

ZANESVILLE CITY COUNCIL MEETING – MONDAY, FEBRUARY 27, 2017

The Zanesville City Council met in regular session at 7:00 p.m. on Monday, February 27, 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: Miss Bradshaw, Ms. Gildow, Mr. Wolfe, Mr. Foreman, Mr. Roberts, Mr. Baker, Mrs. Gentry, Mrs. Norman, and Mr. Vincent.

Mrs. Osborn was absent. A motion was made by Mr. Foreman to excuse Mrs. Osborn and it was seconded by Mr. Wolfe. The motion carries. Mrs. Osborn stands excused.

APPROVAL OF MINUTES

Mr. Roberts moved to accept the minutes of February 13, 2017 as presented, seconded by Mr. Wolfe.

Mr. Vincent: I have a request to speak on the minutes, wanting it noted the Council Minutes are paraphrased. The minutes can be paraphrased and do not have to be written word for word, so they can be summarized. With that, it does not meet the requirements for speaking tonight. Is there any further discussion?

A voice vote was taken with all present in favor. None were opposed. Motion carries. Mrs. Osborn was absent.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

None

PROPOSED ORDINANCES

Ordinance No. 17-28 - Introduced by Council – An Ordinance authorizing the proper City Official to advertise for bids and enter into a contract with the lowest and best bid for the construction of the Crosswind Runway Improvement Project and declaring an emergency.

Mr. Roberts 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 Mrs. Osborn

Motion carries.

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

Mr. Wolfe stated we talked about this at a previous Council meeting and basically we bid this job last year and due to timing, we did not get bids. So the reason we are trying to waive the readings, to make it pass quicker, is so we can actually get it on the docket and perhaps get some of the contractor firms available sooner in the year, thus the reading and the waiving.

Mr. Bennett said this is a 95% grant from the State of Ohio Department of Aviation. The estimated cost is \$426,000 of which 95% of that is being paid by the State of Ohio.

Mr. Vincent said it was bid last year and didn't make it because of the timing, so the waiving, as you said Mr. Wolfe, is to move things along so we can get someone to bid on it, so we can accept it. Of the \$426,000 the City's cost would be \$21,300.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mrs. Osborn

Motion carries. Ordinance is passed.

Ordinance No. 17-29 – Introduced by Council – An Ordinance reauthorizing the proper City Official to advertise for bids for the construction of the East Apron Rehabilitation Project and declaring an emergency.

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

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mrs. Osborn

Motion carries.

Mr. Wolfe moved for passage, seconded by Ms. Gildow.

Mr. Bennett commented there is similar urgency to get out to bid for contractors to do this paving. There is a little different story than nobody bid on this project. We did have a local bidder but there was a significant bonding requirement within it because of the nature of the investments in the area regarding planes and it required a liability bond which was significantly higher in price. The contractor did not anticipate it and had bid on the project, but was unable to perform so we were unable to complete it. There is similar urgency to get out to bid, trying to attract companies who want to do paving at the airport.

Mr. Vincent said the project cost is \$124,000 and the City's portion of that is only \$12,400. Again this is a good value.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mrs. Osborn

Motion carries. Ordinance is passed.

Ordinance No. 17-30 – Introduced by Council – An Ordinance authorizing the proper City Official to advertise for bids, award a construction contract, and expand funds for the construction of the Airport Security Fence Installation Project and declaring an emergency.

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

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

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mrs. Osborn

Motion carries.

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

Mr. Bennett said that the \$295,000 dollar project has 95% paid through state and federal sources. Phase 1 is secure fencing and we anticipate three separate phases. This first phase is the closest to the terminal building. Again we are trying to get out early to the public for the contractors to get this project into their queue, so we can get the best price possible for the government's money.

Mr. Vincent said for \$295,000 worth of work the City's cost is \$14,700. Again this is another great deal.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mrs. Osborn

Motion carries. Ordinance is passed.

Ordinance No. 17-31 – Introduced by Council – An Ordinance providing Appropriations for use during the fiscal year 2017, and declaring an emergency.

