

**PUBLIC HEARING FOR REQUEST BY THE CITY OF ZANESVILLE TO AMEND
CHAPTER 1129 OF THE PLANNING AND ZONING CODE.**

Present at the hearing were Councilmembers Sandy Gentry, Connie Norman, Jan Bradshaw, Ann Gildow, Joey Osborn, David Wolfe, Steven Foreman, Andrew Roberts, Mark Baker, and Council President Daniel Vincent. Also in attendance were Sean Brady; David Rogers; Shelly Schultz, Reporter for the Times Recorder; City Law Director David Tarbert; Zoning Administrator Pat Denbow; Public Service Director Jay Bennett; and Susan Culbertson, Clerk of Council.

Mr. Denbow presented on the request for the amendment of Chapter 1129 of the City of Zanesville's Planning and Zoning Code in relation to the cultivating, processing, and dispensing of medical marijuana within the city limits of the City of Zanesville. Ordinance Number 17-94 is being presented for Council's consideration at the Council meeting this evening. Mr. Denbow presented a map showing the areas already restricted by state law due to proximity to schools and churches. He displayed another map of the restricted areas due to City Zoning. It was the recommendation of the Planning Commission to enact a prohibition on medical marijuana for the entire City of Zanesville.

Discussion was held on the proposed amendment and also an extension of the moratorium that is currently in place to allow more time to consider the options for the City of Zanesville. Concerns were expressed by the Law Director on medical marijuana due to the federal law not having legalized medical marijuana and concerns with banking and financial restrictions. The request will be considered at the Council meeting also this evening.

The hearing ended about 6:35 p.m.

ZANESVILLE CITY COUNCIL MEETING – MONDAY, SEPTEMBER 25, 2017

The Zanesville City Council met in regular session at 7:00 p.m. on Monday, September 25, 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. 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 to accept the minutes as printed, seconded by Mr. Roberts.
Motion carried. The minutes stand approved.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

None

PROPOSED ORDINANCES

Ordinance No. 17-94 - Introduced by Council – An Ordinance to amend Chapter 1129 of the City of Zanesville’s Planning and Zoning Code.

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

Mr. Baker: In light of the hearing we just had concerning this Ordinance and the various proposals that were made concerning the subject matter I move this be sent back for reconsideration to the Community Development Committee.

Mr. Vincent: Okay. We already have a motion on the floor, but if you would like to have it sent back that was my thoughts too. We can do that. The next meeting for your committee is quite a few weeks off so we will need to make a special meeting hopefully next week. I will send it to Community Development Committee. Is there any other discussion?

Mr. Vincent: The motion on the floor is for first reading. So, all in favor of first reading signify by saying aye. All were in favor. None were opposed.
Motion carries.

Ordinance No. 17- 95 – Introduced by Council – An Ordinance amending Appropriation Ordinance No. 17-31 and declaring an emergency.

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

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

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

Mr. Vincent: This was all just presented at Ways & Means and all of Council was there except for one person. We had quite a bit of discussion with that. We thank Ms. Heskett for thoroughly explaining what’s going on and all of her work for making this all work out.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 17- 96 – Introduced by Council – An Ordinance authorizing the City Treasurer to compensate a pay step adjustment for an employee.

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

Mr. Baker: As an FYI this was endorsed by the Community Development Committee.

Mr. Vincent: Thank you, Mr. Baker. Was there a discussion on waiving?

Mr. Bennett: I thought we had talked about just waiving the readings and not making it an emergency.

Mr. Vincent: So that was in committee then?

Mr. Bennett: Correct.

Mr. Vincent: Okay, thank you. Mr. Baker, so that is your committee. Do you want to waive?

Mr. Baker moved to waive the readings and it was seconded Miss Bradshaw.

Mr. Vincent: Is there any discussion on waiving?

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

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

Mr. Baker asked Mr. Bennett to provide a rundown real quick for those who might not be in the know.

Mr. Bennett: This is just the Admin to the Community Development department. The City at one time had a Fair Housing/Compliance Officer. The City is required as a result of its federal funds that we receive, to do Fair Housing. We do that many, many ways: education, solicit, calls, inquiries when somebody feels maybe they're not being treated fairly on their housing choices, we provide a lot of information and a lot of staff hours around trying to get that word out. When someone does call we have assigned our Admin to the department to field those calls to try to take information and to record that information. We can present that to the state or federal agencies that come in and monitor us. Where it is clearly, and there are some training provided to that staff member, that this is a landlord/tenant dispute and not necessarily a fair housing discrimination we send out information to the caller to help them look at their next step. If there is anything significant that it could be at that point it is handed over to me and I

will take the lead in sitting down with the caller and starting to perform that investigation at which time we make a determination and we either refer it to the Ohio Civil Rights to the Law Director for their review if they should chose to file a complaint.

