

ZANESVILLE CITY COUNCIL MEETING – TUESDAY, DECEMBER 26, 2017

The Zanesville City Council met in regular session at 7:00 p.m. on Tuesday, December 26, 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: Mrs. Osborn, Mr. Wolfe, Mr. Foreman, Mr. Roberts, Mr. Baker, Mrs. Gentry, Mrs. Norman, Miss Bradshaw, Ms. Gildow, and Mr. Vincent.

APPROVAL OF MINUTES

Mrs. Osborn moved to approve the minutes of December 11, 2017, seconded by Mr. Wolfe.

Motion carried.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Communication from Jay Bennett, Director of Community Development - 2017 Comprehensive Plan Progress Update.

Mr. Wolfe moved to receive the communication from Mr. Jay Bennett, Director of Community Development, seconded by Miss Bradshaw.

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

PROPOSED ORDINANCES

Ordinance No. 17-134 - 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. Wolfe.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

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

Ms. Gildow: The Ways & Means Committee reviewed this Ordinance and the recommendation is that Council approves it as an emergency.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 17-135 - Introduced by Council – An Ordinance authorizing the proper City Official to apply for grant funding from the Ohio Environmental Protection Agency for a 2018 Community Development Recycling Grant and declaring an emergency.

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

Mr. Roberts: This will be discussed at the January 8th Public Service Committee meeting which there should be a recommendation coming out of that committee.

Mr. Vincent: Thank you, sir. The due date is February 2nd. We are at first reading. Is there any further discussion? Hearing none, all in favor of first reading signify by saying aye. All were in favor. None were opposed.

Motion carries.

Ordinance No. 17-136 - Introduced by Council – An Ordinance authorizing the proper City Official to execute a Change Order to G.B. Hastie Fence Company for the Airport Security Fence Installation Project and declaring an emergency.

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

Mr. Wolfe: I was at the airport recently and I could see that the project looks to be moving along and the fencing is progressing well.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

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

Mr. Roberts: I did have a chance to have a discussion with Mr. Bennett regarding this Ordinance. If you remember this project was being paid for by the FAA. He said I believe all of this additional funding will also be paid for by the FAA, so we won't have to pay for this.

Mr. Vincent: I am not sure about anyone else, but I am pleased that they are going higher to prevent deer from running across the runways. It is like if a car hits a deer; a plane or a jet landing and hitting a deer, not good at all. Hopefully that makes it safer to use our runway.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 17-137 - Introduced by Council – An Ordinance authorizing the City Auditor to pay an invoice of the Zanesville Police Department using 2017 money to pay a prior year invoice and declaring an emergency.

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

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

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

Mr. Vincent: Mr. Buck, I think this is probably just an oversight?

Mr. Buck: Yes, it was.

Mr. Vincent: The courts had it held there for a period of time.

Mr. Buck: Yes, the court had it held for a period of time and then when it was released I think 9-27, the police department was contacted in 2017. It had sat there from when the Judge actually released it to be turned lose. I don't know whose fault it was, but the owner of the lot did keep it stored inside. It is a 2008 Cadillac Escalade. So with the cost of the vehicle and the price of what it is worth we decided to keep it. We negotiated down the cost of what they wanted for storage. The O.R.C. (Ohio Revised Code) allows for \$12 per day. We negotiated it down to half. So that was about the best we could do. The problem of it was the vehicle had carried over from 2016 into 2017.

Mr. Vincent: With that, I don't know where the mistake or how something got missed, but since we are a customer of this company, could they maybe give us a monthly bill or some sort of prompting, I guess, to help both sides?

Mr. Buck: Well, no, I think since this happened; I think we have a new way of tracking these vehicles. We had one of our Lieutenants retired which took care of these vehicles for years and nobody really stepped into the position. It was kind of an oversight.

Mr. Vincent: I just thought maybe the company could help since they are obviously holding it.

Mr. Buck: We have it now. It has been delivered to the City now. It was delivered October 1, but we have been from then to now to decide how we could pay it and what we were going to do.

Mr. Vincent: I guess I was just thinking in the future if this should happen again maybe they could bill us quarterly or something.

