

ZANESVILLE CITY COUNCIL MEETING – MONDAY, NOVEMBER 13, 2017

The Zanesville City Council met in regular session at 7:00 p.m. on Monday, November 13, 2017 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

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

Cub Scout Troop 164 led the Pledge of Allegiance to the Flag.

Mr. Vincent: Thank you gentlemen. We have Cub Scout Troop 164 based out of Bishop Fenwick and they are lead by Michelle Wright. I know they spent some time with the Mayor and had a tour of City Hall. If you would like to stick around afterward we would love to answer any questions about the meeting and hopefully I will be explaining some things as we go along that will help it make a little more sense to you. There should be an agenda if you would like to follow along.

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

Mr. Foreman and Mrs. Gentry were absent.

Mrs. Osborn moved to excuse Mr. Foreman. Mr. Roberts seconded the motion. A voice vote was held with all present in favor. None were opposed.  
Motion carries. Mr. Foreman stands excused.

Mrs. Osborn moved to excuse Mrs. Gentry. Mr. Baker seconded the motion. A voice vote was held with all present in favor. None were opposed.  
Motion carries. Mrs. Gentry stands excused.

### **APPROVAL OF MINUTES**

Mr. Roberts moved to accept the minutes as written, seconded by Ms. Gildow.  
Motion carries. Mrs. Gentry and Mr. Foreman were absent.

Mr. Wolfe: I would just like to make a clarifying statement on the minutes. They are printed as I said it, but I said something that in effect that business returns that allocates not the individual returns and this is referring to the City was trying to, we are suing the state for an injunction on the City Income Tax Ordinance. On page 6 of 14 I said, "It is just business returns and allocate the individual returns" and I thought that comment didn't make sense. What I was trying to say was it impacts business returns that allocates their income to the various cities and it is not affected individuals unless they have a business. I just wanted to clarify that statement that I made in the minutes.

Mr. Vincent: Thank you, Mr. Wolfe. It will be so noted in the minutes. We appreciate that.

## COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Mr. Roberts: I would like to add in Ordinance 17-119 as Item 6a under proposed ordinances.

Mr. Vincent: We have a motion from Mr. Roberts to add in an Ordinance that I believe Council should have in front of them. This was just in committee and we will get more information on that, but add 17-119 as Item 6a.

Mrs. Osborn seconded the motion.

A voice vote was taken with all present in favor. None were opposed.  
Motion carries. We will add that in.

Communication from Mayor Jeff Tilton-The Mayor is hereby recommending the appointment of Mr. Scott Peterson to the Zanesville Shade Tree Commission. Mr. Peterson will replace Mr. Ryan Schmidt completing the unexpired term ending on April 30, 2019.

Mr. Wolfe moved to receive and concur, seconded by Mr. Baker.

All present were in favor. None were opposed. Mrs. Gentry and Mr. Foreman were absent.  
Motion carries.

Communication from Mayor Jeff Tilton - The Mayor is hereby recommending the reappointment of Dr. Paul Brown to the Zanesville-Muskingum County Port Authority Board. Paul's term will continue through October 21, 2021.

Mrs. Osborn moved to receive and concur, seconded by Mr. Wolfe.

All present were in favor. None were opposed. Mrs. Gentry and Mr. Foreman were absent.  
Motion carries.

Communication from Jay Bennett, Public Service Director - City Cemeteries' Bylaws, Rules & Regulations/Rate Revisions to revise section to read, "US Flags may be placed on Veteran's graves in an approved holder, in an appropriate location, for a period of two consecutive weeks."

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

Mr. Bennett: On this specific issue we were working with Muskingum County Veteran's Association for the purchase of flags and approved holders that only they as the Veteran's Association can purchase. We had discussed some clarity within our rules as to where those could be placed and they are very distinct guidelines as to Veteran's

flags and Veteran's holders. They have an emblem on them that recognized that they are Veterans. So this was just the fact that working with them and they had asked that we go ahead and codify that. This does it.

Mr. Vincent: It is one way to honor our Veterans and something they are providing at no cost. They put them up and I noticed discussion as far as in the committee meeting if there are other people wanting to put up flags and some of the options there are to put them in the planters they already have. This is all important to be able to maintain and keep the cemeteries beautiful without having stuff everywhere and creating a huge job as far as trying to keep things mowed and in beautiful shape.

