City Council meeting
Agenda of business
September 12, 2016

The Lord's Prayer

Pledge of Allegiance to the flag

Item no.

A. Roll call

B. Approval of minutes

C. Communications, reports, and resolutions

1. Resolution No. 16-83 – Introduced by Council – A Resolution declaring "Beggar's Night"/"Trick or Treat" for the City of Zanesville. (Third Reading)

D. Proposed ordinances

2. Ordinance No. 16-93 – Introduced by Council – An Ordinance authorizing and directing appropriation of properties necessary for the purpose of making, constructing, and utilizing a water tower and necessary lines, constituting a "Public Use" under R.C. §163.01(H)(2) and further authorized by R.C. §719.01(M). (First Reading)

3. Ordinance No. 16-94 – Introduced by Council – An Ordinance authorizing the Public Service Director to enter into a Construction & Maintenance Agreement with J & J Real Estate, LTD., to do work and construction of improvements within an undeveloped City of Zanesville right-of-way, and declaring an emergency. (Emergency or First Reading)

4. Ordinance No. 16-95 – Introduced by Council – An Ordinance authorizing the proper city official to apply for grant funding from the FAA for FY 2017 projects and accept funding, if awarded. (First Reading)

5. Ordinance No. 16-96 – Introduced by Council – An Ordinance authorizing the proper city official to provide amenities for a series of street investment committee meetings for the purpose of review and making recommendation for an investment strategy for the City's Transportation System and declaring an emergency. (Emergency or First Reading)

6. Ordinance No. 16-97 – Introduced by Council – An Ordinance allowing a moral claim. (First Reading)

7. Ordinance No. 16-98 – Introduced by Council – An Ordinance approving an agreement with Store It, LLC/ABB Leasing/Mattingly Cold Storage/45 Degree Logistics providing for a project and tax exemptions pursuant to the Ohio Enterprise Zone Program, and making determinations in connection therewith, and declaring an emergency.(Emergency or First Reading)

8. Ordinance No. 16-99 – Introduced by Council – An Ordinance authorizing the proper city official to enter into a contract for the purchase of vehicles for the Police Division by state purchase agreement; and declaring an emergency. (Emergency or First Reading)

E. Ordinances for action

9. Ordinance No. 16-90 – Introduced by Council – An Ordinance by the City of Zanesville City Council imposing a moratorium of one year on the issuance and processing of any permits allowing retail dispensaries, cultivators, or processors of medical marijuana within the City of Zanesville. (Second Reading)

10. Ordinance No. 16-91 – Introduced by Council - An Ordinance authorizing the use of Ohiocheckbook.com in partnership with the Ohio Treasurer to advance open and transparent government. (Second Reading)

11. Ordinance No. 16-74 – Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids for management services for the Riverside Park Softball and Soccer complexes. (Third Reading)

12. Ordinance No. 16-75 Amended – Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids for Management Services for Gant Park Municipal Stadium Complex. (Third Reading)

13. Ordinance No. 16-80 – Introduced by Council - An Ordinance to allow an encroachment of a City Right-of-Way. (Third Reading)

14. Ordinance No. 16-82 - Introduced by Council – An Ordinance authorizing the proper city official to file a loan application and execute relevant documents with the Ohio Environmental Protection Agency (OEPA), Division of Environmental and Financial Assistance (DEFA) for the Putnam Hill and Heritage Water Tank Improvement Projects. (Third Reading)

15. Ordinance No. 16-87 – Introduced by Council – An Ordinance amending Chapter 175 of the Codified Ordinances of the City of Zanesville, Ohio,

providing for the Zanesville Emergency Medical Services Board. (Third Reading)

16. Ordinance No. 16-88 Amended – Introduced by Council – An Ordinance authorizing the proper city official to provide amenities for an announcement event for the U.S. Environmental Protection Agency's Office of Sustainable Communities and the U.S. Department of Agriculture's Rural Utilities Service for the purpose of announcing the award of the Cool and Connected Broadband Planning Grant and declaring an emergency. (Emergency or Third Reading)

F. Traffic orders

G. Miscellaneous and unfinished business

H. Private petitions and communications

Non-agenda item petitions filed

David Rogers, 1104 Benjamin Avenue, Zanesville, OH 43701, speaking on continuation of speaking material of 8/22/2016 on recording of police and public officials.

Greg Orofino, 1416 Maple Avenue, Zanesville, OH 43701 speaking on water main issues on Maple Avenue.

Mr. Eric Jones, 221 Luck Avenue, Zanesville, OH 43701 speaking on picture: MMM-DIG D=Right of Discussion.

CITY COUNCIL MEETING – MONDAY, AUGUST 22, 2016

The Council of the City of Zanesville met in regular session at 7:00 p.m. on Monday, August 22, 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. Roberts, Mr. Baker, Mrs. Gentry, Mrs. Norman, Miss Bradshaw, Ms. Gildow, Mrs. Osborn, Mr. Wolfe, Mr. Foreman, and Mr. Vincent.

APPROVAL OF MINUTES

Mrs. Osborn moved for one small correction on page 14 the third time Mr. Buck speaks, Mr. Buck said it is "defiantly" and I think that word needs to be "definitely." Mr. Roberts seconded. A voice vote was taken with all in favor. None were opposed. Motion carried.

Mr. Wolfe moved to accept the minutes as amended, seconded by Ms. Gildow. A voice vote was taken with all in favor. None were opposed. Motion carried.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Resolution No. 16-89 – Introduced by Council – A Resolution accepting the amounts and rates as determined by the Budget Commission, authorizing the necessary tax levies, certifying them to the County Auditor, 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? Hearing none, we will have roll call vote for waiving.

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

Ms. Gildow moved for passage, seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion?

Ms. Gildow: I asked Rhonda Heskett if she would take a couple of minutes to explain to us where these numbers come from and the reasoning behind all of this and how they are allocated. Rhonda can say this much more eloquently.

Ms. Heskett: These numbers do come from the County Auditor's office. They are certified to us each year. We have within the City six different taxing districts. The tax rates are different within those districts so this is in regard to our real estate property taxes that we will receive next year. The numbers that are certified to us are not necessarily the actual amounts that we will receive. We typically receive a little more each year than what is certified. However, if people do not pay their property taxes we could receive less.

Ms. Gildow: This relates to property that is within the City of Zanesville. Thank you.

Mr. Vincent: Is there anything else from Council? Hearing none, we will have roll call vote for passage.

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

Resolution No. 16-83 – Introduced by Council – A Resolution declaring "Beggar's Night"/"Trick or Treat" for the City of Zanesville.

