

Sheriff Matthew Lutz presented information on the Muskingum County Jail Levy. The proposed bond issue is a 1 mill property tax levy that will generate \$30 million dollars over 30 years. Owners of property valued at \$100,000 would see an increase in just over \$35.00 per year. The actual building plans have not been confirmed, but preliminary design has an estimated building cost of \$34 million dollars. Sheriff Lutz explained overcrowding and safety concerns are issues he hopes to have addressed if the levy passes.

### **ZANESVILLE CITY COUNCIL MEETING – MONDAY, OCTOBER 23, 2017**

The Zanesville City Council met in regular session at 7:00 p.m. on Monday, October 23, 2017 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

Mr. Vincent led those present in the Lord's Prayer.

Several members of Boy Scout Troop 128 chartered by Trinity Evangelical Lutheran Church led those present in the Pledge of Allegiance to the Flag.

The following members of Council answered Roll Call: Mrs. Gentry, Mrs. Norman, Miss Bradshaw, Ms. Gildow, Mrs. Osborn, Mr. Wolfe, Mr. Roberts, Mr. Baker, and Mr. Vincent.

Mr. Foreman was absent.

A motion was made by Mr. Baker to excuse Mr. Foreman and it was seconded by Mrs. Osborn.

Voice vote was taken with all present in favor.

Motion carries. Mr. Foreman stands excused.

### **APPROVAL OF MINUTES**

Miss Bradshaw moved to approve the minutes of October 10, 2017 as printed, seconded by Mrs. Osborn.

Motion carries. Minutes stand approved.

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

Communication from Jay Bennett, Director of Public Services – Zanesville Municipal Airport Third Quarterly Report for 7/01/2017 through 9/30/2017.

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

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

## PROPOSED ORDINANCES

Ordinance No. 17- 109 - Introduced by Council – An Ordinance authorizing the Proper City Official to execute a Pre-Annexation Agreement with Sonoma Properties, Ltd. regarding Muskingum County Parcel No. 17-75-04-31-000 and Muskingum County Parcel No. 17-15-04-32-000.

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

Mr. Baker: Just so you know this did make its way through the Community Development Committee which unanimously recommended its adoption.

Mr. Vincent: Thank you, sir. I understand there are no additional concerns about additional burden on police and fire although it will add some area to them.

Mr. Baker: Yes, those topics were discussed and we believe that any additional burdens very well might be offset by the additional revenue brought in from the taxes. This increases the population base.

Mr. Vincent: Thank you, sir. Is there any other discussion? All in favor of first reading signify by saying aye. All present were in favor. None were opposed. Mr. Foreman was absent. Motion carries.

Ordinance No. 17- 110 - Introduced by Council – An Ordinance allowing a moral claim.

Ms. Gildow moved for first reading, seconded by Mrs. Norman.

Mr. Vincent: Is there any discussion?

Mr. Wolfe: Will there be a Public Service Committee meeting before we meet again. I would like to discuss some of the details and if we have a committee meeting it might be more appropriate there if we have one before this passes.

Mr. Roberts: I think this and 17-111 will both be addressed at the next Public Service Committee meeting. It will be November 13<sup>th</sup>.

Mr. Vincent: All in favor of first reading signify by saying aye. All present were in favor. None were opposed. Mr. Foreman was absent. Motion carries.

Ordinance No. 17- 111 - Introduced by Council – An Ordinance allowing a moral claim.

Mrs. Osborn moved for first reading, seconded by Miss Bradshaw.

Mr. Vincent: This will go to the Public Service Committee meeting also. All in favor of first reading signify by saying aye. All present were in favor. None were opposed. Mr. Foreman was absent.

Motion carries.

Ordinance No. 17-112 - Introduced by Council – An Ordinance authorizing the Public Service Director to apply for grant funding from the Federal Aviation Administration for FY 2018 projects and accept funding, if awarded.