Mr. Bennett: During the Public Service Committee meeting we discussed as far as placing them in existing facility they may have such as a planter. It is about recognizing Veterans and we want to make sure that they are distinguished as separate from somebody who places it in another instrument. I think this captures that. We pledge as well if somebody does place a marker, a flag, that is not Veteran related we will work with them to pull it up, mark it, and try to contact the owners and say how that can be arranged in the future.

Mr. Vincent: I appreciate you working with that and I am sure that can be delicate. A lot of emotions are still involved even after going through all this time. Thank you for that. I think it is a great way to honor our veterans.

All present were in favor of receiving. None were opposed. Mrs. Gentry and Mr. Foreman were absent.  
Motion carries.

## **PROPOSED ORDINANCES**

Ordinance No. 17-116 - Introduced by Council – An Ordinance authorizing the proper City Official to execute a Change Order to Kendrick for the Maysville Avenue Storm Sewer Project, and declaring an emergency.

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

Mr. Roberts: The Public Service Committee recommended that this legislation be waived through and passed. The reason is to get Kendrick paid on time for this change order for services already rendered.

Mr. Vincent: Thank you. With that we will have roll call vote for waiving of the readings.

Roll call vote on waiving of the readings.

7 Ayes

0 Nays

2 Absent      Mrs. Gentry and Mr. Foreman

Mrs. Norman moved for passage, seconded by Miss Bradshaw.

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Foreman

Motion carries. Ordinance is passed.

Ordinance No. 17-117 - Introduced by Council – An Ordinance establishing the real property located at 11 North 4th Street, Zanesville as a locally designated historic property in accordance with the City's authority as a Certified Local Government.

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

Mrs. Osborn: Will this go to committee before we vote at third reading?

Mr. Bennett: Yes. It is on the Community Development Committee meeting next week on Monday.

Mrs. Osborn: Okay, thank you.

Mr. Vincent: We are at first reading so all in favor of first reading signify by saying aye. All present were in favor. None were opposed. Mrs. Gentry and Mr. Foreman were absent. Motion carries.

This passed first reading. We do this as more of a formality as far as first and second readings. We go ahead and have Council vote on it. It has been a tradition here before my time even. It is not necessary to vote and voting yes or no does not really make any difference on the first and second reading. We still do that and I think it probably conceded in giving a feeling where Council is standing on issues; which is kind of a nice gauge. The third reading is when the vote matters, as far as, voting yes or no whether something is passed or defeated. It will come back for two more readings unless the readings are waived like we did on the previous item when we waived all three of those readings to move things along to meet a timeline.

Ordinance No. 17-118 - Introduced by Council – An Ordinance removing the position of GIS Specialist from Classified Service and assigning the position to Unclassified Service within the Civil Service Classification Plan.

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

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. Gentry and Mr. Foreman were absent.

Motion carries.

We are at Item 6a which was newly added tonight.

Ordinance No. 17-119 - Introduced by Council – An Ordinance authorizing the proper City Official to advertise for bids for the construction of the Putnam Hill Water Tank and improvements to the Heritage Water Tank and declaring an emergency.

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

Mr. Roberts: This was discussed in the Public Service meeting earlier to get the gears moving on the Putnam Hill and Heritage water tanks. We need to get this in place so we can get all of our funding lined up for this to take place next year.

Mr. Bennett: It has been a long process, when you think about designing a tank and getting your permits through the Ohio EPA, acquiring property necessary. We have gotten that accomplished. Securing \$700,000 in grant money and securing the loan. Council each step of the way gave us authorization to precede. The last hurdle we had to get through was the environmental reviews associated with the federal block grant money and the EPA loan money. That has now been accomplished. All contracts are back and have been signed. The environmental we have notice to proceed. We had hoped to advertise for bids earlier in the fall, but we could not do that until we had notice to proceed from our environmental review. We have secured it so we are a little bit behind on that with a new quote/unquote Council coming on in January. Certainly all the authorization for expenditure will have to be approved by them as it will be constructed next year. So this moving along kind of gets us kind of back on schedule to get those bids out, get them back, and get back to Council in January with an award and an authorization to start building.