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

Ms. Gildow noted this did go through the Ways & Means Committee as well.

Mr. Vincent: It went through the Ways & Means and we had two separate budget hearings on it, with one earlier tonight and a couple of weeks ago.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mrs. Osborn

Motion carries.

Ms. Gildow moved for passage, seconded by Mr. Wolfe.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mrs. Osborn

Motion carries. Ordinance is passed.

Ordinance No. 17-32 – Introduced by Council – An Ordinance authorizing the proper City Official to enter into an agreement with IBI Group for bidding and construction administration services for the Putnam Hill Water Tank and Heritage Water Tank Improvement Projects.

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

Mr. Vincent: Is there any discussion? Hearing none, all in favor of first reading signify by saying aye. All present were in favor. None were opposed. Mrs. Osborn was absent. Motion carries.

Ordinance No. 17-33 – Introduced by Council – An Ordinance authorizing the Community Development Director to waive Planning and Zoning Permit Fees for the Muskingum Soil and Water Conservation District's Urban Agriculture Conservation Initiative Grant.

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

Mr. Vincent: Is there any discussion?

Mr. Baker gave a report from the Community Development Committee. This was actually approved by the committee with some debate concerning the possibility of precedence it would set for other such waivers of fees on down the line which remains to be problematical and something the rest of Council would like to discuss.

Mr. Roberts said speaking from other involvement he can speak that other entities in the past have been required to pay these same fees.

Mr. Baker stated yes, that is right. That was the consideration of the fact that you are talking about a government entity that would be a way to justify the waiver of the fee.

Mr. Roberts then asked Mr. Bennett who sets the fee schedule for the Planning and Zoning. Mr. Bennett responded City Council does.

A petition to speak was submitted by Jessica Stonecypher to speak in favor of this Ordinance. She was given three minutes to speak.

Jessica Stonecypher thanked Council for taking the time and her key points were Muskingum Soil and Water Conservation District received a one-year grant to work on Urban Agriculture in the Putnam neighborhood. This is one of five projects. This one is on Restoration Park property in Putnam. They were not able to set aside any funds to go toward the fees for the Board of Zoning Appeals. She asked if Council would please waive the fees. It is important for Putnam residents because it would mean they could put food on their tables in a very practical way. They would not be required to pay for this. It is an incredible way for you to affirm the importance of this kind of work in our community. The very practical things this kind of garden would provide are a way for people in our community to come together across differences. If you are a gardener, you may know that soil does not discriminate; all people are created the same. It is not unrealistic to expect that young families, church youth groups, business men and women, plus seniors would work in this garden together and they would most likely find they are more alike than different. This is a way we are doing community development. A way we are bringing people together. A way we were providing fresh produce for people in Putnam which is a food desert. We ask if you would help us with this and that you would journey with us in this effort. She believes you will come to the garden and see how exciting it is to see people together growing their own food for their families. Thank you.

Mrs. Norman asked Ms. Stonecypher how much the grant for.

Ms. Stonecypher responded they received a grant for \$50,000. The grant was primarily for staff funding. It supplies Ms. Stonecypher's salary and also her partner's salary, Kristen Baughman. Some funds were permitted for training purposes and it was part of the grant that it was mostly toward staff time and not toward the actual materials and things that would need to be put forth to put this together. We are seeking grant funding for every single garden we are working on. So that is why I am here tonight to receive your support.

Mr. Roberts asked Ms. Stonecypher from a timetable perspective what are you looking at for this grant? I know sometimes pushing things through BZA you are two months out and getting an application across. When are you hoping to get this moving?

Ms. Stonecypher said she would like to start working in April. She has been in conversation with Mr. Bennett and Daniel Louwers about the timing of that and it seems

like as long as everything goes according to plan we will be in the right place to start planting in April.