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

Mr. Vincent: This deadline is coming up December 1 and needs to be waived.

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

This motion overrides the first motion.

Mr. Vincent: Is there any discussion on waiving?

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries.

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

Mr. Bennett: This is procedural. The FAA provides the City, providing they receive it from Congress, an annual entitlement grant for our airport. So this will be working through our Capital Improvements Plan that the City provides to FAA each year and looking at next year's project. That is what we would submit a preliminary application for on December 1. It would be my estimation that we would move up Phase Two of our fencing project which Council authorized us to do Phase One last year which we will be constructing this next term.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries. Ordinance is passed.

Ordinance No. 17-113 - Introduced by Council – An Ordinance requesting the approval of City Council of the attached Water and Sewer Indirect Cost Allocation Plan.

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

Mr. Roberts: Mr. Bennett, will this be discussed at our next meeting.

Mr. Bennett: I would refer to the Finance Director.

Ms. Heskett: And I would defer to the Auditor. I do not see her tonight.

Mr. Vincent: What I can add to this if you would. This establishes the cost principles for local government and standards for determining cost for federal award of grants, cost reimbursement, and other agreements. So, this sounds like a formality as far as having information available when it comes time to award grants and figuring out what will be awarded to us is my understanding from what I was able to find if that is of any help to you.

Mr. Roberts: I would still send it to Public Service just for verification.

Mr. Vincent: Okay, we will get it on the agenda. We will have the auditor come for that meeting. All in favor of first reading signify by saying aye. All present were in favor. None were opposed. Mr. Foreman was absent.  
Motion carries.

Ordinance No. 17-114 - Introduced by Council – An Ordinance authorizing the proper City Official to execute a Pre-Annexation Agreement with Marlene Moore regarding Muskingum County Parcel No. 17-76-02-15-001 and Muskingum County Parcel No. 17-76-02-15-003.

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

Mr. Baker: This too made its way through Community Development Committee and it was recommended for its adoption as well.

Mr. Vincent: All in favor of first reading signify by saying aye. All were in favor. None were opposed. Mr. Foreman was absent.  
Motion carries.

Ordinance No. 17-115 - Introduced by Council – An Ordinance authorizing the Law Director to take steps necessary to join a coalition of municipalities retaining special counsel for purposes of initiating litigation to challenge the constitutionality of amendments to Chapter 718 of the Ohio Revised Code relating to municipal income tax, 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 Mr. Foreman

Motion carries.

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

Mr. Wolfe: The Treasurer is here and if he would share.

Mr. Hillis: Essentially what happened is the House put something in House Bill 49 that creates a way for the State Tax Commissioner to get involved with administering city income taxes and there has been a large coalition of cities and villages that have hired a law firm to file an injunction to stop this. We believe it is a violation of the home rule amendment in the constitution. Also the state does not have the power to administer city taxes and the interesting way they are attempting to do it is they are telling cities that we have to put it in our tax ordinance that we want them to do this and if we don't they are cutting our tax by 50% which we also deem as coercion. The gateway is voluntary and that is what the proponents in favor of this are saying is it is voluntary, but the problem is the state is going to take half of one percent out as a collection fee so it will cut down what we receive from businesses right now. Also the City Income Administrator will not have the ability or authority to review returns. It will all be done at the state level so we won't be able to verify they are providing correct information and we will get a list twice a year of people who paid, but not the amount they paid. So, we will just have to assume they paid the correct amount. We won't be able to apply it to accounts any more to say Walmart paid everything they owed, or any other business. So, it is just not a very well created bill in the first place and it is just another attempt of the state to come into cities and take away their powers and take some of their money.

Mr. Vincent: Do you know the push behind this? I hear accountants and CPA's talk about and they have people who work in all sorts of different cities, all over the state, and the nightmares they have trying to track and each city may have a different rate and how to track and pay all of that and this is kind of the answer to help fix that. Is that an argument for this?