Mr. Vincent: Yes, it is a lengthy process. We have been talking about this for a long time and I know much work has gone into this. It is nice to get the environmentals back, take this to the next step, and we need to move along quickly. That is understandable. Then the new Council can vote on the final Ordinance as far as paying for it. It will come back after the first of the year.

Roll call vote on waiving of the readings.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Foreman

Motion carries.

Mrs. Norman moved for passage, seconded by Miss Bradshaw.

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Foreman

Motion carries. Ordinance is passed.

## **ORDINANCES FOR ACTION**

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. 17-15-04-31-000 and Muskingum County Parcel No. 17-15-04-32-000.

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

Mr. Vincent: Is there any discussion? For the gentlemen here this evening, it is Robin Court Apartments, is the proper name for it to give you the area. We are looking to bring that into the City, by their request. They want services the City provides - police, water, sewage, fire protection, and better rates on water and sewage for being in the City is the motivator behind this. Does that summarize it well, Mr. Bennett.

Mr. Bennett: Excellent.

Mr. Vincent: Okay. We are at second reading so all in favor of second reading signify by saying aye. All were in favor. None were opposed. Mrs. Gentry and Mr. Foreman were absent.

Motion carries.

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

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

Mr. Roberts: This claim was discussed in Public Service and it was recommended to Council to defeat it.

Mr. Vincent: Thank you. We are at second reading so all in favor of second reading signify by saying aye. All were in favor. None were opposed. Mrs. Gentry and Mr. Foreman were absent.

Motion carries.

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

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

Mr. Roberts: This was also discussed and it was also determined that it should be defeated.

Mr. Vincent: Thank you, Mr. Roberts. I think some of the discussion of that was it was a construction area with great signage, lots of signage to slow down and I am trying to think of what else went on there, but forcing people to slow down by narrowing lanes

and things like that. We are at second reading so all in favor of second reading signify by saying aye. All were in favor. None were opposed. Mrs. Gentry and Mr. Foreman were absent.

Motion carries.

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. Wolfe moved for second reading, seconded by Ms. Gildow.

Mr. Vincent: Is there any discussion? We do have the Auditor here tonight as a special guest. We requested her at the last meeting to come to answer questions. She did present information at our Public Service meeting. If you would like to come over and just give a little explanation, as far as, these formulas and what they are used for and how it is utilized from funds from the enterprise funds back to the general fund.

Margo Moyer, City Auditor: This is the overhead that is for indirect costs. One thing that was different is Sanitation is an enterprise fund so it is included. It has never been included before. All three funds are usually about one-half a million dollars that goes to the general fund. It is legal fees, and everything that the City incurs.

Mr. Vincent: The formula helps figure out how to move the funds or what amount the funds use. It is a formula and percentages.

Ms. Moyer: The formula, it's updated every five years. The auditors looked at it and audit it every year. It is based on the federal code and the State Auditor's office. I check with them to see if there are any updates. They use it for grants on their indirect costs. A lot of Community Development's do it.

Mr. Vincent: So there were very minor changes this time.

Ms. Moyer: Yes. There was some positions removed and some added. We added about three new positions.

Mr. Wolfe: I think you had addressed and I think you said fairly consistent processes we have had and no major changes to the process or the amounts.

Ms. Moyer: No. I don't see any changes like in the dollar amount. It is always about the same.

Mr. Vincent: Is there anything else from Council? Thank you, Margo Moyer, our Auditor. We appreciate your help. We are at second reading so all in favor of second reading signify by saying aye. All were in favor. None were opposed. Mrs. Gentry and Mr. Foreman were 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 second reading, seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion? Hearing none, all in favor of second reading signify by saying aye. All were in favor. None were opposed. Mrs. Gentry and Mr. Foreman were absent.  
Motion carries.

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.

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

Mr. Vincent: Is there any discussion? We do have Mr. Abbott here if there are any questions. He is from the Port Authority and he did a very nice presentation a couple of weeks back. Is there anything from Council?

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Foreman

Motion carries. Ordinance is passed.

Mr. Vincent: Thank you, Mr. Matt Abbott for coming here again tonight for questions.