Mr. Buck: Yes, I think that is a great idea.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 17-138 - Introduced by Council – An Ordinance increasing the salaries of Zanesville City Council and President of Council Officials 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.

9 Ayes

0 Nays

Motion carries.

Mrs. Gentry moved for passage, seconded by Mr. Wolfe.

Ms. Gildow: The Ways & Means committee did discuss this at some length. This is all a timing issue because of the three year term where elected officials are eligible to have pay increases approved. This isn't for 2017 or 2018, but in order for Zanesville City Council to be eligible for pay increases for 2019 this has to be decided by this Council rather than next year's Council. It is confusing and seems convoluted, but that is the way it is and obviously this 1.5% is half of what is considered a 3% cost of living raise. So it is not anything that is going to affect our lives soon, but it is something to take care of things that have to be done.

Mr. Vincent: The figures are increases from \$139 to \$156 (per person) for the year is what this comes to; and it doesn't even keep up with the cost of living, is some of the other discussion that was held at the meeting. We will need to look at other elected officials then, by the next Council. Back to what you are saying is Council cannot vote themselves a raise while in their term so that is why it has to happen at this time; and likewise, we will have to look at all of the other elected officials before the next election in 2019. This came from an independent committee, that in the past looked at this, and gave the recommendation as far as raises. They were community citizens and it only spanned for three years and didn't pick up the fourth year. By not doing so, it would lead

to falling behind, as we have done in the past. Then when there are big catchups and that is a challenge.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

ORDINANCES FOR ACTION

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

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. 17-131 – Introduced by Council – An Ordinance authorizing the proper City Official to apply and accept the Edward Bryne Memorial Justice Assistance Grant in the amount of \$10,228.00.

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

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. 17-120 - 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.

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

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.

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

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

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

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

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 third reading and passage, seconded by Mrs. Osborn.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

TRAFFIC ORDERS

Mr. Vincent: We will need to amend. The Clerk had sent out, under Section Two "removed" should read "installed" for the appropriate signs. Let's go ahead and have it read.

Traffic Order 17-07

Section One: Traffic Order 17-07 is hereby to establish No Parking on McIntire Ave. (both sides) from Western Avenue west 300 feet.

Section Two: The appropriate signs shall be removed.

Mr. Roberts moved to amend Section Two to read, "The appropriate signs shall be installed." It was seconded by Mrs. Osborn.

Mr. Vincent: All in favor of the amendment from removed to installed signify by saying aye. Those opposed say nay.
Motion carries.

Mr. Vincent: We are now at Traffic Order 17-07 as amended. The appropriate signs shall be installed at the end part of that.

Traffic Order 17-07 as amended

Section One: Traffic Order 17-07 is hereby to establish No Parking on McIntire Ave. (both sides) from Western Avenue west 300 feet.

Section Two: The appropriate signs shall be installed.

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

A voice vote was held and all present were in favor. None were opposed. Motion carries. The traffic order is passed.

MISCELLANEOUS AND UNFINISHED BUSINESS

None

PRIVATE PETITIONS AND COMMUNICATIONS

Non-agenda item petitions filed

Mr. David Rogers, 1104 Benjamin Avenue, Zanesville, OH 43701 with a topic of David Talbert conversation from September meeting after City Council meeting.

Mr. Rogers: Members of Council and attendees, viewers on TV, and also include any government agencies. I will cover the two engagements from the Law Director from September 25, 2017 meeting after this document. This statement is from the title of the book, "Go Quietly or Else." I, space for your name, resign effective immediately my position as Zanesville City Law Director. Mrs. Gentry, if you would pass this along to Councilmembers. Thank you. I was along Market Street unlocking my bike and I hear, "nice bike." I look and it is David Talbert. I stated thanks and he moved on. I had gotten a flat tire on the way to town so I walked the bike across Market Street into the alley at which time David Talbert came up to me. Talbert what's your problem, Dave? I stated I have a problem with law enforcement. Talbert, do you want to report it? I stated that we are on record across the street. Although it was tempting, but I could tell he had went