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

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

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

PROPOSED ORDINANCES

Mr. Roberts: I would like to add Ordinance 16-92 as Item 4A to the agenda. Ms. Gildow seconded.

Mr. Vincent: Is there any discussion? All in favor of adding that item 16-92 as Item 4A signify by saying aye.

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

Ordinance No. 16-90 - Introduced by Council – An Ordinance by the City of Zanesville City Council imposing a moratorium of one year on the issuance and processing of any permits allowing retail dispensaries, cultivators, or processors of medical marijuana within the City of Zanesville.

Mr. Baker moved for first reading, seconded by Mrs. Gentry.

Mr. Vincent: Is there any discussion?

Mr. Baker: This was looked at by the Community Development Committee last week with Mr. Bennett. Considering the fact the state of Ohio is still in the middle of trying to flush out commensurate law to cover exactly how it is going to treat this. It was thought that one year would be a diligent time period for us to be able to figure out how we are going to adapt to state law when it comes down the pike. It has been recently approached to me that maybe we want to take a look at the time frame which I would be amenable to as this is only first reading, but if Mr. Wolfe or anyone else has something to add to that it would certainly be looked at.

Mr. Wolfe: My comment earlier was just that other cities, I believe Johnstown, had read in the paper where they were actively pursuing business interests. Not knowing the law yet, but they were putting it out there and I was just wondered if we go a year are we putting ourselves in a small bucket where we don't know the law yet, but if we go six months we can address it in six months. I would suggest that perhaps six months. These are legal businesses unknown yet, but under the state law. My thought was that perhaps we should look at a six month moratorium and then readdress it once we know more at that point.

Mr. Vincent: So Mr. Wolfe you want Council to think on that a bit and maybe propose an amendment to this.

Mr. Wolfe: Yes. The first reading so there is still an opportunity to amend that later on so I guess it is food for thought.

Mr. Vincent: With that, it kind of sounds like you're still thinking about it and proposing for Council to think about it. You are not ready to make an amendment at this point, but are thinking about it?

Mr. Wolfe: Yes.

Mr. Vincent: We will look at it again and reconsider at the next reading if you want to propose an amendment for Council to vote upon if we want to adjust it then.

Mr. Wolfe: Thank you.

Mr. Baker: Mr. Bennett, do you have anything to add to the time frame. Do you have any reasons pro or con for six months?

Mr. Bennett: I think from our stand point the fact that when you look at our zoning code we have definition of drug store which is permitted in all commercial districts. So when we as staff look at this we know there is going to be a rather lengthy process to go through the staff review on what we would recommend. The state is just now convening. So they have two years to be done with their business so we thought one year would be

with our staff capacities to be able to make thoughtful recommendation to the Planning Commission. For the Planning Commission to go through their processes and have their hearings on it that we felt pretty good about being able to accomplish that in one year. If the state is still moving, then at that point Council could say let's extent that some months. It was just from our standpoint of having that flexibility to look at this thing holistically as the state is continuing to move it a little bit.

Mr. Baker: So Mr. Bennett, you would characterize the state moving on this as rather glacial as far as they have two years. My guess is they are not going to move on this in an expeditious manner and so thus the year for us.

Mr. Bennett: Yes. We felt the one year was a reasonable time frame knowing that the state was still going to be working on it during that period of time.

David Wolfe: The law takes effect like September?

Mr. Bennett: Yes, September 17th, the law takes effect, but then the state is convening their committees to look at the regulations surrounding what Mr. Baker talked about.

Mr. Vincent: With that taking place and I forget exactly what the Law Director did share with me on this, but I know with the September date I think it allows for people to go outside to states where it is legal to purchase, I assume with a prescription, from the proper shop and bring it back in to the state for medical use and that changes after the state has a chance to, I think there is a whole board set up to regulate that and find out how this is going to work out. It is a big deal and we surely want to get it right the first time. As I think we want to also. There is a time line, there is an article, and I think it went out to all of Council. It shares about the different timeline and what that means. But September 8 someone can't open a business here in the City. There are too many things that need to fall into place both here and at the state level. Is there anything else from Council?

Mr. Baker: That reminded me, I believe there was a call from members of the committee too for the Law Director to perhaps walk us through some of the legalities of this as this makes its way onto assumingly final passage in to two meetings coordinated.

Mr. Vincent: We could also use come discussion and concerns in a year that maybe we are not going to be ready and have everything in place and we might have to extend it at that time. Council may have to revisit and extend at that time to make sure we get everything put into place. Is there anything else from Council? Good discussion. With that we are at first reading so all in favor of first reading signify by saying aye.

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

Ordinance No. 16-91 - Introduced by Council – An Ordinance authorizing the use of Ohiocheckbook.com in partnership with the Ohio Treasurer to advance open and transparent government.

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

Mr. Vincent: Is there any discussion?

Mrs. Osborn: I just wanted to state that we wanted to bring this piece of legislation to Council tonight for first reading to make people aware before a presentation at Ways & Means. We have looked into this. It seems very good. There is no cost to the City and it will take a little work locally. It is all about transparency of local government and spending.

Mr. Baker: I would like a little more information as to how this actually works and how it would lead to greater transparency. I don't know much about this.

Mr. Vincent: I can share some with you. As many members of Council have done some research afterwards, but probably ideally we don't have a date set yet, but we are planning to send to Ways & Means Committee. We will have a representative from the State Treasurer's office coming down to discuss it. We thought it would allow more time for discussion by taking it to Ways & Means. It will be a single item meeting at this point and will give them a chance to do the presentation and answer the questions. And get people there like the Auditor, Treasurer, and then if any citizens that have concerns or questions or want to learn about it. So that is going to be planned at this point. We want to get the word out there so people can attend is my understanding. Is there anything from Council?

We are at first reading so all in favor of first reading signify by saying aye.

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

Ordinance No. 16-92 - Introduced by Council – An Ordinance authorizing the advertisement for bids to replace the HVAC system in the city jail 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? Hearing none we will have roll call vote for waiving.

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 Ms. Bradshaw.

Mr. Vincent: Is there any further discussion? Mr. Buck, did you want to share anything on this? I know it came before Council before and we have been expecting this.

Fred Buck: This is for the rest of the materials like the boilers, plus the duct work and the labor for that job. We have already ordered the air handlers and I think the chiller will be in the end of this week or next week. So the job is moving along real well. We just have to keep it moving. Definitely.

Mr. Vincent: I know we have had problems and it has been patched and bandaged and we got some additional time out of it.

