

## **ZANESVILLE CITY COUNCIL MEETING – MONDAY, JANUARY 8, 2018**

The Zanesville City Council met in regular session at 7:00 p.m. on Monday, January 8, 2018 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

Mr. Vincent led those present in the Lord's Prayer and the Pledge of Allegiance to the Flag.

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

### **APPROVAL OF MINUTES**

Mr. Roberts moved to approve the minutes as of December 26<sup>th</sup>, 2017, seconded by Mrs. Osborn.

Motion carries. The minutes stand approved.

### **PRESIDENT PRO-TEMPE ELECTION**

Mr. Sharrer moved to nominate Mr. Andrew Roberts as the President Pro-Tempore. Mr. Baker seconded.

No additional nominations were made.

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

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

Communication from Mayor Jeff Tilton – Board Appointments-Board of Zoning Appeals  
– Mayor Tilton hereby recommends the reappointment of Ms. Carol Kaido, Mr. David Wagner, Mr. Mark Douglas, and Mr. Pat O'Brien to the Board of Zoning Appeals. All members' terms will expire December 31, 2020.

Mr. Baker moved to receive and concur with the Mayor, seconded by Mr. Foreman.

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

Mr. Vincent: We appreciate the service those people provide.

Communication from Mayor Jeff Tilton – Board Appointments to the Downtown Design Review Board  
– Mayor Tilton hereby recommends the reappointment of Ms. Pam Uddin, Mr. Bob Grayson, Mr. Chip Saunders, Ms. Ginger Hamilton, and Mr. Mike

Nelson to the Downtown Design Review Board. All members' terms will expire December 31, 2020.

Mr. Roberts moved to receive and concur with the Mayor, seconded by Mr. Foreman.

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

Mr. Vincent: We also appreciate the service from these people.

Communication from Mayor Jeff Tilton – Board Appointments to Zanesville Community Improvement Corporation Board – Mayor Tilton is hereby recommending the appointment of George Kagafas to the Zanesville Community Improvement Corporation Board. Mr. Kagafas will replace Pat Denbow completing the unexpired term ending on December 31, 2018.

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

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

## **PROPOSED ORDINANCES**

Ordinance No. 18-01 – Introduced by Council – An Ordinance establishing the meeting dates of all regular Council meetings for the years 2018 and 2019, and declaring an emergency.

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

Mr. Vincent: Is there any discussion on waiving?

There was none.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

Mrs. Osborn moved for passage, seconded by Mr. Foreman.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 18-02 – Introduced by Council – An Ordinance appointing the Clerk of Council and declaring an emergency.

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

Mr. Vincent: Is there any discussion on waiving?

There was none.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

Mrs. Osborn moved for passage, seconded by Mr. Roberts.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Mr. Vincent: Congratulations. With that, we have done this a couple of different ways here at Council for those who have been on Council for a while or watched Council for a while. Sometimes we just have a motion and we do a vote by Council and sometimes it is more formal like this evening. With that, the Clerk's husband is here this evening and I wanted to get her sworn in tonight and I thought that would be nice. The Mayor has agreed to go ahead and sign legislation tonight. We both have to sign it to make it official. We have the legislation here so Mayor Tilton if you will come up and sign it or we can pass it down.

The Mayor came forward and signed the legislation and Mr. Vincent did also.

Mr. Vincent and the Clerk thanked the Mayor. Mr. Vincent then swore in the Clerk.

**Moving on with Proposed Ordinances:**

Ordinance No. 18-03 – Introduced by Council – An Ordinance establishing the salary of the Clerk of Council and declaring an emergency.

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

Mr. Vincent: Is there any discussion on waiving?

There was none.

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: This follows along with what Council just gave to themselves of 1.5% which it seems to be under what the cost of living is, or Mr. Roberts help me here. The cost of living was 3%?

Mr. Roberts: The cost of living was 3%.

Mr. Vincent: And then following along with the unaffiliated. Usually the unions get their raises first, then the unaffiliated, and this will just follow along with that so that way we don't get into a situation like we had in the past, being way behind. It is kind of an odd thing that we need to pass this every two years.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 18-04 – Introduced by Council – An Ordinance authorizing an agreement between the City of Zanesville and the Village of South Zanesville for the supplementation of Utility Billing Staff during a software transition.

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

Mr. Vincent: Is there any discussion?