Mr. Hillis: It is a way to do it centrally so they will just do one return to the state, but they will still have to account for how many employees are in each city, and what the tax rate is in each city. So, I don't believe it is going to make it that much easier, if any easier, on the employers. All it is going to do is provide the cities with less money and the state with another mechanism to take money out of our pocket for doing something they don't have any authority to do in the first place.

Mr. Vincent: Do you know if we have had any issues where this could benefit us based on what you know about or what is projected?

Mr. Hillis: I don't think it will benefit us in any way if this becomes law. It will take .5% right out of our coffers straight off the top and then on top of that they have strict reporting requirements if you don't report on a timely basis, as determined by them, they can then take 50% of your tax away and just withhold it from you next month from the net to you. I don't see any benefit what-so-ever to us. As of this morning I know there were 120 municipalities that are joined in this effort to get an injunction. I think there are going to be plenty more. They have to be in by November 1. The reason we want in is if we stay out and they file for an injunction and the court grants it, but just to the plaintiffs who file for the injunction they could all get the relief and we would be stuck sitting out there. I talked with Dave (Mr. Tarbert) about the cost and it seems pretty reasonable for our size. The law firm that is handling it knows what they are doing as they specialize in this kind of stuff.

Mr. Vincent: The \$6,000 right now is all we expect to pay or just a starting point?

Mr. Hillis: That is what we expect to pay. They have made a schedule based on population of municipality and that is how and we based our population between 25,000 and 50,000 so our cost came in at \$6,000. I know that Cambridge passed an Ordinance. They joined in. South Zanesville is, Crooksville has, New Lex has, Newark has, all of the cities around Columbus have, Cleveland has, Cincinnati is, and I believe Columbus is going to join, but I don't think they have as of this morning.

Mr. Wolfe: This is still just the net profits tax, right, Scott?

Mr. Hillis: Just the net profits.

Mr. Wolfe: So to answer a little bit of your question Dan on whether it benefits people; again, it is just the business return that allocates the individual returns. The problem with that, I attended the hearings months ago at the state level as they were trying to make it mandatory and now it is optional. So in theory, if a business wants to do it they can, but the problem that has come up now with this is that the state with their current system is not providing the cities with enough information to essentially let the city administer their side of the income tax return in terms of knowing what the right amounts are. So, in theory the business only gets one audit, but the problem from the cities stand point is we don't have the ability to determine if that is right or not on our end. So, it is not quite there yet at the state level. They tried to start with mandating it and went to where they made it an option, but they didn't put the tools in yet to let the departments manage the city. They are still ram-rodging it through so to speak. I think that is why this legislation is a force that can essentially try to put an end to it to say the current one isn't going to work for us. Come back to the drawing board, but if you are not willing to do that, we are essentially drawing a line in the sand, saying we can't, this system is unacceptable. I guess the other thing I was going to mention is that one of the cities, I recall one of the larger cities up around the Cleveland areas, actually has three different ways for the cities to file. They can file by paper, online through the Gateway, or they can file through the city on their own. I think they said 95% of the businesses file by paper which tells me they find it is an easier way for them to administer their program. So all of that to try to answer your question, is there some benefit out there? Maybe some small amount for some small percentage of people, but it doesn't offset the negatives to the city in terms of being able to manage the income tax side on our end. So, I think that is why I am on board to go forward with this injunction to try and get them back to the drawing board. It is not working the way it is.

Mr. Vincent: Alright, thank you, Mr. Wolfe. Thank you, Mr. Hillis, we greatly appreciate it.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries. Ordinance is passed.

## **ORDINANCES FOR ACTION**

Ordinance No. 17-99 – Introduced by Council – An Ordinance authorizing the Proper City Official to provide funds to the Zanesville-Muskingum County Port Authority for organizational, promotional, and operational expenses during the year 2018.

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

Mr. Vincent: All in favor of second reading signify by saying aye. All were in favor. None were opposed.

Motion carries.