Fred Buck: One unit is completely out now. We are running with an air conditioning unit, a temporary one. We have no heat. So with the transition to winter you don't usually have in that jail a lot of problems with it being too cool since it is all brick. I think we will be okay until the first of November. That is what we are shooting for and that is what the engineer is shooting for so this allows us to do that.

Mr. Vincent: So hopefully we don't have an early winter that beats us getting proper heating in there to keep people comfortable. 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.

ORDINANCES FOR ACTION

Ordinance No. 16-74 – Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids for management services for the Riverside Park Softball and Soccer complexes.

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

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

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

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

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

Mr. Vincent: Is there any discussion? I will start that out. Just to be aware that Council did take official action the last time to amend this Ordinance. You were not given the correct Ordinance with the amendments in there. What changed the last time just to refresh you is the wording was Management Sights, as Mrs. Osborn caught. Council voted to insert instead of "Management Sights" insert "Management Service Agreement". That is the amendment made on that Ordinance.

Mr. Roberts: Discussion is ongoing on this Ordinance as far as the actual wording on the contract to be executed upon successful bid. It is the intent that it will be presented at the Public Service Committee meeting on September 12 before the next Council meeting. Where that committee will have a chance to review and make recommendation to Council.

Mr. Vincent: Thank you, Mr. Roberts. Is there anything else from Council? The date again is September 12th?

Mr. Roberts: Yes at 5:00 p.m.

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

All were in favor. None were opposed except Mr. Wolfe abstained due to his ties to the Old Timers.
Motion carries.

Ordinance No. 16-80 – Introduced by Council - An Ordinance to allow an encroachment of a City Right-of-Way.

Mr. Foreman 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. 16-82 - Introduced by Council – An Ordinance authorizing the proper city official to file a loan application and execute relevant documents with the Ohio Environmental Protection Agency (OEPA), Division of Environmental and Financial Assistance (DEFA) for the Putnam Hill and Heritage Water Tank Improvement Projects.

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

Mr. Vincent: Is there any discussion? Again, just double checking, Mr. Bennett. We are fine timing wise on this?

Mr. Bennett: We are fine.

Mr. Vincent: With no further discussion, all in favor of second reading signify by saying aye.

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

Ordinance No. 16-87 – Introduced by Council – An Ordinance amending Chapter 175 of the Codified Ordinances of the City of Zanesville, Ohio, providing for the Zanesville Emergency Medical Services Board.

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

Mr. Vincent: Is there any discussion?

Mr. Roberts: This is set to come up before the Public Safety Committee meeting that is going to be held Wednesday, September 7 at 5:00 p.m. in the first floor conference room.

Mr. Vincent: This will be discussed at the Public Safety Committee meeting Wednesday, September 7 at 5:00 p.m. Is there any further discussion? Hearing none, all in favor of second reading signify by saying aye.

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

Ordinance No. 16-88 – Introduced by Council – An Ordinance authorizing the proper city official to provide amenities for the announcement event for the U.S. Environmental Protection Agency's Office of Sustainable Communities and the U.S. Department of Agriculture's Rural Utilities Service for the purpose of announcing the award of the Cool and Connected Broadband Planning Grant and declaring an emergency.

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

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

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

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

Mr. Vincent: I just noticed and I would seek a motion to amend this as we have a date inserted that has already passed. So I would ask for City Council to consider the amendment of removing just the date of August 18, 2016 under Section One and in the final Whereas. I think that will work for what we need for the later October date.

Mrs. Osborn: I move that we remove the dates please.

Mr. Baker seconded.

Mr. Vincent: Is there any discussion on that amendment?

Mrs. Osborn: Are they still looking at an October date?

Mr. Bennett: They are. I had an e-mail from the ARC representative last Friday asking for our preferences. We are looking and checking with the library, but we are very much looking at the first week of October, October 2nd. That is what we are going to propose to them.

Mr. Vincent: Is there any further discussion to the amendment?

Ms. Gildow: So since there is no definite date and no definite time, or location, should that whereas be completely omitted?

Mr. Vincent: Good question.

Mrs. Osborn: Mr. Bennett did state they are still working with the library.

Mr. Vincent: Yes. I guess we could amend it for the final reading. We are only at second reading, but you are correct Ms. Gildow it does not make since that way. We can wait to omit it once we have a date.

Mrs. Osborn: It was an emergency and we did waive.

Mr. Vincent: Oh, we did waive, we are not at second reading. Okay, so we need to get it amended then.

Mr. Baker: Did we vote on that?

Mr. Vincent: No we haven't, but amending a second amendment would override a waiving so we need get it correct.

Mr. Baker: So what is the call to get rid of the entire whereas?

Ms. Gildow: That was my question. Should we remove it, because we can't state basically any of those three facts: the date, the time, or the location, or the fact that it is creating an emergency if we don't have the date?

Mr. Baker: So there is no impetus then to pass it immediately any way. Probably getting rid of the whole thing would make sense. Am I reading that right?

Mr. Roberts: Then we pass it as normal legislation.

Mr. Vincent: We have, "declare an emergency" in the preamble. It takes away our wording.

Mr. Baker: I would like to amend this by getting rid of the emergency clause in the preamble and getting rid of the whereas that states, "USEPA announcement event has been tentatively scheduled etc."

Mr. Vincent: I am sorry. Mr. Baker, your motion to amend is getting rid of, "declaring an emergency" in the preamble.

Mr. Baker: Yes.

Mr. Vincent: Then also getting rid of the final whereas.

Mr. Baker: Yes, that is correct.

Mr. Wolfe: I second. I would also add to comply we would need to eliminate the date in Section One as well. I think without a date it reads fine.

Mr. Vincent: I think we got that with the first amendment.

Mr. Wolfe: Okay, I didn't know if that one stayed.

Mr. Vincent: So you second the amendment Mr. Baker did make?

Mr. Wolfe: Yes.

Mr. Vincent: Okay, so Council is clear. The proposed second amendment is to remove from the preamble, "and declaring an emergency" at the end of the preamble. Also remove the final whereas, where it talks about the date and time and thus creating an emergency. With that, by taking that out, we moved to waive the readings, so if it does pass tonight then it would go the thirty days, which I think will still fit within the timeline.

Mr. Bennett: Are you amending Section Two, then?

Mr. Vincent: We should find these things out before.

Mr. Baker: That would be part of the elimination of the emergency clause, right?

Mr. Vincent: Well, we will need to state what we want there.