During that process this employee is spending a little bit of time. When we submitted that and Council in the earlier year created an Ordinance that authorized that step position to be an upgrade only position, from a pay scale 6 to a pay scale 7, for those times. So there they are miniscule times, 15 minutes, half hour, here occasionally the employee would go out and distribute information or go to a job fair type situation or an information fair and try to educate people. So, for that time that authorization to pay our current canned benefits for unaffiliated employees requires it must be over four hours; so all those smaller incremental times, the employee is not being compensated currently. This would allow the treasurer to go ahead and make those payments at that adjusted scale which is about 80¢ an hour for that 15 minutes or that half-an-hour period. Over those accumulated 36 hours up until this point that will result in \$28. I think I just spent \$28 dollars explaining. Thank you. That is important to educate the public.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 17-97 – Introduced by Council – An Ordinance authorizing the proper City Official to advertise for bids and enter into a professional contract for disposal of bio-solids from the City's Wastewater Treatment Facility.

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

All were in favor. None were opposed.

Motion carries.

ORDINANCES FOR ACTION

Ordinance No. 17-92 – Introduced by Council – An Ordinance allowing a moral claim.

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

Mr. Vincent: Mrs. Gentry, I know the gentleman was ill the last time. Is he here?

Mrs. Gentry: Evidently he is not here tonight.

Mr. Vincent: Alright. Council did get some additional information sent to them as far as to locate that. To be helpful, as I did have trouble finding it because I forgot to take the map with me. If you go out Northpointe to SR 146 and if you where to go straight across into the gravel and make a left it is right there. You don't want to do that. It is orange and is back where there is a sewage pumping station. It is not really a road. You might

just want to drive by and look at it instead of going back in there just because there is no light coming back out. It is not open, it is not a road.

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

TRAFFIC ORDERS-None

MISCELLANEOUS AND UNFINISHED BUSINESS

We have a special guest speaker tonight. We have Judge Joseph here from the Municipal Court. It is my understanding he has some good news to share regarding the Probation Department. Judge Joseph you have no time limit on this as you are a special speaker for the City and an expert.

Judge Joseph: I am here to let you know I am not here to ask for anything. I am here to give you a report about our Probation Department and to thank you for the decision you made about two and a half years ago. Here tonight also is my Clerk of Court Vicky Kirk, my Probation Officer Chad Smith, and his Administrative Assistant Sandra Fraunfelter. If you recall I was here a couple of years ago telling you that our Probation Department was primarily funded by a grant we received from the State of Ohio. At that time it was \$60,020 a year. We had been receiving that for some time, independent audit for our Probation Department. About four or five years ago the state started putting some pretty stringent requirements on being able to retain that grant each year. I don't have any complaint about that. Some of the restrictions were I thought kind of out there, but it is either comply or lose your grant. So for 48 of them and I was informed at the time back in December 2014 that we were probably about to lose our grant because we were not doing well in complying with all of the requirements. I went out in search of a new probation officer and found Chad Smith who lives in Crooksville, but was working for a probation department in Licking County. I was convinced that Chad would be the right man for the job. The problem was because the probation job of probation officer really wasn't graded properly. It was graded based upon the old requirements of what our probation officer had to do and had nothing to do with all of the new requirements of being the program director for the grant and that really is a very time consuming job.

So to get somebody to be not only my probation officer, but to be the program director and make sure we are in compliance and receiving our grant each year what I was able to offer Chad to start was not equal to what he was making as just a probation officer in Licking County with no responsibilities as a program director. So I came to Council and asked for you to make an exception to allow me to bump up the starting salary that I could offer him which really just got to, I think it was less than \$1.00 an hour from what he was making at the time with the promise that I told him that I would submit the job for re-evaluation and hopefully we could get it re-graded. You approved that which allowed me to hire Chad. I am happy to tell you that we are now in compliance with all standards. The year that we thought we were going to lose our grant he got us in compliance. They (the state) were happy enough that they not only renewed our grant

for the following year they added \$7,000 more to it. So we are now receiving \$67,020 a year. Last year they were so happy with the job that Chad and Sandra have done they after told us they were going to renew the grant and they gave us \$9,600 to do whatever they felt was appropriate for any equipment needs that we might have and we were able to buy some equipment that was much needed in the probation department. So, overall it has been a great turnaround as a result of Chad and Sandra for the work they have done there.

Then the following year we were notified because of budget cuts across the state in the probation department that probably all probation departments were going to get about a 40% cut in their grant. That sent us scurrying trying to figure out how we were going to meet that deficit. Then Chad got a call saying we were not going to be included in that cut because we have been doing such a good job. So they are not cutting anything. We are getting \$67,020 on top of the bonus of what they just gave us.