Ordinance No. 17-101 – Introduced by Council – An Ordinance authorizing the appropriate City Official to waive the ordinary rental fees charged for Secrest Auditorium for the November 3, 2017 program honoring veterans.

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

All in favor of second reading signify by saying aye. All were in favor. None were opposed.

Motion carries.

Ordinance No. 17-102 – Introduced by Council – An Ordinance authorizing advertising for bids and entering into contract for Public Employee Bond Coverage.

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

All in favor of second reading signify by saying aye. All were in favor. None were opposed.

Motion carries.

Ordinance No. 17-104 – Introduced by Council – An Ordinance authorizing the Proper City Official to provide funds to South East Area Transit for the year 2018.

Mrs. Osborn moved for second reading, seconded by Mrs. Gentry.

Mr. Vincent: We do have a special guest here tonight, Director of South East Area Transit (S.E.A.T.). Thank you for coming back, Mr. Stewart, for your annual report to update Council. We greatly appreciate it. We look forward to hearing about the good things going on at S.E.A.T.

Mr. Stewart: I will pass around our annual ridership for 2016 and 2017. You can see we move a lot of people to different places. The wheels on the bus go around; we stay busy. So, we are averaging about 400 people a day. Last year we were at 433 for clients. I don't want to say, we

are at their mercy, but at their will whether or not they ride public transportation. We are out there. We are marketing for them to use our facility. We are making some changes. I have hired in the last four or five weeks about five new staff individuals. We are focusing on customer service. We are taking the client into consideration and helping where we can help. Speaking earlier was Sheriff Lutz. We have had some collaboration that we do with them. We made a bus stop out on east State Route 40 to where individuals going to court out there at Juvenile Court can catch public transportation and get to where they need to go out there. There was some concern on where the bus stop was. It was supposed to be on S.R. 40, but if they (the Sheriff's vehicles) come out of there hot there could be something that could go wrong there. So we moved it to the inside there. They give us a call when individuals are ready to use the bus or need to be picked up at Juvenile Court and we swing out there.

On the City side, we participate with individuals that are on probation. We are providing transportation with the special program at the jail to help them get to their appointments or wherever they need to go. So today I had a phone call from Director McCollister from Jobs and Family Services and we are going to try to work out something for the seasonal employees along with Commissioner Cameron and Julie Metzger for Ohio Means Jobs. So wherever we can help out we are there to help out. Again, we move a lot of people.

Some of the things we are focusing on is we have some new scheduling software that we are in the middle of training and getting uploaded right now. Hopefully, that is going to create some efficiency. Right now the software we have, I call it mud because that is about what it is like. We are looking forward to that. Our new people are getting trained on that as we speak right now. We just finished having cameras installed on our vehicles. Cameras are a very, very, important safety factor. If you have an accident, cameras don't lie. The buses all have panic systems in them so if there is an incident, I never want my drivers to be confrontational with anybody. I never want to put them in a situation. They can hit a panic button and it will mark that live and we are able to look at that and get them the help they needed. It also has audio so it records everything. We are centralizing our dispatching and scheduling so once we get our new software, even though we are in Guernsey County and Muskingum County; we will have a one stop call center. Everybody will be scheduled from Zanesville so Cambridge will be calling here. We will be taking appointments and getting them listed for their rides over in Cambridge for the drivers over there and in Zanesville as well. We are trying to be more efficient.

As we look at O.D.O.T.'s vision and what they want to do; the way O.D.O.T. is moving the 61 transit agencies in the state of Ohio they are looking at regional transit. I know, Mayor, you have heard of regional transit before. With that the City of Zanesville is our number one priority, of course, but we want to be on the forefront. With O.D.O.T. looking at this and looking at regionalization around the state of Ohio we are already in two counties and they look to at us as an example. So we want to put the cart before the horse and be in the forefront when that takes place. With them looking at us saying; hey, S.E.A.T. is the leader here. We are going to make a region out of this; for example, like O.D.O.T. Region No. 5. With our call center already being centralized we are there. So, that is our plan. That is what we are looking at. I hope you hear good things about S.E.A.T. Like I said, we move people. I will be more than happy to entertain any questions.