Mr. Bennett: Do they have the revised Ordinance that was sent? That I sent today.

Council looked at the amended Ordinance before them in paper copy.

Mr. Vincent: Okay, there is no pressure on this as far as passing it. We had one amendment that has been passed. We have a second amendment that is proposed which we are having trouble with it being incorrect. I guess the thought is to, proposing this and thinking out loud with that as far as withdrawing your motion for the second amendment. We will think through to moving for second reading. This will give the Law Director a chance to look at it.

Mr. Baker: I will withdrawal my amendment then.

Mr. Baker moved to withdraw his motion to amend. Mr. Wolfe seconded.

Mr. Baker withdrew his motion to waive the readings and Mr. Foreman agreed to withdraw his second to waiving the readings.

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

Mr. Vincent: I think this will work.

Mr. Vincent: If not, we will get it straightened up. Is everyone clear on that? A motion to withdraw the waiving, we do have time. Right now, Mr. Baker has moved for withdrawing the waiving of the readings and moving for second reading. Is everyone clear on that? We are at second reading. Is everybody good? With that all in favor of second reading signify by saying aye.

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

Mr. Vincent: We will come back with suggested correct language to get this straightened out.

TRAFFIC ORDERS- None

MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Tilton: Last week we received confirmation that we and the county together will get $846,000 in CHIP funds. That will run for the next two years. So that is something very good for the community.

Also, I would like to put out a big thank you to Anchor Church. Last Saturday, 82 of their members took on the task of cleaning up the lower Putnam area. So they were out for three hours picking up litter. They picked up 20 some bags of litter, plus 4 or 5 tires, and they were so excited about it they called me today and want to do another area. So we really thank them for what they do. They were very organized.

Mr. Vincent: A very nice group giving back to the community, make the community look better and it sounds like they enjoyed it enough that it is worth going back to do it again. Excellent. Mayor, do we support in any way like providing trash bags and gloves?

Mayor Tilton: Yes, we provide trash bags and gloves for them. We actually took our crews down to pick up after they got done. They took it to about three different sites and then we went down and picked it up for them.

Mr. Vincent: So they bagged it up and left it in a certain location and the City crew came down and picked it up and hauled it away.

Mayor Tilton: Yes.

Mr. Vincent: If another group wanted to volunteer, could they pick an area to do that?

Mayor Tilton: They can just check with my office so we can set them up.

Ms. Gildow: Mayor, will we know ahead of time when this other date will be.

Mayor Tilton: We have not discussed it. They just called me today and I couldn't get back with the gentleman who called, so we will discuss that in the future.

Mr. Vincent: Ms. Gildow, are you looking as to maybe join them?

Ms. Gildow: Yes.

Mayor Tilton: I will let Council Clerk know and she can let Council know if they want to join in.

Mr. Vincent: It would be nice to join in with another group and get to know some new people.

Mr. Bennett: Tomorrow night at 6:00 p.m. at the Salvation Army will be the Continuum of Care. They are going to do a summer count of the homeless as a way to dovetail off of

what they saw in the winter, January month. If anyone would like to volunteer for that, show up at 6:00 p.m. at the Salvation Army tomorrow night.

Mr. Vincent: Briefly, what does that involve?

Mr. Bennett: It is groups of folks who go out and you select areas from maps and you go with people. You sign up for that when you get there. You receive instructions, individuals and groups provide water and other necessities if they should come across a homeless person. That is just interaction with the individual or members and counting unsheltered homeless at that one point in time.

Mr. Vincent: Okay. It is important information to log.

PRIVATE PETITIONS AND COMMUNICATIONS

Non-agenda item petitions filed

Mr. Dave Rogers, 1104 Benjamin Avenue, Zanesville, OH 43701 speaking on officials who have taken the oath to recognize the bylaws of the Constitution, case Simon Glik Vs. John Cunniffe U.S. 1st Circuit Court of Appeals, sign at Safety Center Recording.

Mr. Rogers shared a copy of the sign at the Safety Center indicating, "No unauthorized audio or video recording past this point". First of all nothing has been forgotten or forgiven. This is what could be considered a bylaw. It was determined August 31, 2011 by the First Circuit Court of Appeals. There are only a couple of things I wanted to read off of these pages because I have some notes I want to get over. I don't feel I will get the luxury of time the gentleman was at the last meeting talking about sanitation. Mr. Rogers read from a document, "The First Circuit Court of Appeals reached a crucial decision last Friday allowing the public to video tape police officers while they are on the clock." That is on the first page. Everybody has a handout. On the second page, "The filming of government officials engaged in their duties in a public place, including police officers performing their responsibilities, fits comfortably within principles for the protection First Amendment activity, said the Court". "Gathering information about government officials in a form that can readily be disseminated to others serves a cardinal First Amendment interest in protecting and promoting the free discussion of governmental affairs." Mr. Rogers continued to read from the article, "The Court added that the police officers should have understood this all along, and that videotaping public officials is not limited to the press." He then stated this is what he considers a bylaw of the first amendment. We have had here a failure to communicate. This has been brought up at Council before. Then there was one person that referred to an old Council as worthless, which I think he should have used the word pathetic to be more proper. You people are the overseers in the community who have taken an oath to uphold the Constitution and bylaws. Is that really being done? My oath was simple, to defend the Constitution against enemies foreign and domestic. Are the powers to be in Muskingum County really enemies of the Constitution? When ZPD searched my phone

and deleted the things. That is breaking the law. One of the things was that was deleted was conversation with Lt. Shaw. The other conversation was with Judge Joseph in the Clerk's office which was behind this sign on both incidences. Captain Coury when I was arrested and he threw his badge down in front of me and asked me if I wanted it.

Mr. Vincent: Mr. Rogers, I am sorry sir. Your time is up.

Mr. Rogers: That is three minutes?

Mr. Vincent: Yes, sir.

Mr. Rogers: Okay, like I said," I didn't think I would be given the opportunity that, I will continue this at the next meeting.

Mr. Vincent: Thank you, sir.

Mr. Rogers: And yes, Coury, I still want your badge.

Mr. Vincent: Mr. Rogers, thank you.

Mr. Eric Jones, 221 Luck Avenue, Zanesville, OH 43701 speaking on Our Right to Revolt.

