

ZANESVILLE CITY COUNCIL MEETING – MONDAY, DECEMBER 11, 2017

The Zanesville City Council met in regular session at 7:00 p.m. on Monday, December 11, 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: Ms. Gildow, Mrs. Osborn, Mr. Wolfe, Mr. Foreman, Mr. Roberts, Mr. Baker, Mrs. Gentry, Mrs. Norman, Miss Bradshaw, and Mr. Vincent.

APPROVAL OF MINUTES

Mr. Roberts moved to accept the minutes as written, seconded by Mr. Wolfe.
Motion carries.

Mr. Roberts: Council should have a replacement for 17-131 in front of them. I make a motion to replace Ordinance 17-131 that was in our packet with the one presented here tonight. Mr. Baker seconded the motion.

Mr. Buck: We had talked about it, Rhonda Heskett, and I and this was too specific as to who and what we were going to purchase with these funds. It is for technology. It could be a printer, it could be a computer, but it definitely said specifically who all was getting replacements and its departmental wide. We wanted to be more able to replace what we needed to replace instead of being too specific with what the Ordinance says.

Mr. Vincent: To replace what you need and more than just what is listed.

Mr. Buck: Yes.

Mr. Vincent: A voice vote was taken with all in favor of the replacement or substitution. The motion carries.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Communication from Mayor Jeff Tilton-Board Appointment to Muskingum County Convention Facilities Authority-Mayor Tilton is hereby recommending the reappointment of Michael Bennett to the Muskingum County Convention Facilities Authority effective December 15, 2017 for a four year term.

Ms. Gildow moved to receive and concur with Mayor Tilton, seconded by Miss Bradshaw.

All present were in favor. None were opposed. Motion carries.

Communication from Mayor Jeff Tilton-Board Appointments to South East Area Transit Board-Mayor Tilton is hereby recommending the reappointment of Mr. Jay Bennett, Mr. Tom Peters, Mr. Kurt Ufholtz, Ms. Connie Norman, and Mr. James Spraggins to the South East Area Transit Board. All members' terms will expire December 31, 2020.

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

All present were in favor. None were opposed.
Motion carries.

Mr. Vincent: We would like to thank all of these individuals for their service to our community. We appreciate it.

PROPOSED ORDINANCES

Ordinance No. 17-130 – Introduced by Council – An Ordinance authorizing the Proper City Official to enter into a Federal Local LET Project Agreement with ODOT for the resurfacing and related work on Brighton Boulevard from State Street to Pershing Road.

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

Mr. Vincent: Is there any discussion?

Mr. Bennett: This will be on the committee in January.

Mr. Vincent: The City's share of this is 20%, my understanding is about \$52,000.

Mr. Bennett: That is correct and that is from Pershing all the way down to State Street. In our awarded Local Issue 1 we have Ridge, Brighton from Ridge to Dryden within that project. We will be doing that with bids coming up to bid on that piece of it next year. This project will sell and ODOT will do it in 2019-2020 timeframe. We are going to do the worst part of Brighton through Issue 1 next year. Then they will come a couple of years later to get the rest of it.

Mr. Vincent: With that, some of the City cost, is it actually like the inspection part? Is that our engineer that will be doing that work for in-kind credit?

Mr. Bennett: Correct. We get credit for some of that, but it is also some cash. We will make sure we have that tucked away at that appropriate budget. It is a few years out.

Mr. Vincent: We are at first reading. Is there any other discussion? Hearing none, all in favor of first reading signify by saying aye. All were in favor. None were opposed.
Motion carries.

Ordinance No. 17-131 - Introduced by Council – An Ordinance authorizing the proper City Official to apply and accept the Edward Bryne Memorial Justice Assistance Grant.

Mr. Vincent: This is the replacement version.

Mr. Roberts 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 were in favor. None were opposed.

Motion carries.

Ordinance No. 17-132 - Introduced by Council – An Ordinance amending Section 351.99 of the Codified Ordinances relating to fines for parking violations.

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

Mr. Roberts: The Chief can speak to it if he needs to, but I don't know if an emergency necessarily exists with this, but in getting the new tickets printed to reflect the changes that are being made to this; we need to get it moving along so we can get those new tickets so the police officers can have them.

Mr. Vincent: So there is urgency; not an emergency, but urgency. Is there any further discussion? Chief Coury is here if there are any questions? Chief, did you want to speak or are we good?