Mr. Vincent: Thank you, sir. With that you mentioned ridership is down a little bit. Is that any concern of yours or what do you relate it to?

Mr. Stewart: It is just different. Actually our ridership for our numbers compared to last year is down, but from August within two weeks I had a new operations hire. Our ridership increased in the month of September by 65%. It is just some of the different things that you can do and offer. We are shaking some things up. Some of our clients that are used to the way we were doing things; they get a little perturbed sometimes. We are trying to be more efficient and get more people on the bus. What we are looking at is we are looking at providing groups within the county. When we started it last October providing county transportation where we were just within the city limits with our easy ride program within a ¾ mile radius. Now we are going across county lines or over to Columbus if someone needs to go to Columbus if they can afford the fare. I talked to Don McKee from the Veteran's Association last week and he was talking about veterans and needing to get them to the hospital. They don't even have a wheel chair lift vehicle. Again, I only have twelve (12) staff members that are driving. If you take one out of the system that you are providing trips to and it throws a monkey wrench in the whole situation for the day. That is when you get into denials, turn downs, and things like that, but we don't like it. We like to keep our denials down, if we can get them serviced; we like to keep them serviced.

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

Mr. Stewart: I have one more thing. Ms. Gildow, we had another perfect audit. We are out there in the clearing house if you want to inspect our audit you can do that. I think that is three in a row for us. We will try to keep it going. It is tough. They keep changing things so at the federal level it is tough to keep up with them so we try to do our best.

Mr. Bennett: Before Howard steps aside. Why this funding is critical to match the amount of money that the D.O.T. provides through the state D.O.T. I think that is important for Council and the public to understand that ridership; we are required to provide a local match. Ridership does not come close. So if you could just touch upon that, Howard.

Mr. Stewart: Our fares, as far as, revenue is concerned are about \$100,000 a year. Our budget is three million dollars (\$3,000,000). So our operating process is a 50% match. When we buy vehicles or our sold maintenance; the past couple of years they have been 10%, but generally they are at a 20% match. So if we don't have local match we can't draw down the 50% of the money that is overseen through the state through the FTA to provide public transportation to them, the City of Zanesville and in Cambridge where we are at. So it is very, very, critical that we have local match. Thanks for bringing that up Jay.

Governor Kasich has moved non-emergency medical transportation to the office of Medicaid. Because we don't have any dedicated funding source that is how we meet our local match is contracts from Job and Family Services. We have contracts with DD. That going to the department of Medicaid there is no telling what they are going to do as far as funding is concerned. They were going to, at the Department of Medicaid as I was up there in February

and testified it would put seventeen (17) transit agencies basically out of business. That is rural transit systems out of business. Of course, you are probably familiar with the MCO tax that is going on. I mean it is cutting deep holes in some of our larger transits. I mean eighteen million dollars (\$18,000,000) in greater Cleveland. COTA is about eight million (\$8,000,000). So, there are decisions being made that we have no control over and Troy McCollister is a big fan of public transportation. I commend him as a region as it is called the Northeastern Region of Directors for Jobs and Family Services. They are all lobbying to keep it local because of public transportation and what it means and what it could do. If the department of Medicaid gives this to like a Logisticare; of course, there is going to be a large administrative fee taken right off the top and then they will broker it out. In the states they tried this in, it hasn't even worked. So, we are working very hard. I am involved at OPTA. I am the Vice President of Rural and Small Urban Transit Systems at the Ohio Public Transit System Association. I am in Columbus a lot talking to individuals and testifying. We have lobbyist that are hired that are working to let them know the devastation that this is going to have to rural transit. Chuck Geyer, the Administrator at ODOT, is very pro-active and thinks outside the box. He is sitting on a lot of committees that would benefit us. One of the committees that he is sitting on is a policy committee because you have different rules that are followed. As us being funded by FTA we have to do this, this, and this; while Logisticare doesn't have to do that. They can just put anybody out there. It is an uneven playing field. They are sitting on a policy committee and there are different rules for DD, different rules for Area Aging, different rules for non-emergency medical transportation for JFS and different rules for us. They are trying to get that in line where it is on one page and make it fair across the board. Right now, I have said this for public transportation, especially the seventeen (17) this could affect; it is fragile. We hope they get this worked out. This is supposed to be rolled out in 2018; I don't think it is going to happen that quickly. Barbara Sears, the Director of Medicaid, we have had phone calls and we testified in front of her. She is a public transit fan. We have some individuals that are on our side, but Director Moody, who is over Workforce Transformation I believe it is; he is looking where he can possibly save a dollar. So, there are entities out there that are against us and there are entities out there are for us. Right now it is pretty fragile.