Mr. Roberts: Coming out of Public Service Committee it was requested that the emergency language be added to this ordinance and pass as an emergency tonight. So to get that, I will make a motion to add the emergency language to this ordinance and move to waive.

Mr. Vincent: Motion to add emergency language and to waive. So Mr. Tarbert, are we good with that or do we need to actually say what the reason is for the emergency?

Mr. Tarbert: Yes, I would like some emergency language in there. A little more supplemental under another whereas, I guess; or at least under the third whereas, "As is necessary to provide operations for the billing department during this transitional time for the health, safety, and welfare of the public and citizens of Zanesville," to that third whereas. Then in Section One or Two, wherever your pleasure is; I guess section two, add for the reasons set forth above this matter is hereby deemed to be an emergency with our standard emergency language down there.

Mr. Roberts moved to insert the language as stated by Mr. Tarbert. It was seconded by Mr. Baker.

Voice vote was held with all in favor.  
Motion carries.

Mr. Vincent: We are now at Ordinance 18-04 as amended.

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

Roll call vote on waiving of the readings.  
9 Ayes  
0 Nays  
Motion carries.

Ms. Gildow moved for passage, seconded by Miss Bradshaw.

Mr. Vincent: I think this is very kind of the Village of South Zanesville to be willing to do this. They have the same software and are willing to come in to allow all of our staff to go out to receive training at the same time, cover our offices, and provide service to the citizens of Zanesville. The price and everything sounds wonderful.

Mr. Bennett: Wonderful and our local cooperation between the two jurisdictions.

Mr. Vincent: Hopefully we are able to repay that favor at some point and I am sure we will.

Roll call vote for passage.  
9 Ayes  
0 Nays  
Motion carries. Ordinance is passed.

Mr. Vincent: Mr. Bennett, if you will pass on our thanks to all of those involved for making this happen. It may have been just you, but whoever was involved.

Mr. Bennett: The Mayor, the Clerk and Finance Officer down at the Village will receive our appreciation.

Mr. Vincent: Thank you, Mayor. This is a good idea, who ever had the idea.

Ordinance No. 18-05 – Introduced by Council – An Ordinance reauthorizing entering into contracts for limestone and public employee bond coverage and declaring an emergency.

Ms. Gildow moved to waive the readings and it was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion on waiving? Hearing none, we will have roll call vote for waiving of the readings.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

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

No discussion was requested.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 18-06 – Introduced by Council – An Ordinance authorizing the proper City Official to advertise for bids and enter into contract for purchase of various insurances.

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

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.

Mr. Vincent: Just to refresh people, the first and second readings really don't mean anything. The votes are only helpful and it is kind of a tradition we have had here, but it is helpful for people to know where Council is standing on that. It is the third vote that actually counts. The third reading and to vote with the third reading is what actually counts as far as passing or defeating a piece of legislation.

Ordinance No. 18-07 – Introduced by Council – An Ordinance authorizing and adopting the Fee Waiver Policy for the City of Zanesville for Secret, Parks, and Municipal Facilities.

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

Mr. Vincent: Is there any discussion?

Ms. Gildow: This Ordinance started a long time ago in the Ways & Means Committee in an attempt to make sure that the City was fair, consistent, practical, and had some guidelines for decision makers regarding fee waivers. It turned out to be more challenging than we thought to do all of that, especially when it affects not only Secret

Auditorium, but the City Parks and some other things. So I would just like to thank everybody who worked on this including Rhonda Heskett, Sue Culbertson, and the Ways & Means Committee.

Mr. Vincent: Thank you. It was quite a bit of work. I know the Mayor was also involved and the Law Director. They were very helpful. A lot of work went into this. It gives us a tool to make it fair and to give something to the Mayor to work with as he has been in a bad situation, as far as what to do. Then stuff has to come to Council and we just want to make it easier for people to make this more timely for our non-profits. As far what they do good for the City and with proof of that, they can utilize properties at the City and then continue their efforts to help give back to the City through their work. Is there anything else from Council?

All in favor of first reading signify by saying aye. All were in favor. None were opposed.  
Motion carries.

Ordinance No. 18-08 – Introduced by Council – An Ordinance authorizing the proper City Official to advertise for bids for the Northpointe Drive Resurfacing, and enter into a contract with the lowest and best bidder, and declaring an emergency.