Chief Coury: We are good.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 17-133 - Introduced by Council – An Ordinance authorizing the Mayor to enter into an agreement with the Muskingum County Commissioners, for the reimbursement of fees paid to attorneys who represent indigent defendants in Municipal Court and declaring this Ordinance to be an emergency due to the agreement timeline.

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

Mr. Vincent: The deadline is the 31st of December that the current agreement expires.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

ORDINANCES FOR ACTION

Ordinance No. 17-120 – Introduced by Council – An Ordinance to amend and revise the Zoning Map and make permanent zoning in the City of Zanesville, Ohio as herein provided.

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

Mr. Vincent: Is there any discussion?

Mr. Baker: I was reading in the minutes and the rest of the committee had gone and canvassed some of the local residents to see if they have a problem with this re-zoning. What was the feed-back because I couldn't really tell that well from the minutes?

He addressed this to Miss Bradshaw and Mrs. Norman.

Miss Bradshaw: There weren't a lot of people home, but about four of the people that we spoke to one of them said he didn't care. He actually rents from his sister. She lives on Winding Way. The others were not real enthused about it because they said the traffic was already bad on Brookover and they said they were afraid of the noise problem. So that is what we found out.

Mr. Baker: Were they pretty adamant about that or they were just expressing an opinion.

Miss Bradshaw: They seemed surprised.

Mr. Baker: Surprised it was even an issue?

Miss Bradshaw: Yes.

Ms. Gildow: Just in fairness to Mr. Baker the Goodwill Administration also canvassed the neighborhood and got essentially positive feedback about the changes based on the timing the trucks would be going out. They thought it might alleviate some problems and

also Adrian Adornetto was here indicating his support of the initiative and it seems as if there is evidence they have planned it well, so there would be the least amount of disturbance.

Mr. Baker: Very good. Mr. Bennett don't letters go out for what distance surrounding a zoning change?

Mr. Bennett: 200 feet.

Mr. Baker: Right. So have any of those folks gotten letters since the last couple of weeks so they could voice concerns?

Mr. Bennett: Through the Planning Commission process and the public hearings that is when we send out notice of the Public Hearing. No one came.

Mr. Baker: As I recall you didn't get any response back.

Mr. Bennett: We didn't get any.

Mr. Baker: Okay, that is all I have.

Mr. Wolfe: I think you talked about there being some sort of a buffer. Would that be an appropriate place to talk about what that might be, like trees or whatever? That might alleviate some of those issues as well.

Mr. Bennett: Yes, if the matter goes through and becomes adopted where the property is re-zoned to C-4 and then the party, Goodwill, would need to come through and get zoning compliance which then they have to go ahead and create buffers between the residential property and them. They would do that after the fact.

Mr. Vincent: Thank you, Mr. Bennett. Is there anything else, Mr. Wolfe? Is there anything else, anyone? We are at second reading so all in favor of second reading signify by saying aye. All were in favor. None were opposed.
Motion carries.

Ordinance No. 17-121 – Introduced by Council – An Ordinance to vacate a portion of a 10' wide unimproved alley to the rear of 570 Brookover Avenue in the City of Zanesville, Ohio as herein provided.

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

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.
Motion carries.

Ordinance No. 17-122 – Introduced by Council – An Ordinance to dedicate an extension of Bethesda Drive between Maple Avenue and Bell Street.

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

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.
Motion carries.

Ordinance No. 17-123 – Introduced by Council – An Ordinance amending Ordinance No. 17-75, which authorized the proper City Official to submit an application to the Ohio Development Services Agency for an award of Community Development Allocation Program Funds.

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.
Motion carries.

Ordinance No. 17-124 - Introduced by Council – An Ordinance providing temporary appropriations for use during the period January 1, 2018 through March 31, 2018 and declaring an emergency.

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

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 17-128 – Introduced by Council – An Ordinance authorizing the proper City Official to pay prior authorized payments using the City's New Account Structure.

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

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

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 third reading and passage, seconded by Mr. Roberts.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

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 third reading and passage, seconded by Mr. Wolfe.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

TRAFFIC ORDERS

None

MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Tilton: If you haven’t seen the news this evening, sometime this afternoon we opened up one lane of Dug Road, or Muskingum Avenue, whichever. It is being controlled by traffic signals. I watched it for about one hour this afternoon and it seemed to be working well. I hope it continues to do so.