Mr. Bennett said he believed the Community Development Committee of Council made a recommendation to pass, but the recommendation also was to waive the readings. If there is consideration to pass it by waiver then that starts the 30 day wait period which is still within the window. By then you would have the BZA, as they are on the next BZA, as they have made application. They have not submitted the fee with it yet. The \$175 fee is to cover the BZA application for the temporary use permit beyond the 60 day window that staff can grant for the park specific property.

Mr. Baker said just to reiterate the Community Development Committee fully supports the proposal and we think is a great idea for the eloquent way you put forth all of those positives for the community: the coming together, getting people outdoors, the extra food, the greater use of public land, all of that is fantastic. We had some concerns over the precedence, but I don't think, just speaking for myself now, if we are going to waive the fee for any group, I think this would be a worthy group. So with that, I would like to make a motion to waive the readings.

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

Mr. Roberts would just like to suggest the Community Development Committee review the fee structure and present something to Council sometime in the next year so we don't have to run into this same thing.

Ms. Gildow said the Ways & Means Committee per suggestion is reviewing all of the fee waivers and there has been research done and the frame work established. We just need to meet and get on with it, so it is happening.

Mr. Vincent said the committee discussion on what to we waive, what do we not, and getting to the point where Ways & Means is able to come up with something to help give guidance on future decisions whether it is Secrest, fees for special items like this. We could discuss including things like waiving for educational purposes, is it providing food, is it a non-profit organization and things like that. There is a lot to look at.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mrs. Osborn

Motion carries.

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mrs. Osborn

Motion carries. Ordinance is passed.

Ordinance No. 17-34 – Introduced by Council – An Ordinance authorizing the Public Service Director to forgive a partial amount of the Y-City Baseball's Water Bill.

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

Mr. Vincent: Is there any discussion?

Ms. Gildow asked if this should be designated as an emergency in effort to allow them to meet the due date on the bill for the water.

Mr. Bennett said no. When the request came, we put a stay on all issues. Much like when someone makes a formal statement as "I dispute this part of the bill". By our policies we go through the process of investigating and having a hearing, taking testimony on it and this is an extension of that process. There is no interest being accumulated.

Ms. Gildow said good. So it wouldn't show up as a late amount.

Mr. Roberts responded to Ms. Gildow saying he believes this will be on the next Public Service Committee meeting so we can have discussion then.

Mr. Bennett said he just wanted to get it started tonight and it will come up on the Public Service Committee meeting on March 13th. Y-City representation will be there to discuss it.

All present were in favor. None were opposed. Mrs. Osborn was absent.
Motion carries.

Ordinance No. 17-35 – Introduced by Council – An Ordinance authorizing the City Engineer to waive payment of Stormwater Permit Fees associated with the review and permitting of a Muskingum County Constructed Parking Lot Improvement Project.

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

Mr. Vincent: Is there any discussion? Mr. Bennett, I know we talked about this. Does this delay them in any way?

Mr. Bennett said no, they are going forward with it. They have submitted the plans. Chip is reviewing. There is just that \$250 review fee. He is still proceeding with it pending the outcome of this. Similar to the last one, we have gotten started here tonight to kind of

get us started in the process to educate and to have conversation about it. It will be on the March 13th Public Service Committee meeting.

Mayor Tilton said on this one in the past few weeks the Commissioners have waived a fee for us on the Times Recorder Public Safety Annex building as we had to put a new roof on there and they waived the fee for that permit. It is kind of paying back. That is why it was brought forward.

Mr. Vincent said he likes that idea as this is a benefit to the City as basically we are getting a parking lot that could be utilized by Secret patrons, Senior Center patrons, or the Welcome Center. It is in that area with no cost to the City except for removing a tree and potentially waiving this fee. It is a good deal for the City. I guess my concerns would be are we going to delay this in any way that they are going to have trouble getting bids and getting it paved.

Mr. Bennett said no. The review is ongoing.

All in favor of first reading signify by saying aye. All present were in favor. None were opposed. Mrs. Osborn was absent.
Motion carries.

ORDINANCES FOR ACTION

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.