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

Mr. Roberts: The Public Service Committee met earlier tonight and suggested this be waived through.

Mr. Vincent: Is there anything else?

No comments were made.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

Ms. Gildow moved for passage, seconded by Miss Bradshaw.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Mr. Vincent: Mr. Bennett, I should have asked you. Clarifying the areas as far as where this will go from just so the public is aware.

Mr. Bennett: It is Northpointe Drive within the City of Zanesville. So you are talking about SR 146 all the way to Maple Avenue, SR 60. Then picking back up again and going north to Richvale. All of Northpointe at zero costs to the citizens of Zanesville.

Mr. Vincent: That is very nice. I know there are some problem areas and you are going to do some work on additional drainage to hopefully help prevent problems in the future.

Mr. Bennett: Yes, we are installing some underdrains in a couple of locations, especially, around Sam's Club and that area as there has been significant water accumulation causing degradation of the asphalt. Kudos to Chip Saunders on this; he worked hard on this project.

Mr. Vincent: We appreciate it. He is a good asset to the City, that is for sure. Thank you very much.

Ordinance No. 18-09 – Introduced by Council – An Ordinance authorizing the proper City Official to advertise for bids and enter into a contract for the 2017 Citywide OPWC Overlays with the lowest and best bidder, and declaring an emergency.

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

Mr. Vincent: Is there any discussion on waiving? Hearing none, we will have roll call vote for waiving of the readings.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Mr. Vincent: Mr. Bennett if you would also give a brief overview on this too.

Mr. Bennett: The Ohio Public Works funding and the City always commits match to that usually made up of our \$5 license tax fee. We put that money in. This will pave Military Road within the City of Zanesville and three south side streets: Chester, Alfred, and Merrick Park.

Mr. Vincent: Thank you. Last year with the paving the state did on all the main arteries coming in to the City and this it is quite fortunate. There is a lot more to be done I know.



Mr. Vincent: We do have a new ordinance, Ordinance 18-10. It was requested through the Public Service Committee meeting tonight to be entered in as Item 13. Mr. Roberts is Chair of the Public Service Committee. Would you like to make the motion to add that to the agenda? I am sorry, it should be Item 12A.

Mr. Roberts moved to add ordinance 18-10 to the agenda as Item 12A. It was seconded by Mr. Baker.

All in favor of adding Ordinance 18-10 as Item 12A please signify by saying aye. All were in favor. None were opposed.  
The motion carries.

Ordinance No. 18-10 – Introduced by Council – An Ordinance authorizing the proper City Official to advertise for bids and enter into a Professional Contract for Disposal of Bio-solids from the City's Wastewater Treatment Facility and declaring an emergency.

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

Mr. Vincent: Is there any discussion on waiving? As far as being on a deadline, Mr. Bennett do you want to add in as far as timing on this.

Mr. Bennett: Through Ordinance 17-97 last year, City Council authorized us to go out to bid for a potential three year agreement with a bidder to come in for us to be able to haul our bio-solids from the Wastewater Plant out for disposal to their site. The City has enjoyed a long standing relationship with an area provider. The bids were opened and we received one sole bid from an entity in Athens/Hocking. So Council in 17-97 authorized an estimated amount of \$125,000 per year for three years which totals up to \$375,000. So when you look at the additional cost involved with hauling and trucking from the Wastewater Plant to Athens/Nelsonville area you are talking about a significant amount of additional mileage, operator time, equipment, plus the disposal fee it all totals up to over \$600,000 over that same three year span. Today, the Board of Control for the City formally rejected that bid. We are back here tonight asking to go back out to bid to see if we can't attract some other bidders.

Mr. Vincent: It needs to be timely so we can get it back out there.

Mr. Bennett: It needs to be timely so we can get it right back out to the public.

With that we will have a roll call vote for waiving of the readings.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

Ms. Gildow 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. 17-135 – 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 to waive the readings and it was seconded by Mr. Sharrer.

Mr. Roberts: This was also discussed at the Public Service Committee meeting earlier tonight and it was recommended to Council that this be pushed through.

Mr. Vincent: Is there any further discussion on waiving? With that we will have roll call vote for waiving of the readings.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

Mr. Sharrer moved for passage, seconded by Mrs. Norman.