Mr. Bennett: Ultimately, having a fixed route system and the availability of on call services to our community. Without those other contracts for local match and Howard has done a great job. We talked about Guernsey County and Muskingum and tried to venture in to do some things in Morgan as a regional model. Those are all designed to try to find contracts that can provide local match that will attract additional money into the system. That is why this subsidy, this provision, keeps it affordable for our citizens. It gets them to where they need to get jobs, shopping, or whatever that need is like doctor appointments if necessary.

Mr. Vincent: Is there anything else? Thank you, Mr. Stewart. We appreciate it. We appreciate you coming. Thank you, Mr. Bennett.

All in favor of second reading signify by saying aye. All were in favor. None were opposed. Mr. Foreman was absent.  
Motion carries.

Ordinance No. 17-106 – Introduced by Council – An Ordinance authorizing the proper City Official to provide amenities for the City Employee’s United Way Fundraiser.

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

Mr. Vincent: Is there any discussion? We are fine time wise on this Mayor Tilton? The Mayor responded yes.

All in favor of second reading signify by saying aye. All were in favor. None were opposed. Mr. Foreman was absent.  
Motion carries.

Ordinance No. 17-107 – Introduced by Council – An Ordinance authorizing the proper City Official to purchase items for employee recognition.

Mr. Wolfe moved for second reading, seconded by Miss Bradshaw.

All in favor of second reading signify by saying aye. All were in favor. None were opposed. Mr. Foreman was absent.  
Motion carries.

Ordinance No. 17-108 – Introduced by Council – An Ordinance amending Ordinance No. 17-22 Jail Software Application.

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

All in favor of second reading signify by saying aye. All were in favor. None were opposed. Mr. Foreman was absent.  
Motion carries.

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

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

Mr. Baker made a motion seeing the deadline for the moratorium we passed almost a year ago expires this Thursday, is that correct? That we need to implement this faster than otherwise non-emergency legislation would allow. I would like to add emergency language. In the title and I think you all have a copy of this, but for the record, An Ordinance to amend Chapter 1129 of the City of Zanesville’s Planning and Zoning Code, “ and adding the words, “And Declaring an Emergency.”

Right underneath the fourth whereas add a new whereas,  
“Whereas, in order to provide adequate coverage and avoid a lapse in time between the moratorium and this ordinance’s effectiveness which is a concern for the safety, health, and welfare of our community this ordinance is necessary to be an emergency; and”

Finally adding a new Section Two for the emergency clause language.

“Section Two: For the reason stated above, 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 being force from and after the earliest period allowed by law.”

Mrs. Osborn seconded the motion to amend said Ordinance.

All in favor of amending said ordinance signify by saying aye. All were in favor. None were opposed. Mr. Foreman was absent.  
Motion carries.

We are now at Ordinance 17-94 as amended.

Mr. Baker moved for passage and it was seconded by Miss Bradshaw.

Roll call vote for passage.