Mr. Eric Jones: Hello everybody, how are we doing today? Just take a break here from the principles of Democracy. I want you to keep a picture in your mind of the letter M's with shovels in their hands and they are digging. That is to give you a way to remember the six principles, if you remember from the last meeting. If you don't that is okay. We have a right to revolt. I will read this quick passage from the Declaration of Independence. "But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security". I am doing that so that Mr. Buck doesn't get all excited or anything and have the police come talking to me before the threat of such nonsense. You have to wait until it is done. The revolution was kind of an interesting process. You have a history major over here so anything I say that is untort or anything, ask him as he will back me up on this. One of the things they had to tell King George they didn't like what was happening. I have done that. I have come down here. This is part of the petition which is one of the things you do. The second thing you do is you take it to court. I have done that. I went there and the reason I took it to court is to have the jury in effect say to me that I am not a citizen of Zanesville. As a citizen of Zanesville, for me to go past three minutes, would not have been a crime if I was a citizen. If I am not a citizen, going past three minutes was a crime. It is a two-step process. I didn't simplify that when I was talking to the jury because I am not really the guy who was supposed to be talking to the jury. That is why I am trying to get the transcripts so most of you just saw segments, portions of that trial. Once you have read the transcripts you will see what I was trying to get to is that two-step process. Now you have all taken an oath of office and that oath

basically says you are going to support the Constitution. If you take it seriously, you would be on my side right now. Seriously, some of you keep looking at me like you have never read the Declaration of Independence or the Constitution. I know you basically haven't read Roberts Rules of Order or the Federalist Papers. I am hoping you will be able to do that in the future. I started this two years ago and I would think you would have had time to have done that. Thank you very much.

Mr. Vincent: Thank you, Mr. Jones.

With that, Mr. Rogers, I have talked to the Law Director regarding just sharing information with you. This is not a discussion or a debate. I talked with the Law Director regarding your concerns and if you have not talked with him I encourage you to do so again. Also regarding the concerns about someone speaking more than the three minutes the last time, Council has approved in the Ordinance for special guests speaking and sharing subject matter, experts coming to share information that Council needs to make a decision on voting which is what the gentleman, the Solid Waste Management Director, who was here to speak on and I think that is who you are referring to. He was allowed to go beyond the three minutes because there was lots of information Council needed to hear regarding making that decision based on legislation they were voting on and that was before Council, so that is why that occurred.

Mr. Roberts: I move that we go into executive session to discuss with legal counsel pending and imminent litigation.

Mr. Vincent: Mr. Roberts moved to go into executive session with the Assistant Law Director to discuss pending and imminent litigation.

Mr. Baker seconded.

Roll call vote was taken to go into executive session.
9 Ayes
0 Nays
Motion carries. Motion is passed.

Mr. Vincent: Sunshine laws allow for certain situations where Councils and other public bodies can go into executive session to discuss matters in private. With that the law does not allow for decisions to be made in that, it is for discussion and in this case with the Law Director's office with the Assistant Law Director to find out information regarding pending or imminent litigation. So with that, we are going into executive session and it requires Council Chambers to be cleared and requires the cameras to be turned off. The reason I asked for Mr. Roberts to wait until the end of the meeting was, we are officially done with business and everyone has spoken and out of courtesy to people who do not want to stick around, as I am not sure how long this will take. If you want to leave I am pretty confident that Council matters are done and no additional votes will be done on anything. This is an informative session and you won't miss anything. You are also welcome to stick around in the hall and we will let you know

when executive session is over and we will invite you back in. It is your call. With that the Administration and Council will stay.

The cameras were turned off.

Executive Session was entered about 7:50 p.m.

Mr. Roberts moved to exit executive session about 8:05 p.m. and Mr. Baker seconded.

Mr. Vincent related a motion and vote is not necessary to come out of executive session. Guest were invited back in to Council Chambers.

Mr. Roberts moved to adjourn about 8:07 p.m. and Ms. Gildow seconded.

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

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

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

Andy Roberts,
Public Safety Committee Chairperson

RECEIVED
AUG 01 2016
CLERK OF COUNCIL

RESOLUTION NO. 16-83
INTRODUCED BY COUNCIL

A RESOLUTION DECLARING
"BEGGAR'S NIGHT"/"TRICK OR TREAT"
FOR THE CITY OF ZANESVILLE

WHEREAS, there is a tradition called "Beggar's Night" or "Trick or Treat" whereby children go to neighbors' residences for the Halloween celebration and are given various items, particularly candy; and

WHEREAS, the City is concerned with the safety and welfare of the children as they will likely be in the streets, and it is necessary to restrict the time the children are exposed to such dangers; and

WHEREAS, if neighborhoods within the City celebrate the tradition at the same time on the same day the public will be more aware to watch for children in the streets and hopefully decrease their exposure to a hazardous situation; and

WHEREAS, this Council wishes to designate Monday, October 31, 2016, between the hours of 5:30 p.m. and 7:00 p.m. as the City's "Trick or Treat" night.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Zanesville, Muskingum County, Ohio, that:

SECTION ONE: Monday, October 31, 2016, from 5:30 p.m. to 7:00 p.m. is officially designated as Beggar's Night/Trick or Treat for the City of Zanesville.

SECTION TWO: This resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2016

_____
Susan Culbertson
Clerk of Council

_____
Daniel M. Vincent
President of Council

APPROVED: _____, 2016

_____
Jeff Tilton, Mayor

This legislation approved as to form:

_____
Law Director's Office

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SEP 07 2016
CLERK OF COUNCIL

Public Service Committee
Andrew Roberts, Chair

ORDINANCE NO. 16- 93
INTRODUCED BY COUNCIL

AN ORDINANCE AUTHORIZING AND DIRECTING APPROPRIATION OF PROPERTIES NECESSARY FOR THE PURPOSE OF MAKING, CONSTRUCTING, AND UTILIZING A WATER TOWER AND NECESSARY LINES, CONSTITUTING A "PUBLIC USE" UNDER R.C. §163.01(H)(2) AND FURTHER AUTHORIZED BY R.C. §719.01(M).