Mr. Bennett: Again we are trying to secure state money intended to buy equipment and materials to increase our recycling participation. We wish to continue to pursue adding the cart based recycling system and this money matched with the City's share we would be able to pick up one entire route each day and provide those carts. It is due February 2; hence the emergency.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

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 third reading and passage, seconded by Mr. Baker.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Mr. Vincent: This is another significant artery in the City as far as for traffic.

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

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.

## **TRAFFIC ORDERS**

None

## **MISCELLANEOUS AND UNFINISHED BUSINESS**

Mayor Tilton: One thing, Mr. President. I would like to put kudos out to our Street, Sanitation, Parks and Receptions, and Cemetery crews this morning for the cleaning of the streets, picking up the sanitation, and cleaning a lot of the sidewalks our citizens walk on during the day during some very difficult conditions we had with the ice and snow this morning. They did a great job and very few problems. I want to thank them.

Mr. Vincent: To speak for Council, I think very easily, that we echo that thanks. I know some of the things, like making sure the sidewalks on the bridge, like the Memorial Bridge.

Mayor Tilton: The Sixth St. Bridge, and Dug Road.

Mr. Vincent: It is a lot of work, is it all by hand?

Mayor Tilton: We have some equipment for them. They have a four-wheeler for the sidewalks and they do a great job.

Mr. Bennett: Quickly I would like to alert the public and the Council. If you have not seen it; "The Visit Zanesville-Muskingum County," mobile app is live. This was an effort to partnership between the City submitting a \$15,000 grant to the Appalachian Regional Commission after Cool and Connected. That was one of the projects identified and going through the CVB (Convention Visitor's Bureau) Chamber of Commerce. A wonderful effort. Great leadership by Kelly Ashby and then an incredible amount of effort, donation of time, and expertise by Brian Diamond. It is unbelievable work by those two. It is live. If you are interested depending on what format you have whether you are an Apple or an Android. It is available at their store to download. It is done.

Check it out. This is specifically a travel, tourism app. Depending on what you are looking for it has hotels, food, and other interest. It is all there.

Mr. Vincent: I am excited it is there. It is something many people have wanted for a long time. Thank you. I will turn to the Law Director. Would you like to add anything as far as animal neglect to get some more correct, more accurate, information out to the public?

David Tarbert, City Law Director: Briefly I had some calls and questions on this and I want to assure Council. There was an article in the Times Recorder and I don't typically comment on inaccurate articles, but I think this one places some of the community's pets in danger and it presented some misinformation about what will be prosecuted in the City and probably in the County, as well, with regard to abused and neglected animals. The article came out about four days ago, one of the Humane Officers was interviewed, and I have since talked with her. I talked with her this afternoon and we discussed the statute in detail. I think she is going to change her approach to some things. Some of the things she said that we took issue with are she said the law only requires pet owners to provide shelter. As we know in this weather recently it has been incredibly cold. There are a lot of outdoor dogs in the City and a lot of outdoor dogs in this County and this Humane Officer is over tasked, really, with what she gets paid and what she is doing. I appreciate what she is trying to deal with.

It is a dangerous job, it is a difficult job, but I also want to make sure that she doesn't present any misinformation. In that article she clearly did. The law does not require simply to provide some sort of shelter and another thing she said that we took issue with was if she brought a case where the dog had frozen water she would be, "laughed out of court." I can assure you that is not true. She said that the statute was vague. I had some calls on whether we should be amending our City Ordinances. The fact is our City Ordinance tracks the Ohio Revised Code directly, word for word. In my opinion, the Ordinance is not vague. We have never had any problems prosecuting it. Where she said that you only have to provide some shelter that is not true. You have to provide, "Adequate shelter that supplies access to shelter from heat, cold, wind, rain, and snow or excessive direct sun light so that the animal does not become sick or suffer in any way. That is not three pieces of straw. That is not the minimum shelter. It is a shelter that is sufficient so that your animal will not suffer. If the animal is suffering, she should write them up and bring them to us, and we will vigorously prosecute those and they will not be laughed out of court. The same with the frozen water; the frozen water statute, again where she said that it would not be either through the court system or through the Prosecutor's Office would not be prosecuted, it is not true. Our statute, again the Ohio Revised Code, says that the animal has to be supplied with necessary sustenance, which is defined as sufficient quantities of good, wholesome food and water again so the animal does not get sick or suffer in any way. Frozen water is not sufficient, wholesome, good food, and water. If you are giving your dog inadequate access to shelter, if you are providing your dog inadequate food, if their water is frozen, you will be cited into court and you will be prosecuted to the fullest extent of the law. You will not win a case being laughed out of court. We will prosecute you and you could go to jail. So I want to make sure that while this article conveyed some of the issues that she