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

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Foreman

Motion carries. Ordinance is passed.

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

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

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Foreman

Motion carries. Ordinance is passed.

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.

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

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Foreman

Motion carries. Ordinance is passed.

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 third reading and passage, seconded by Miss Bradshaw.

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Foreman

Motion carries. Ordinance is passed.

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

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

Mr. Vincent: It is nice to recognize the employees. We have a lot of good employees.

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Foreman

Motion carries. Ordinance is passed.

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

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

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mrs. Gentry and Mr. Foreman

Motion carries. Ordinance is passed.

## **TRAFFIC ORDERS**

None

## **MISCELLANEOUS AND UNFINISHED BUSINESS**

None

## **PRIVATE PETITIONS AND COMMUNICATIONS**

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

Mr. Vincent: Mr. Eric Jones, 221 Luck Avenue, Zanesville, Ohio speaking on “If it hadn’t been for the Mayor...or what happened outside in the alley with Mr. Tarbert (with others) and Mr. Rogers. I hope this is something that you feel Council can do something about.

Mr. Jones: I am sure Council will be able to do something about this. Good evening everybody. The last meeting I had gotten to the part where I said that if it hadn’t been for the Mayor, I was talking about what happened here and I was going to talk about what happened outside. What happened outside after the meeting, I think this was on 10-09 the first Monday of October. After Mr. Tarbert, in my opinion, got up and threatened Mr. Rogers. Now outside when I came out there, I got to the corner of Fourth and Market, I seen the police officer’s cruiser and I looked further down and I seen Mr. Rogers and he was being confronted by Mr. Tarbert, Mr. Roberts, and Mr. Foreman. Now, I didn’t hear what they were saying, as Mr. Vincent pointed out, but I surmised. If you are looking at people you can either see the bubbles over their head and you sort of put the bubble up and you put the comments in bubble board and you can see it as closed caption and you are thinking what they are actually doing. You can match up to what you are seeing. What I was seeing was Mr. Tarbert and he stepped into Mr. Rogers. I didn’t know what they were saying, but it wasn’t a friendly gesture. It was him (Mr. Tarbert) getting so close he had poke his head backwards because Mr. Rogers is a little bit taller than he is. He got into his personal space. I was getting ready to make a turn down to put my two cents in. I wasn’t real happy about that, with the police cruiser there. I am thinking, “well, we both are probably going to go to jail because we are thinking it is a set up. That they were waiting for Mr. Rogers to either push him back which would have been assault and battery or Mr. whatever (I assume Mr. Rogers) was going to try to back off into the street; which he did. That is when the Mayor came out. He walked across the street. He didn’t run; our running days are over. He walked quickly. When he got there it was like the sea parted. Alright. Because within five seconds after the Mayor got there, again, I don’t know what the Mayor said, I didn’t see

it. I didn't hear it. Alright, but he said something. So, the sea parted and Mr. Rogers went on down the alley. Alright. Now, what I am saying here that you are possibly able to do, alright, is to reprimand Mr. Tarbert. You don't want a Law Director confronting private petitioners after they get done speaking here. It is okay to speak here and speak out. It's fine. That is what the first amendment is for. That is why we have it. So if you have somebody that knows better, and they are what I am talking about: Mr. Roberts, Mr. Tarbert, and Mr. Foreman and all you have to say is don't do it again. Something simple. If you don't, you are in effect saying it is okay for them. Alright, folks. Thank you very much.

Mr. Vincent: Thank you, Mr. Jones.

Mr. Roberts: I won't direct my comments at anyone, but I was present at that wonderful little juncture and I can honestly say that the thought bubble, I can see where he would see that, but that is not how it went down.

Mr. Vincent: Mr. Roberts you need to talk to all of Council please. Just in general. We are not debating.

Mr. Roberts: The event that Mr. Jones was talking about I will say that kind gestures get kind gestures and that I believe Mr. Tarbert was well within his rights to ask questions as he was.

Mr. Vincent: Thank you Mr. Roberts. Is there anything else from Council? I will entertain a motion to adjourn.

Mrs. Osborn moved to adjourn and it was seconded by Mr. Wolfe. 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 7:34 p.m.