rehabilitation, and maintenance of potable water supply wells #11 and #16.

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

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.

### **TRAFFIC ORDERS**

None

### **MISCELLANEOUS AND UNFINISHED BUSINESS**

Mayor Tilton said this morning Mr. Bennett, Mrs. Gentry and I plus two members from the Riverside Dog Park Committee met with the new Plant Manager at Ralston Purina to give them an overview of what we are doing. Since their corporate people are coming in Wednesday they wanted to kind of have an overview so they could give them that presentation and maybe get some participation from them on helping us build the Dog Park.

Also on August 12<sup>th</sup>, is the date down at Secrest Auditorium again this year we will do the Avon "Feed the Children Giveaway". In the past we have done about 800 giveaways to give them health products and some other things that they can use. They have to file with the County to get their permission.

Also November 10<sup>th</sup> down at the Auditorium we are going to have "Price is Right" come in and we are going to have "Price is Right" in Secrest Auditorium. So you can all be the next contestant down at Secrest Auditorium. This is the traveling show.

Mr. Bennett said the Civil War Re-enactment is coming up. The Chamber has asked us to make sure everybody is aware there will be cannon shots going off throughout the weekend so if you hear cannon fire please beware.

Mrs. Osborn asked if it is this weekend.

It is July 29 and July 30.

Mr. Vincent asked with the Dog Park going in, the re-enactment, where will they go? Will that be the last time they can do that because of the Dog Park?

Mr. Bennett said he does not know what they are using as far as space versus what they have done elsewhere.

Mayor we were in discussion with the Chamber about the future of the re-enactment and where they will be able to go.

Is moving up the field on the other side of the road is that fenced in by the river? Is it possible for them to move up there?

Mr. Bennett said it is not fenced in.

Mr. Vincent said that might provide some motivation to get the bank cleaned up so they can be seen. Is there anything else from the administration?

## **PRIVATE PETITIONS AND COMMUNICATIONS**

### **Non-agenda item petitions filed**

Mr. Eric Jones, 221 Luck Avenue, Zanesville, Ohio 43701 speaking on Tenets of democracy.

Mr. Eric Jones said the last time he was here he gave the six tenets of democracy. This time I will give a picture to help you remember what they are. Think of 3 big M's digging a hole. The first M is the equality of the members. The one I talked to you about last week. The second one is minority rights, third right of discussion, fourth right of discussion, right of information, bearers in good faith. The last time I spoke about the first one. The second one was the majority of dissention. All that is about is majority

rules. Do we have that here? Some people are going to say we do because everything is unanimous. Seriously. Now if everything is unanimous technically you don't have majority rules. A strange thing happened today. Mrs. Osborn said no. It is very rare. If you go back and do a longitudinal study you will discover almost ninety some percent of what you do is unanimous. Some of you are going to say that is a good thing. In a democracy that is a bad thing. You want descent. You want discretion. You want debate. There are things you want in a democracy. You don't have that here. Now the reason I am walking you through it is I thought some of you would have taken the time by now to read some of the basic information. We have a couple of teachers here. You know how difficult it is to get people to do their homework. Simple things like the Declaration of Independence. You should have read it. The Constitution, you should have read it; especially if you are going to sit there and take an oath that says I shall support the United States Constitution. You have to know the United States Constitution to be able to support it. It is not that hard of a read. You don't have to be a lawyer, folks. Lawyers are going to have a different perspective on all of that. You should read it for your own understanding of how it applies to you and what you are doing. How it applies to this meeting; because the thing that is missing here is democracy. The last time I spoke I said, hey, guess what. I am not a member of the government. You say so. You say I am an invitee and not a citizen. The only way you are going to be a part of the government is if I am a citizen. Right off the bat, something is wrong. You should know that something is wrong. The Mayor can't stand up and say he is a proud citizen of Zanesville, Ohio and therefore he descends about being designated as an invitee. Something is wrong. I am running out of time. Thank you very much.

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

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

A voice vote was taken with all in favor. None were opposed.  
Motion carries.

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

The meeting adjourned about 7:33 p.m.