I would like to announce that last week we had a couple from out of town donate \$10,000 to the Secrest Auditorium for whatever we feel is necessary to improve the auditorium. We are talking about maybe a marquee or something to that effect so we can do better advertising at the Auditorium.

Also, last weekend on Saturday myself, people from the Fire Department, and Police Department, along with Dutro’s and WYBZ had a toy and food drive at Dutro’s Service Center. I am happy to announce that we got about ten boxes of food and ten boxes of toys. It is also going to happen again this weekend from 10:00 a.m. until 2:00 p.m. at the Service Center so for those people who would like to drop off toys, food, or donations we would be happy to accept them. I want to thank the people for coming out. It was amazing.

Mr. Vincent: It sounds like fun. So, it will be this Saturday. The hours are 10:00 a.m. until 2:00 p.m. You can pull into the service bays with the high speed doors.

Mayor Tilton: Also, if they are real nice to us we give them a Pepsi, a hot dog and chips. The community is really phenomenal.

Mr. Vincent: It would be neat just to see the high speed doors.

Mayor Tilton: Oh, yeah. It is amazing.

PRIVATE PETITIONS AND COMMUNICATIONS

Non-agenda item petitions filed

Mr. Eric Jones, 221 Luck Avenue, Zanesville, Ohio 43701 speaking on If there's a credible allegation/s about our Law Director's action, then where is the investigation and ruling by our President of Council?

Mr. Eric Jones: Hello everybody. I am going to start with the why on this, alright. Everybody remembers the previous Law Director made a mistake. It was a personal mistake, alright? It rates maybe a two, maybe a three. Mr. Tarbert did, help me out here, alright. If what I saw is correct. Just smile, I don't have a problem with that. When I made the allegation, alright; and Mr. Vincent is supposed to investigate it, because that is an eight or a ten. As I said the previous Law Director was personal and this is public. This affects the city of Zanesville. This affects what happens in this chamber as far as the private petitioners are concerned. This is constitutional, if what I am saying is correct. All I am saying is Mr. Vincent; and Mr. Vincent I think if he knows it would be the Ohio Revised Code. If he knows the American Bar Association Code of Ethics and that kind stuff, he is supposed to be checking. If you are asking him, (Mr. Jones looked toward Mr. Tarbert) if you are asking him what the rules are, his testimony would be tainted, Mr. Vincent. You need to ask someone other than him, other than the Law Director. You are looking at me with that look. I get it. This applied not only to you, Mr. Vincent, but it applies to the Council. It applies to everybody in this room if what I am saying is true. You need to check whether or not what I am saying is true or not. This shouldn't be rocket science. I asked you to read the Federalist Papers and the Anti-Federalist Papers and that kind of stuff so you would understand the importance of this. You don't want me to do what he did. I guarantee you don't want that, but if that is what you are going to advocate. If you are going to advocate for him to be able to do something like that then you want me to be able to do something like that. I know Mr. Buck didn't want me to do that, the Mayor doesn't, no one wants me to do that, but on the other hand, I don't want that to happen to me. I don't want the elected officials jumping me after I get done speaking here. As I say, this is supposed to be protected speech even though you guys think it is unprotected speech. I keep trying to get you to do the reading so you at least understand what is going on. This is going to get kind of strange. I think I am running out of time by the way you are looking at me. Thank you very much.

Mr. Vincent: Thank you, Mr. Jones. With that, to advise Council to let you know I am not debating here with anyone, I am just sharing with Council. One is that my smile is about the fact someone wants me to check on the Ohio Revised Code and in previous meetings, as you remember, I cannot look at that (Ohio Revised Code) and determine that because I am not an attorney. So that is what my smile was about, I just found a little humor in that, I am not being derogatory to anyone or anything like that, I just found a little humor. Secondly, I did talk with Mr. Rogers and I feel quite confident and satisfied that where we are, everything is fine. Thirdly, I had a third comment, but it has left me so, maybe the next time. Is there anything from Council?

Mrs. Osborn moved to adjourn. It was seconded by Mr. Roberts. A voice vote was held with all in favor. None were opposed. The motion carries.

Mr. Vincent: Thank you everyone, we stand adjourned. Have a good evening.

The meeting adjourned about 7:25 p.m.