WHEREAS, the orderly and balanced development of water utilities and structures for the City of Zanesville is necessary for the health, safety, and general welfare of the citizens; and

WHEREAS, there is a need for acquisition of fee simple interest of certain properties for making, constructing, and utilizing a water tower and necessary lines, constituting a public use under the Ohio Revised Code and the Ohio Constitution; and

WHEREAS, the City deems it necessary to appropriate the following property for the purposes set forth herein, namely: Approximately +/- .330 acres at 512 Beckwith Street, City of Zanesville, Muskingum County, Ohio; also known as Lots 6 and 7 in H.D. Munson's Second Addition subdivision of a part of Cliffwood Addition, which subdivision is of record in the Recorder's Office of Muskingum County in Plat Book No. 2, Page 109, with Parcel Numbers of 83-09-01-01-000 and 83-09-01-07-00, more particularly described in Exhibit A, which is attached hereto and incorporated into this Ordinance by reference;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Zanesville that:

SECTION ONE: Fee simple title in and to the following real estate is hereby appropriated for the public purpose of making, constructing, and utilizing a water tower and necessary lines, pursuant to the laws of the state of Ohio: Approximately +/- .330 acres at 512 Beckwith Street, City of Zanesville, Muskingum County, Ohio; also known as Lots 6 and 7 in H.D. Munson's Second Addition subdivision of a part of Cliffwood Addition, which subdivision is of record in the Recorder's Office of Muskingum County in Plat Book No. 2, Page 109, with Parcel Numbers of 83-09-01-01-000 and 83-09-01-07-00, more particularly described in Exhibit A, which is attached hereto and incorporated into this Ordinance by reference; owned by Clarence Holbert and Margaret Barnett.

SECTION TWO: Based upon a good faith appraisal, Council hereby fixes the value of the property so taken from Clarence Holbert and Margaret Barnett, or their heirs, as One Thousand Dollars ($1,000.00) which sum shall be deposited with the Court of Common Pleas, Muskingum County, Ohio, for the use and benefit of the owners of the property appropriated. After such deposit, the City of Zanesville may take possession of and enter upon the property pursuant to law.

SECTION THREE: Council finds that the appropriations described herein are necessary for the stated public purpose of making, constructing, and utilizing a water tower and necessary lines, and that the City has been unable to agree with the owners of the property and/or their lenders, and that the City intends to obtain immediate possession of the property, which immediate possession is necessary for the stated public purposes.

SECTION FOUR: The City Law Director or his designee is directed to file the necessary petitions and notifications for appropriation in a court of competent jurisdiction and to have a jury impaneled to assess the compensation to be paid for the real estate described above.

SECTION FIVE: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION SIX: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, **2016**

ATTEST: _____

Sue Culbertson,
Clerk

_____

Daniel M. Vincent,
President of Council

APPROVED: _____, **2016**

This Legislation Approved as to Form

_____

Jeff Tilton, Mayor

_____

Law Director's Office

EXHIBIT A

The property is described as follows:

Situated in the County of Muskingum and State of Ohio and in the City of Zanesville, and bounded and described as follows:

Being all of Lots #6 and #7 in H. D. Munson's Second Addition subdivision of a part of Cliffwood Addition which subdivision is of record in the Recorder's Office of Muskingum County in Plat Book No. 2, Page 109.

Reference: Volume 927, Page 104, Volume 509, Page 514, and Volume 441, Page267, Deed Records, Muskingum County, Ohio.

Parcel Numbers: 83-09-01-01-000 and 83-09-01-07-000

Owned ½ by Clarence Holbert, Deceased and ½ by Margaret Barnett, Deceased

Best available address: 512 Beckwith Street, Zanesville, Ohio 43701

Public Service Director
Jay D. Bennett

RECEIVED
SEP 07 2016
CLERK OF COUNCIL

ORDINANCE NO. 16-94
INTRODUCED BY COUNCIL

AN ORDINANCE AUTHORIZING THE PUBLIC SERVICE DIRECTOR TO ENTER INTO A CONSTRUCTION & MAINTENANCE AGREEMENT WITH J & J REAL ESTATE, LTD., TO DO WORK AND CONSTRUCTION OF IMPROVEMENTS WITHIN AN UNDEVELOPED CITY OF ZANESVILLE RIGHT-OF-WAY, AND DECLARING AN EMERGENCY

WHEREAS, Ordinance No 16-66 was passed as an emergency on June 27, 2016; and

WHEREAS, J & J Real Estate, Ltd. is constructing residential housing units on additional Muskingum County tax parcels 86-11-01-03-000, known as 715 Francis Street and 86-11-01-04-000, known as 721 Francis Street; and

WHEREAS, J & J Real Estate, Ltd. applied for and received a conditional use permit for construction of a condominium unit on the aforementioned tax parcels; and

WHEREAS, the condominium units proposed are designed to have garage access from the rear of the properties; and

WHEREAS, the City of Zanesville has an undeveloped "alley" of which serves no municipal purpose if formally opened; and

WHEREAS, J & J Real Estate, Ltd. is willing to improve this unopened right-of-way to the edge of the property, thereby creating formal access for public right-of-way to their garage; and

WHEREAS, the company has started work on site development and intends to construct this summer, thereby creating an emergency situation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Zanesville, State of Ohio, that:

SECTION ONE: City Council hereby authorizes the Public Service Director to execute an agreement in substantially the same form as in Attachment A with J & J Real Estate, Ltd.

SECTION TWO: For the reasons stated in the preamble hereto, this Ordinance is declared to be an emergency measure. Provided it receives the affirmative vote of six (6) or more members of City Council, this Ordinance shall take effect and be in force immediately upon its passage and approval of the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2016

ATTEST:

SUSAN CULBERTSON
Clerk of Council

DANIEL M. VINCENT
President of Council

APPROVED:

JEFF TILTON, MAYOR

THIS LEGISLATION APPROVED AS TO FORM

LAW DIRECTOR'S OFFICE

Attachment A

CONSTRUCTION & MAINTENANCE AGREEMENT FOR IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY
CITY OF ZANESVILLE PUBLIC SERVICE DEPARTMENT

THIS AGREEMENT ("Agreement") is entered into this _____day of _____, 2016, by and between J & J Real Estate, Ltd. ("Owner"), and the City of Zanesville, a political subdivision of the State of Ohio ("City").

WITNESSETH:

Recitals

Owner is the owner and developer of certain real property in the City of Zanesville, Ohio, known as Muskingum County tax parcels 86-11-01-03-000 and 86-11-01-04-000. Pursuant to the development of a condominium housing project, Owner wishes to place improvements in the public right-of-way.

Owner wishes to install surface treatment improvements within the right-of-way of the City. Owner and City enter into this agreement to provide for installation and maintenance of such improvements.

Agreement

In consideration of the mutual promises, benefits, and covenants contained herein, the receipt and sufficiency of which are acknowledged by each of the parties hereto, the parties hereto agree as follows:

1. Plans: Owner shall cause the preparation of Plans, which will be approved by the city. All changes and revisions to the Plans shall, as they are prepared and prior to construction, be submitted to and subject to the written approval of the City Engineer.

