

ZANESVILLE CITY COUNCIL MEETING – MONDAY, FEBRUARY 13, 2017

The Zanesville City Council met in regular session at 7:00 p.m. on Monday, February 13, 2017 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. Baker, Mrs. Gentry, Mrs. Norman, Miss Bradshaw, Ms. Gildow, Mrs. Osborn, and Mr. Vincent.

Mr. Roberts was absent. Mr. Baker moved to excuse Mr. Roberts and it was seconded by Mr. Foreman. A voice vote was taken with all present in favor. None were opposed. The motion carries. Mr. Roberts stands excused.

APPROVAL OF MINUTES

Ms. Gildow moved to accept the minutes of January 23, 2017 as presented, seconded by Miss Bradshaw. A voice vote was taken with all present in favor. None present were opposed. The motion carries. The minutes stand approved.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Communication from Jay Bennett, Director of Public Services-Vehicle Maintenance Division Annual Report 2016.

Mr. Foreman moved to receive, seconded by Mrs. Gentry.

All present were in favor. None were opposed. Mr. Roberts was absent. Motion carries.

PROPOSED ORDINANCES

Ordinance No. 17-18 - Introduced by Council – An Ordinance authorizing the proper City Official to accept funding and execute related intergovernmental agreements with the Muskingum County TID and the Zanesville-Muskingum County Port Authority; advertise for Bids, award a construction contract and expend funds for the Bethesda Drive Extension Project, and declaring an emergency.

Mrs. Osborn moved for first reading to get it on the floor so she can propose an amendment. It was seconded by Mr. Baker.

Mrs. Osborn moved to amend Section Six to change the wording of the first sentence in this section which should read as follows: "For the reasons stated above, and to timely obtain grant monies for the facilitation and preservation of public health, welfare, and

safety by reducing travel time of emergency vehicles, this Ordinance is declared to be an emergency measure.”

This motion was seconded by Mr. Baker. A voice vote was taken with all present in favor. None present were opposed. Mr. Roberts was absent. The motion carries.

Mr. Baker moved to waive the readings on Ordinance 17-18 as amended and it was seconded by Mrs. Osborn.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Roberts

Motion carries.

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

Petition by Mr. Dave Rogers, 1104 Benjamin Ave., Zanesville, Ohio is speaking against this Ordinance.

Mr. Rogers was against the City participating in a project to benefit the hospital when the City has roads where the hillside is caving in until the City can come up with a remedy to the current road situation for Muskingum Road or Dug Road. Any future construction on other projects should be tabled until the current roads are in passable condition. Any construction done on Bethesda Drive should be paid for by the hospital and should have been taken into consideration of the project. He expressed concern of moving the Good Samaritan facility away from a major freeway.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Roberts

Motion carries. Ordinance is passed.

Ordinance No. 17-19 - Introduced by Council – An Ordinance to revise the Codified Ordinances by adopting current replacement pages, and declaring an emergency.

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

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Roberts

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Roberts

Motion carries. Ordinance is passed.

Ordinance No. 17-20 - Introduced by Council – An Ordinance authorizing the proper authority to pay an invoice to the Walter Drane Company for the provision of 2016 annual Codified Ordinance Supplement Services, and declaring an emergency.

Ms. Gildow moved to waive the readings and it was seconded by Miss Bradshaw.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Roberts

Motion carries.

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Roberts

Motion carries. Ordinance is passed.

Ordinance No. 17-21 - Introduced by Council – An Ordinance authorizing the proper City Official to advertise for bids for the Dearborn Street Bridge Replacement, and enter into a contract with the lowest and best bid, and declaring an emergency.

Ms. Gildow moved to waive the readings and it was seconded by Mrs. Gentry.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Roberts

Motion carries.

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Roberts

Motion carries. Ordinance is passed.

Ordinance No. 17-22 – Introduced by Council – An Ordinance authorizing the proper City Official to enter into an agreement with Muskingum County to share a new jail software application.

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

A voice vote was taken with all present in favor of first reading. None were opposed.
Motion carries.

Ordinance No. 17-23 – Introduced by Council – An Ordinance authorizing a Maximum Schedule of positions for the City of Zanesville's Workforce.

Mr. Foreman moved for first reading, seconded by Miss Bradshaw.

A voice vote was taken with all present in favor of first reading. None were opposed.
Motion carries.

Ordinance No. 17-24 – Introduced by Council – An Ordinance establishing pay, benefit, and employment policies and procedures for unaffiliated employees in the Municipal Service.

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

A voice vote was taken with all present in favor of first reading. None were opposed.
Motion carries.

Ordinance No. 17-25 – Introduced by Council – An Ordinance amending Ordinance No. 16-39 authorizing the proper City Official to purchase sole source materials for the construction of the Kidzville 2 Replacement Project, and declaring an emergency.

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

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Roberts

Motion carries.

Miss Bradshaw moved for passage, seconded by Mr. Baker.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Roberts

Motion carries. Ordinance is passed.