from trying to provoke me to where he was lucid. Talbert stated I should get back on my meds. I stated to him, it appears you need to be medicated and restrained. As I stated I said it a little louder so that Mr. Foreman and Mr. Roberts would hear. They were standing about twenty feet behind Talbert. I stated that this was harassment and Talbert then stated he was only on his way to his car. I proceeded up the alley. I was past the Market House when I looked back and saw Talbert with the Mayor. I looked back to assure that Talbert wasn't going to run up and jump me. I could have escalated the situation, but decided to defuse it. At first I was really laughing on the inside and thinking I am going to have to duck even with a cop sitting there watching on Market. On October 11 the Council President came up to me before the meeting and during the conversation I asked him if he was aware of Mr. Talbert's actions after the last meeting. He stated he was not. I briefly informed him and he stated he would be having a conversation with Mr. Talbert. As far as, Mr. Jones' comments I was not aware he had seen the incident or was going to speak on it. More citizens should come forward when they see possible misconduct of public employees. As Mr. Jones spoke

Mr. Vincent: Thank you, Mr. Rogers, your time is up.

Mr. Rogers: Okay, thank you.

Mr. Vincent: We have a private petition from Mr. Eric Jones.

Mr. Eric Jones, 221 Luck Avenue, Zanesville, OH 43701 speaking on did Mr. Vincent re-enforce Mr. Talbert's intimidation of Mr. Rogers?

Mr. Vincent: With that Mr. Jones, you signed this thing many times. At the very top of the form where you sign - no repetition remarks will be permitted, nor speaking on the same subject matter will be allowed at more than three meetings. I thought the last time was your third time speaking on this. Actually, it was your fifth time. So with that, I am denying you as far as your chance to speak tonight. And with that,

Mr. Jones: Can I change

Mr. Vincent: Sir, Sir, Sir, Sir, please don't interrupt me. Okay? You are not speaking until you are told to go ahead. So with that, I am denying his chance to speak tonight on this same subject that would be the sixth time. I know that it is clearly allowed by Zanesville City's Codified Ordinances, and it goes against all of the name calling of tyrant and dictator and all of these things, as far as what the Ordinance says. I want to make sure Council is clear. If you disagree with me you may make the motion, as far as, you can appeal my decision, just as simple as saying I appeal the decision of the Chair. Make that motion and someone seconded it and then Council will vote on that then. It would take a 2/3 majority. Six people voting, in this case "nay" to override me. "Aye" would be supporting my decision. So just to let you know that this is a republic and this is how the process works and it is not just me as someone called me a dictator or tyrant. That is not the case here. So with that, I will turn to Council and give you an opportunity if someone wants to appeal my decision. You are welcome to do so. Does anyone want

to appeal my decision? Appeal my decision? The third time. I am sorry, sir, you are not speaking tonight.

Mr. Jones: May I speak on another subject?

Mr. Vincent: Sir, you are not speaking tonight. Okay?

Mr. Jones: Can I speak on another subject?

Mr. Vincent: With that, moving on to; I guess that is everything. Is there anything else from Administration? Is there anything else from Council? We will have the swearing in after this to swear in the Council for the next term so we don't have to come in on January 2nd. I will entertain a motion to adjourn.

Mrs. Osborn moved to adjourn and Mr. Foreman seconded the motion.

Mr. Vincent: All in favor of adjournment signify by saying aye. Those opposed nay.

A voice vote was taken with all present in favor, none were opposed. We stand adjourned. Thank you everyone and have a good night. Please stick around.

The meeting adjourned about 7:25 p.m.

Councilmembers were then sworn in for the 2018-2019 terms. Mr. Tarbert swore in Mr. Vincent and then Mr. Vincent swore in the remaining Councilmembers: Mrs. Sandy Gentry, Fourth Ward Councilperson; Mrs. Connie Norman, Third Ward Councilperson; Miss Jan Bradshaw, Second Ward Councilperson; Ms. Ann Gildow, Councilperson-At-Large; Mrs. Joey Pennybaker Osborn, Councilperson-At-Large; Rob Sharrer, Councilperson-At-Large; Mr. Steven Foreman, Fifth Ward Councilperson; Andrew Roberts, Sixth Ward Councilperson; Mark Baker, First Ward Councilperson.