Kind of the cherry on top of all of that, Chad or our probation department, was just nominated for the Clifford Skeen Award. I am sure none of you know what that is as I had no idea of what it was until they came in and told me. Clifford Skeen was a legislator for I think over 40 years and was very instrumental in the probation department for the state of Ohio and introduced some legislation which was geared toward trying to keep people in the community; more people on probation and less people in prison. He did a great job in that capacity so he had a particular interest in probation departments. Seventy probation departments receive that grant; only three were nominated for the award including ours. We just found out this week that we did not win the award, but we were one of three that were nominated and so I just wanted you all to know that I am not here to brag because I have nothing to do other than I picked a good guy for the job. I had very little to do with what is going on back in the probation department, but I wanted you to be aware of that and I wanted to thank you for the decision you made two and a half years ago to allow me a small bump so I could hire somebody that I thought was competent to do the job. So I know you get criticized a lot for the decisions you make. You made a real good one there. You saved us a lot of money over the years and, hopefully, is going to continue to save us some money. So, I just wanted to come to let you know that. Do you have any questions?

Mr. Vincent: Thank you, Judge Joseph. We really appreciate that. Are there questions from Council? We appreciate your staff coming and we appreciate the excellent work. I think to be nominated is a pretty big deal and there are future opportunities. Maybe next year you will be a winner. Thank you.

PRIVATE PETITIONS AND COMMUNICATIONS

Non-agenda item petitions filed

Mr. David Rogers. 1104 Benjamin Avenue, Zanesville, Ohio speaking on the phrase "Support Law Enforcement" is no more than propaganda for a police state.

Mr. Rogers: Nationwide there is a problem with law enforcement not being policed and support law enforcement may sound broad, but really it is no more than a bit of propaganda. Whenever law enforcement publically ignore laws and known legal procedures then they practice excessive power. Now, also recently there was a statement on public social media, "When are good cops going to do something about bad ones?" It is a little hard at the ZPD when the bad cop is in charge.

However, fascism is absolute power. What are police trying to practice, but absolute power? Really when prosecuting law enforcement, the ability of the current Law Director can be in questioned, much due to past, due to his wife working with former Law Director. I really have to wonder sometimes if she wasn't on the take working for Mr. Hillis, but that is my personal opinion.

David Tarbert stood up.

Mr. Vincent: Mr. Tarbert

Mr. Rogers: There has always been protests against law enforcement like during the Vietnam War

Mr. Vincent: I am sorry, Mr. Rogers please hold on one moment, please.

Mr. Tarbert: He either refrains from making personal statements like that or I am gone.

Mr. Rogers: That was my opinion.

Mr. Vincent: Mr. (pause) please hold on. I am talking to the Law Director right now.

Mr. Rogers: Okay.

Mr. Tarbert: Do you want my opinion?

Mr. Vincent: With that, Mr. Tarbert, hold on. I did miss that so my apologies. Mr. Rogers, Mr. Rogers, with that you are speaking to me, sir.

Mr. Rogers was speaking, but could not be understood.

Mr. Vincent: Sir, you are here in Council and you need to listen to me, sir. This is my meeting.

Mr. Rogers: Okay.

Mr. Vincent: With that, you will refrain from public comment personal attacks. Are you done, sir?

Mr. Rogers sat down.

Mr. Vincent: Thank you.

Mr. Eric Jones, 221 Luck Avenue, Zanesville, Ohio speaking on what's Zanesville to do with a white supremacist U.S. President?

Mr. Vincent: Mr. Jones, I do hope you will make this relate to Zanesville.

Mr. Eric Jones: I think we have had this conversation before. Does the federal government have anything to do with Zanesville? Like at the last meeting the answer is yes. So we will work our way to it. What is Zanesville to do with a white supremacist U.S. President? Now, again my opinion, and I am talking about a federal figure. Beyond being a bully and a coward our president is also a racist, misogynist, and now a white supremacist. For the examples for the racism part you are expecting me to say real quick the NFL. He called young black men SOB's. Straight up in front. He is about as racism as it gets, folks. Now on the misogynist part, a quick example would be the Hollywood Access where he called grab women by the p word or for medical benefit vulva. Up front. He still got elected. That is still a medical term, Mr. Vincent, a medical term. I said the p word. I didn't do that. Now, when you come to his indicator he is a white supremacist. Just look at Charlottesville; where he supported the hate groups. That would be the Neo-Nazis, the while nationalist, and the white supremacist. Now, we tried to use a false equivalency between the people who were protesting against the Neo-Nazis. So if you are not for them, you are against them. If you are silent about it, then that is, you being for them. Now, Congress has stepped up and they are going to pass a bill to say they are opposed to hate groups. The governor stepped up and he said he opposes the hate groups. I haven't heard anything from the County Commissioners and I am waiting to hear something from you. As I say silence shall be construed as consent. So if you don't say anything; you are for it, racism. You are for white nationalist. You are for white supremacist. I am being as upfront about this as I possibly can. This is going to get worse. I would recommend you read, "To Kill a Mockingbird" just to get a quick reference point. I am hoping that we can move beyond the fear and lack of faith. Thank you very much.

Mr. Vincent: Alright Mr. Jones. Is there anything else from Council?

Mr. Roberts: I move we adjourn.

Mrs. Osborn: I second.

A voice vote and all were in favor. None were opposed. The motion carries

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

The meeting adjourned about 7:25 p.m.