Ordinance No. 17-26 – Introduced by Council – An Ordinance authorizing the City Auditor to pay the invoices of various departments using 2017 money for 2016 invoices and declaring an emergency.

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

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Roberts

Motion carries.

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Roberts

Motion carries. Ordinance is passed.

Ordinance No. 17-27 – Introduced by Council – An Ordinance authorizing an easement to Wolfie's Campground and declaring an emergency.

Ms. Gildow moved to waive the readings and it was seconded by Miss Bradshaw.

Ms. Gildow said we would like to have it noted that the Public Service Committee reviewed this and made a recommendation that Council approve this as an emergency measure.

Roll call vote on waiving of the readings.

7 Ayes

0 Nays

1 Abstention Mrs. Osborn

1 Absent Mr. Roberts

Motion carries.

Ms. Gildow moved for passage and it was seconded by Miss Bradshaw.

Roll call vote for passage.

7 Ayes

0 Nays

1 Abstention Mrs. Osborn

1 Absent Mr. Roberts

Motion carries. Ordinance is passed.

ORDINANCES FOR ACTION

Ordinance No. 17-13 – Introduced by Council – An Ordinance amending Chapter 922 and Chapter 923 of the City of Zanesville’s Codified Ordinances, regarding discharges to the Sanitary Sewer Systems.

Ms. Gildow moved for second reading, seconded by Mrs. Gentry.

All present were in favor. None were opposed. Mr. Roberts was absent.
Motion carries.

Ordinance No. 17-15 Amended – Introduced by Council – An Ordinance authorizing the Community Development Director to execute a Task Order for a Phase I Environmental Review for the City owned property located at parcel number 62-58-02-38-000.

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

All present were in favor. None were opposed. Mr. Roberts was absent.
Motion carries.

Ordinance No. 17-16 – Introduced by Council – An Ordinance authorizing the proper City Official to enter into a professional contract with AECOM for the final design of the R-8/R-9/R-10/R-11 Combined Sewer Project.

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

All present were in favor. None were opposed. Mr. Roberts was absent.
Motion carries.

Ordinance No. 17-01 – Introduced by Council – An Ordinance authorizing the installation of a recognition sign to be placed at the Riverside Dogzville Dog Park.

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Roberts

Motion carries. Ordinance is passed.

Ordinance No. 17-02 - Introduced by Council – An Ordinance to Amend Chapters 1105, 1109, 1113, 1115, 1137, 1155, 1159, & 1189 of the City of Zanesville’s Planning and Zoning Codes.

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

Mr. Baker asked Mr. Bennett if anyone in the past six weeks expressed any updates or changes. Mr. Bennett said no.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Roberts

Motion carries. Ordinance is passed.

Ordinance No. 17-03 – Introduced by Council – An Ordinance to vacate a portion of Fourth Street between Elberon Avenue and Interstate 70 in the City of Zanesville, Ohio as herein provided.

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Roberts

Motion carries. Ordinance is passed.

Ordinance No. 17-05 – Introduced by Council – An Ordinance awarding management services of Gant Municipal Stadium and authorizing the proper City Official to enter into a Management/Concession Agreement and declaring an emergency.

Ms. Gildow moved for third reading and passage, seconded by Miss Bradshaw.

Ms. Gildow would like to note this did go through the Public Service Committee and it was recommended to approve it. The reason for any delay on it was because there were amendments made to make sure we had the agreement, so it would benefit all parties involved. It is another thing where there was a lot of work on it and a lot of collaboration.

Mr. Vincent thanked the parties involved for their work on this agreement including Ms. Gildow, Mr. Bennett, Mayor Tilton, David Tarbert, and anyone else involved.

Roll call vote for passage.

7 Ayes

0 Nays

1 Abstention Mr. Wolfe

1 Absent Mr. Roberts

Motion carries. Ordinance is passed.

Ordinance No. 17-07 – Introduced by Council – An Ordinance authorizing the installation of a recognition sign to be placed at the Maple Hill Pickleball Court.

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Roberts

Motion carries. Ordinance is passed.

Ordinance No. 17-11 – Introduced by Council – An Ordinance authorizing the proper City Officials to execute a road dedication plat for portions of Airport Road and Air Park Drive to Muskingum County for public use.

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Roberts

Motion carries. Ordinance is passed.