2. Improvements: Owner shall have the right to install the surface treatment improvements contemplated by the Plans in accordance with the Plans. Owner shall be responsible for the operation and maintenance of the improvements. City shall have no responsibility whatsoever in connection with the operation and maintenance of such improvements, and Owner shall indemnify and hold City harmless from any liability that may results from the operation or deterioration of the improvements. Any damage to the public or private structures resulting from installation or maintenance of the improvements shall be the responsibility of the Owner.

3. Maintenance: If at any time the City Engineer determines that any maintenance is required of Owner within the right-of-way of the alley, the City Engineer will give Owner written notice stating in reasonable detail the required Maintenance Work. Thereafter, Owner shall, at its own expense, promptly perform such maintenance work. If such maintenance work is not completed within sixty (60) days from receipt of such notice, or if within such sixty (60) day time period the work is not, in the sole opinion of the City Engineer, being diligently pursued and continues not to be diligently pursued to completion (unless prevented or delayed because of adverse or unfavorable weather conditions), or in the event of an emergency requiring that maintenance work be performed immediately in the sole opinion of the City Engineer, then the City may be is not required to perform maintenance work, and the City Engineer or his designee shall notify Owner of the amount of all costs incurred in performing such work. Owner hereby agrees to fully reimburse the City for the cost of such maintenance work. The foregoing shall not be deemed to prevent Owner from disputing whether such work is the responsibility of Owner under the terms of this Agreement.

4. Miscellaneous:

a. Owner shall have the right to assign its rights and obligations hereunder to an owner's association and/or individual purchaser of the parcels described herein ("Association"), organized to maintain the alley improvements within the right-of-way in which event the obligations of Owner hereunder shall terminate. This Agreement shall be binding upon successors and assigns of the rights and obligations of Owner and Association and/or individual purchaser of the parcels described herein as provided herein. It is intended to and shall be a covenant running with any real estate now or hereafter owned by Owner or the Association, or either of their respective successors and/or assigns. No obligations imposed on Owner or the Association, or either of their successors and assigns, by this Agreement shall constitute a lien or otherwise encumber the title to any such real estate, it being intended that all obligations of Owner and the Association provided herein are personal to Owner or the Association, as the case may be, and the successors and assigns of their respective rights and obligations contained herein. Owner shall, at its expense, cause this Agreement to be recorded in the Muskingum County Recorder's Office and indexed in the name of the owner as grantor and the City as grantee.

b. Nothing herein shall be construed to limit the right of Owner or of the Association to sell, lease, or otherwise dispose of or transfer title to all or any part of any land owned by either of them.

5. Termination: This Agreement shall terminate and be of no further force or effect upon the repeal of Ordinance 16-_____ by Zanesville City Council.

6. Notices: All notices required, permitted or given pursuant to or in connection with this Agreement shall be sufficient if in writing and delivered in person or mailed by certified mail, return receipt requested, to the following persons at the following address:

Owner: _____
(Name)
_____
(Title)
_____
_____

City: The City of Zanesville, State of Ohio
Public Service Department
401 Market Street, Room 228
Zanesville OH 43701

or to such other addresses of which notice shall have been pursuant to this paragraph. Notices shall be deemed given upon mailing.

The obligations of Owner shall neither be assigned nor transferred to any successor or assign of Owner until such time as Owner and such successor or assign shall have each notified the City Engineer, in writing, of the name and address or a person duly authorized to receive notice on behalf of the successor or assign pursuant to this Agreement.

If the name or address of any person authorized to receive notification pursuant to this Agreement changes, each party to this Agreement covenants that such party shall immediately notify, in writing, by the above-described procedure, each other party to this Agreement of such change.

7. Complete Agreement: This Agreement contains the entire understanding of the parties, and no amendment or modification shall be binding unless in writing and signed by all parties hereto.

8. Waiver: The failure of the City, the Association or Owner, their successors and assigns, to exercise, or to delay in exercising any right under this Agreement in the event of default, shall not be deemed to be and shall not constitute a waiver with respect to any subsequent default.

9. Paragraph Headings: The paragraph headings contained in this Agreement are intended for convenient reference only, and shall not be construed to affect the meaning or construction of any provisions of this Agreement.

10. Successors and Assigns: Whenever used in this Agreement, "successors and assigns" means the successor and assigns of the owner to its rights and obligations under this Agreement, or the successors and assigns of the Association to its rights and obligations under this Agreement, as the case may be, and does not refer to any other successors and assigns of Owner or the Association.

WHEREFORE, the parties hereto have caused this Agreement to be executed by their respective duly authorized representatives:

_____

a_____

By:_____

Title:_____

CITY OF ZANESVILLE, OHIO
A political subdivision of the State of Ohio

By:_____

Title:_____

Attachment A

ATTEST:

_____

Clerk

APPROVED AS TO FORM:

_____

(City Law Director)

State of Ohio

CITY/COUNTY OF Zanesville/Muskingum, to wit:

The forgoing instrument was acknowledged before me this _____ day of _____, 20_____, by _____, _____, a_____ on behalf of the _____.

My commissions expires: _____

_____

Notary Public

STATE OF OHIO
CITY/COUNTY OF _____, to wit:

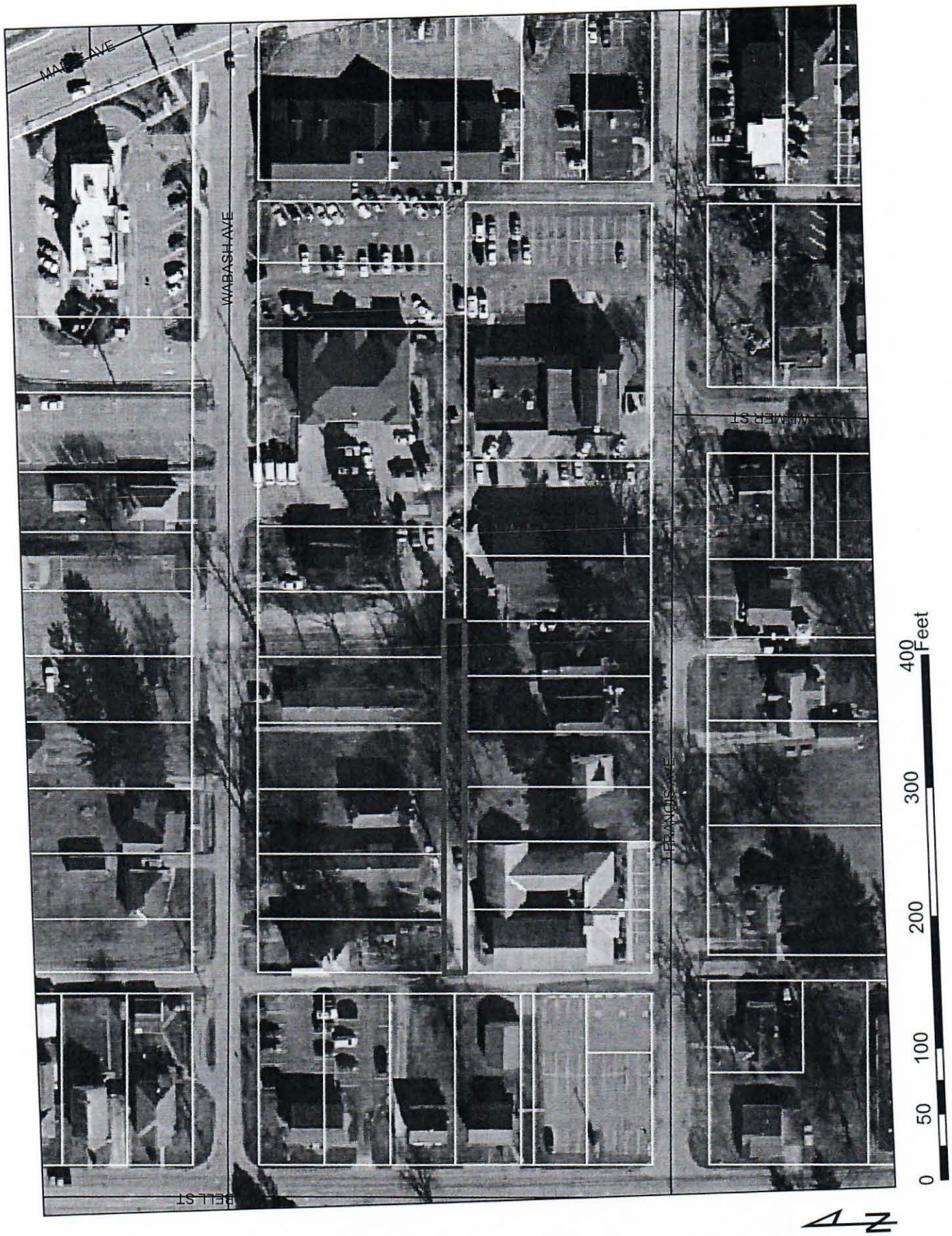
The foregoing instrument was acknowledged before me this_____ day of _____, 20_____, by _____, of the City of Zanesville, a political subdivision of the State of Ohio.

My commission expires: _____

_____

Notary Public

Ordinance 16-94



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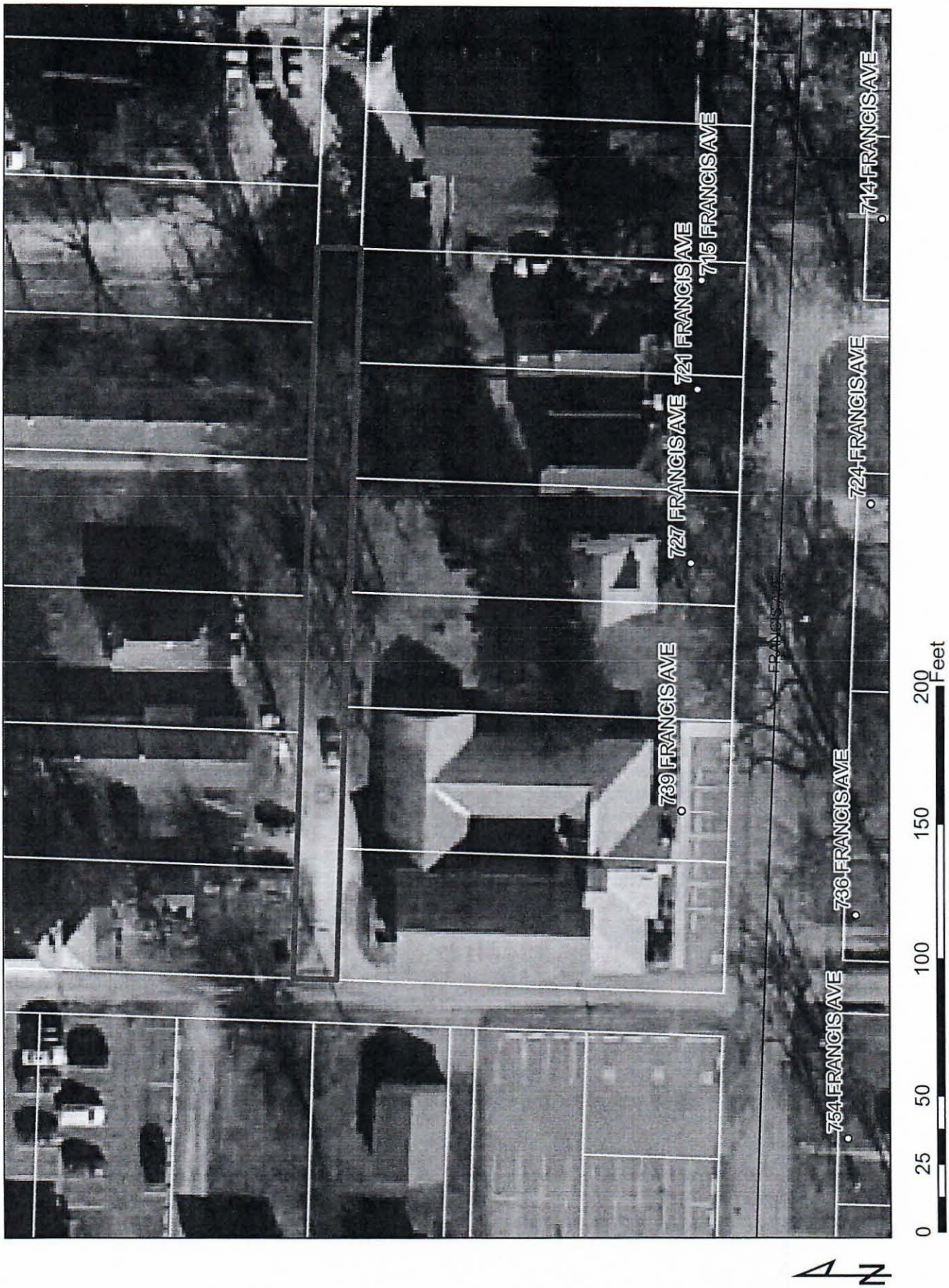
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