7 Ayes

1 Nays        Mr. Roberts

1 Absent     Mr. Foreman

Motion carries. Ordinance is passed.

## **TRAFFIC ORDERS**

None

## **MISCELLANEOUS AND UNFINISHED BUSINESS**

Mayor Tilton: I have a few announcements for Secret Auditorium.

This Friday, October 27 Bill Engvall will be here for a show at 6:00 p.m. and a 9:00 p.m. show.

Saturday, October the 28<sup>th</sup> will be the Devilettes Holiday Bazaar from 9:00 a.m. until 3:00 p.m.

Sunday the Zanesville Concert Association will have their first concert of the season which will be the Dublin Silver Band at 3:00 p.m.

On Friday, November 3<sup>rd</sup> will be the Veteran’s program at 10:00 a.m. at the Auditorium.

Finally on Saturday, November 11 there will be a Small Town American Tour concert. This is a contemporary Christian concert consisting of six (6) national touring acts. The event is at 7:00 p.m. and is free to the public.

That is all.

## **PRIVATE PETITIONS AND COMMUNICATIONS**

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

Ms. Nora Daniel, 7835 Coopermill Road, Zanesville, Ohio speaking on renaming the alley (currently Cypress Alley) between 6th & 7th from Shinnick Street to Canal (or South) to Emory Lane.

Ms. Daniel was not present to speak.

Mr. Eric Jones, 221 Luck Avenue, Zanesville, Ohio speaking on continuing my comments concerning Mr. Tarbert.

Mr. Jones: Hello everybody. Real quick I started out with speaking on the local newspaper article Monday, 10-16-17. City Council is working to clarify allowable speech at meetings by Shelly Schultz, reporter speaking with Mr. Tarbert and getting some comments. One thing that they were talking about the misinformation and what was presented. There was a number, but I am just going for two.

The first one is I did not personally attack any Councilmember. I have publicly attacked you, but that is using my first amendment right to petition my government for redress of grievances. That is the first thing.

The second thing was unprotected speech. Actually there is no unprotected speech during Council meetings. There is some protection provided. It goes up when it comes to the private petition. The private petition is protected by the first amendment itself. Double rights, folks. If you don't know that we are in serious trouble.

Now, the last meeting I was speaking on what happened with Mr. Tarbert and Mr. Rogers. I got through part of it. I am going to start with a few lines here. One is this is a court of public opinion not a court of law. I am allowed to speculate and I am allowed to use hypotheticals. There really is not very much, if you want to you can think of it as a big circle with a smaller circle inside of it. The small circle is what I am not allowed to say. You might want to look at that. The second forum is truly is an absolute defense against liable or slander. Even if I have hostile intent, even if I don't like the guy I can use it because I don't like the guy. It is still a defense if I am telling the truth or am using the truth. The third part of that is ignorance of the law is not a defense. If you don't know that won't save you. So first, Mr. Vincent (reference is to Mr. Tarbert), was inside a threat to Mr. Rogers. Now, I understand he is allowed to comment, but he wasn't allowed to stand up and make a motion towards Mr. Rogers. Now, that is my interpretation. Is somebody else wants to say he was going to the restroom I would say if he has Tourette's Syndrome and every time he gets ready to go to the restroom he says, don't

talk about my wife. Then I would let him off the hook. I don't think he has that. The second part of it happened outside in the what-cha-ma-call-it, outside. Again he got to Mr. Roberts (referring to Mr. Rogers) and this is where we are talking about intimidation, assault, and terrorizing someone. If it hadn't been for the Mayor,

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

Mr. Jones: Thank you very much.

Mr. Vincent: With that that is all we have tonight so I will entertain a motion to adjourn.

Mrs. Osborn moved to adjourn. Mr. Roberts seconded.

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

Mr. Vincent: We stand adjourned. Thank you everyone and I hope you have a good night.

The meeting adjourned about 7:45 p.m.