TRAFFIC ORDERS

None

MISCELLANEOUS AND UNFINISHED BUSINESS

Mr. Bennett had a quick update on Linden Avenue. The City Water crews continue to make progress on Linden Avenue. The City Water crew had several bigger projects they have worked on like the one on Sixth Street in order to help facilitate the Dutro project to meet their deadline to get open. Dutro paid for that entire cost of that project. Number two, water line breaks due to winter temperatures needed to be repaired. Meanwhile they have continued to make the investment in laying the new main on Linden Avenue to be able to meet the deadline of paving. The City wanted the Linden water line replaced before it was paved to reduce cuts in the new pavement. Council authorized the funding in order to make that a priority. They are about 35% of the way done with this project. We are striving and have every expectation by the end of May they will be complete. All service laterals will be hooked up. All hydrants will be in place. The line will be charged and having received approval from Ohio EPA to go ahead and serve. We expect to meet it in time that we can then have the paving crew come in June and pave that section of Linden Avenue. Over the last two years we have gotten Linden Avenue fixed and this water line that has had a history of many, many breaks is being replaced, so Mr. Bennett said he is extremely proud of those groups in the Public Service Department like the Water Maintenance employees especially, but also when you call attention to that division I would be slighting the other Public Service divisions

who help out in order to make that happen, such as the Street and Wastewater Departments who give a couple of maintenance guys when it is water shut off day. The Public Service Department crews across the board do what is needed every day to get the goals of the City accomplished. I wanted to recognize the Water Maintenance crews, but also the other divisions as well who fill the voids when we need to do it. Drivers need to continue to slow down. We will keep Linden Avenue patched up. It is a good way to kind of control speed through there as well. We will continue to try to make it as passable as possible. Please take your time going through that section and please observe work zone safety. Our crews depend upon it. Thank you.

Mr. Vincent echoed the appreciation for the City crews that go out there and are making this happen, as one big team. They are making this happen for the citizens at less cost. It has been a long project, including the drainage going in to take care of the flooding, which occurred in that area for many years. For the people living in this area it was a huge problem. That work was one of the issues making Linden Avenue so rough. The drainage, then the water lines, they are making great progress. The work is in the best interest of the City, as far as saving money. We are looking for safety first, so slow down even after the road is paved.

Mrs. Osborn wanted to send kudos to Danny from the Community Development office for the CDBG Community Needs meetings. Mrs. Osborn attended a couple of them and she said Danny did a really good job facilitating and she hopes some good things came from those meetings. Mr. Bennett said yes, there were.

Ms. Gildow also added to what Mrs. Osborn said by saying Danny also participated in the semi-annual homeless survey that was done. It is a good thing for the community and he stepped up and helped with that as well.

PRIVATE PETITIONS AND COMMUNICATIONS

Non-agenda item petitions filed

Mr. Dave Rogers, 1104 Benjamin Ave., Zanesville, OH 43701 speaking on- Observer variation of City Council lack of concern of past speaker's comments; liability could be an issue, in future.

Mr. Dave Rogers had concerns about the oath of office, diversity in hiring, an affirmative action plan, the Ohio Administrative Code, recruitment, employment, and advancement. He asked what recruitment was done for a Police Chief. He talked on the Ohio Revised Code 505.491 pertaining to police guilty in the performance of duty with three words mentioned from this section: misfeasance, malfeasance, and nonfeasance. He asked, how many ZPD officers fit this? Coury? Mr. Rogers expressed concerns about the sign at the Safety Center and members of Council leaving themselves open to be named in legal action for being aware of Chief Coury's alleged misconduct.

Mr. Eric Jones, 221 Luck Avenue, Zanesville, Ohio 43701 speaking on more on my appeal.

Mr. Jones stated the big question is what difference should it make if Zanesville residents live under democracy or tyranny; everything. Mr. Jones accounted what resulted in a trial by jury for going over his three minutes and he explained his version of the difference between a democracy and a tyranny. Going over three minutes if it is a democracy you get thrown out, but you wouldn't go to jail. Under a tyranny you go to jail or get arrested and all of the other nice things that happened with that. For some of you, they do have the transcripts now for my appeal. They gave me a jury trial. Some of you should probably get the transcripts because most of you; all you saw was a snip-it of my trial which you witnessed. You came down and witnessed against me. I didn't have any witnesses for me, but that is neither here nor there, so you don't really understand the arc of the trial. That is kind of important because a trial by jury is by definition one of the things you use to educate your community. I have tried to get you to read the material. I have said a number of times here and I would ask you if you have read it, but that would be polling the Council and you are not allowed to do that. Mr. Vincent would tell me not to and I can't really ask you after Council because you can tell me anything. If you say it here, you are saying it on the record. At least I can be able to point to, you said this and it is written down somewhere. Outside of here it is your word and I don't want to say your words aren't exactly stellar, but some people want to say things to appease other people and so if they are not going to be checked then there is really no point in asking. The big picture is citizen vs. subject. For that to take place, again, you have to read the homework. It is not that hard folks. It is going to be important more and more as the year progresses. You are seeing things happen that are unprecedented in the history of the United States. I know, you will all laugh about it, but no sooner than he was in office we were in a Constitutional crisis. If you read the Constitution you would know that. Thank you very much.

Mr. Vincent said thank you, Mr. Jones. If there is nothing else from Council, I will entertain a motion to adjourn.

Ms. Gildow moved to adjourn and it was seconded by Miss Bradshaw. A voice vote was taken with all present in favor. None were opposed. Mr. Roberts was absent.
Motion carried.

The meeting adjourned about 7:35 p.m.