Mr. Wolfe moved for second reading, seconded by Mr. Roberts.
All present were in favor. None were opposed. Mrs. Osborn was absent.
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. Roberts moved for second reading, seconded by Mr. Wolfe.

All present were in favor. None were opposed. Mrs. Osborn was absent.
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.

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

All present were in favor. None were opposed. Mrs. Osborn was absent.

Motion carries.

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.

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mrs. Osborn

Motion carries. Ordinance is passed.

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

Mr. Wolfe noticed on the first line we would need to amend a typo as the property listed on the introduction is 62-58-02-38-000 and in the first whereas line the 02 is missing and it is correct on the third reference in the final whereas. Mr. Wolfe made a motion to amend the Ordinance to make the correction of the typo on the first whereas line of the Ordinance. Mr. Roberts seconded.

A voice vote was taken with all present in favor. None were opposed. The motion carries. We are now at Ordinance 17-15 Amended as amended for a second time.

Mr. Roberts moved for third reading and passage. It was seconded by Mr. Baker.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mrs. Osborn

Motion carries. Ordinance is passed.

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. Wolfe moved for third reading and passage, seconded by Mrs. Gentry.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mrs. Osborn

Motion carries. Ordinance is passed.

TRAFFIC ORDERS

None

MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Tilton mentioned last Friday with authorization from the Council we bid out our electric for 20 months, 24 months, 36 months, and 48 months. The Mayor announced tonight that we have signed a contract for our electric for the next 4 years with Direct Energy Business Marketing LLC and preliminary numbers over the next 4 years project that we are going to save about \$630,000 on our electric. So it was kind of exciting to watch because it was like every other auction as it didn't happen until the last 30 seconds. It stayed at a high number until about the last 30 seconds and then everybody stepped in and bid and we got it at this price. Again we are saving \$630,000 over the next 4 years on our electric.

On a second note, I know there has been a lot of talk, a lot of concern about what is going on with Muskingum Avenue. Since we've had it shut down we have been in touch with ODOT who gave us the name of a stabilization company who has come in and looked at stabilizing that hillside. In the meantime we had arborist from AEP and the Soil and Water people come in and tell us the trees that are on that hillside were not doing anything but making more weight on the hillside. Our street departments have gone over and taken most of those trees off. We are now waiting for this GEO Stabilization International to bring us back a quote on what they think it is going to cost. Preliminarily they said it could go from \$500,000 to \$2,000,000. We are going to wait until we get that quote back and I will be bring it to the Public Service Committee for their recommendations.

Mr. Vincent thanked the Mayor for the updates. He also added Muskingum Avenue is also known as Dug Road through there. We did have a big rock fall down.

Mayor Tilton said we have actually had two large slips. One was a large rock which the rock got onto the street and we had a car run into it. The Mayor is not sure of the status of it right now. The second time we had a large rock plus a whole tree come down. So it was time to shut it down until we can make it stable.

Mr. Vincent said the Mayor has shared before there are the layers of rock in soft soil in between.

Mayor Tilton said that is something they will have to do, take some of those outcroppings off, so it will be kind of a level surface that they will be dealing with; so it is a big project, no matter what. Again that will be up to Council to decide.

Mr. Vincent asked if there are any concerns about being up on the overlook at Putnam Hill?

Mayor Tilton said not at this time.

Mr. Vincent asked so it is just not safe to drive down below?

Mayor Tilton said because we had a few smaller slips since then with things falling down, so it is just better to keep it closed.

Mr. Vincent asked Mr. Bennett if the grant money, he shared about earlier, could be moved around to help with this.

Mr. Bennett said he has a call into the State Ohio Department of Development Services. He does not have an answer for that question yet. His belief would be that the program authorized up to \$300,000 for projects. They are scored and they are competitive. So for them to have awarded a specific project and say now something has happened and we would like to use the money toward a different project. Mr. Bennett does not have the answer, but he is not counting on it.

Mr. Vincent said it would be nice because it was \$132,000.

Mr. Bennett said correct. We have a couple of years to spend that money, so as this investigation and decision making is taking place over the next several months, we are in the first part of the first year of that grant, so we are fine.

Mr. Vincent said so maybe it will work out based on the design as it was to take stormwater away. We will hope for the best on that.

Mr. Bennett said we will see.

Mr. Vincent thanked the Mayor for the update, as it is a concern and calls have been received. Your concern is for safety first. We don't want anyone going down through there and getting hit.

PRIVATE PETITIONS AND COMMUNICATIONS (long and short versions for the next two speakers)

Non-agenda item petitions filed

Mr. David Rogers, 1104 Benjamin Street, Zanesville, Ohio speaking on Zanesville Police Department.

Mr. David Rogers spoke on the lack of creditability of Mr. Coury and other City personnel of the Zanesville Police and the Safety Center. I realize you people are politicians, so your creditability is already in question. He would like to note at this time he spoke of at the last meeting of Captain Coury being in violation of his Captain's contract. He tried to find his notes on that prior meeting and couldn't find them, but that had been brought up. That is not an allegation. He was informed the matter was looked into by a former member of Council. Mr. Rogers would like to give this example: Is a bank going to keep a teller if they find out they have been making a copy of a customer's ATM card or using their information? The Zanesville Police wrote a false and incriminating report. I have that report and I also have the use of force report. He said there are a number of photographs of the officer and the arrestee. The person taking the photographs is not available. Well, I guess videos aren't considered photos. When the videos dispute the entire court, one has to wonder why they were not used to seek out the removal of officers and in the report Mr. Rogers is still curious what fight they are talking about. The City Administration in the building proper handling of the matter was ridiculous. Lambes probably should have been fired before he could retire along with all involved in false reports and the cover up. That is all I have to say on the matter at this time. I will look forward to the minutes of the meeting where the Captain's contract was read so there can't be any denial the Councilmembers were aware of it. Thank you.

Mr. Vincent said thank you, Mr. Rogers.

Mr. Eric Jones, 221 Luck Avenue, Zanesville, OH speaking on prep for incarceration.

Mr. Eric Jones started with comments on prep for incarceration. Before I start the meeting I want to make a real quick suggestion or request. Please change the sign on the door where it says no food or drink into Council Chambers. You have water and sometimes I get up there and my throat gets a little dry standing in front of such powerful people who control my destiny. So preparation for incarceration. A quick question: I am going to flip the question to ask you. What difference does it make to our elected or appointed officials whether the residents of Zanesville live under a republican democracy or a tyranny? If you ask it towards me, I have given my answer. It is kind of important. Now I am asking it back to you. I think the residents of Zanesville who are striving to be citizens should be calling and asking you that question. It is going to get more and more important as we go through this administration. I think what happened in Washington D.C. happened here first. We have a tyrant on this level so we need to see if we can straighten that out before we rush to Washington D.C. Now, when I started with this for my preparation I said why I would be walking through this, because the question was asked of me and I had to think through it. What am I willing to do? Here it goes. Am I willing to stand up alone in defense of the Constitution? The answer ended up being yes, to my surprise, really. Now that I am here I have to play this all the way out. So it started out as a clerical error which could have gotten me killed. Seriously! Instead of saying to the court I was arrested on site, now my life should be in a position where you could be hurt or killed for a clerical error. If you read enough cases you will find that it happens to more and more people. More and more black people. So I took

the jury trial, I knew I was going to be found guilty. It is now in appeal. On appeals 9 out of 10 appeal cases will be found for the prosecution. So I assume I am going to lose the appeal. Therefore again, I have to prepare for going to jail and somebody is going to say, Eric, why don't you just pay the fine? It ain't that much: \$100 fine and pay for the jury cost. Well, I am kind of trapped. So an unjust rule, if you think it is an unjust rule

The time limit was reached.

Mr. Vincent: Thank you, Mr. Jones. Your time is up.

Mr. Roberts moved and Miss Bradshaw seconded to adjourn. A voice vote was taken with all present in favor. None were opposed. Motion carries.

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

The meeting adjourned about 7:43 p.m.