thinks she has enforcing this in doing her job that is not necessarily accurate. I didn't want her to be giving misinformation to the public that you could just give your dog frozen water and no shelter which is what this article states. Again, I met with the Humane Officer this afternoon along with her superior, the head of the Humane Society, and we went through the statute in detail. We explained to them that it was a partnership between their office and our office and that we have never dismissed any case that she has brought to us. If she brings it to us, we take it to court. I explained to her the statute, how the statute works, how we will prosecute it, what she needs to look for, and I believe we are all on the same page now. So I wanted to tell you that I don't think the Ordinance needs amending. I wanted to tell the public that we will be arresting you and citing you into court if you don't treat your animals properly.

Mr. Vincent: Thank you, Mr. Tarbert. We greatly appreciate that. I am personally glad the article came out. There was this information out there so it gave an opportunity for you to meet and get information to them, to support them, and get things corrected. So, as you said all on the same page and in the best interest of the pets here in the City of Zanesville. So, thank you, we appreciate it.

Mr. Vincent: We will be doing budget hearings. They will be at your lead, (referring to Ms. Heskett) with the Clerk and getting those set up.

Mr. Sharrer: I had one thing real quick too. Obviously we have just come out of the holiday season and I wanted to commend Fred Buck, Craig Stemm, Fred Lane, and that whole department, Brad Mack and the students from Mid-East that he brings in and Mr. Mounts, I think, from Mid-East who came in for their work on the downtown lighting. I heard lots of comments of people driving through town and saying how nice it was. Thank you very much to those folks.

Mr. Vincent: With that, Mr. Buck, I know I will get the name wrong, tomorrow I know is a special day for our police officers as far as recognizing officers and thanking them for their service and I am just going blank for what that is called. Isn't tomorrow a special day? We can ask the officer in the rear.

The officer in the rear said it is just another work day.

Mr. Vincent: I thought there was something special or a national effort.

Mr. Buck: It is Law Enforcement Appreciation Day. L.E.A.D.

Mr. Vincent: Thank you, sir and if you will express our thanks to your co-workers too; your fellow officers.

## **PRIVATE PETITIONS AND COMMUNICATIONS**

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

Mr. David Rogers, 1104 Benjamin Avenue, Zanesville, Oh 43701 will continue speaking on Mr. Tarbert.

Mr. Rogers was not present and had called in stating he would be absent. He plans to speak at the next Council meeting.

Mr. Eric Jones, 221 Luck Avenue, Zanesville, OH 43701 speaking on procedural question for 2018 Council meetings.

Mr. Jones: Okay, I hope everybody got that e-mail that I submitted with the 2018 questions. First off I wondered when the e-mail private petition applications will be up and running. I have been asking about this for a little bit of time. I think you should have been able to get it by now.

Am I allowed to use an either or format when doing the private petition application? That way in the event Mr. Vincent declines one I can possibly do the other one. For those who weren't paying attention when Mr. Vincent declined my being able to speak here at the last meeting, I know he hasn't heard of the concept of prior restraint. It was unconstitutional what he did. Alright? If you buy that. Prior Restraint first is post punishment. Like I said the content. The Ohio Revised Code doesn't override the Constitution. That is just again something to think about.

Also the necessary lead time. In the event I give you something you don't want to do, I am not going to get bent out of shape about prior restraint even though I could have. That ain't it. I have been trying and it is going to take time to bring democracy back to Zanesville. It happened in 1984, it has been thirty some years. You doubled down with 15-44, but at the end of the day we still have to work towards democracy.

Only three times per year per topic. I think that is the rule, three times per year or is that three times per life? Again you can answer that after I get done speaking on these questions. I am going on the record. I want this on the record. I don't want you to tell me this privately and then change your mind.

Also, topic definition. The topic the last time I was speaking was about your decision, as far as, what Mr. Tarbert and others did out in the alley. That is a different topic than what happened out in the alley. Hopefully, you took an English course in high school or college or whatever and you know the difference between topics.

The last item was bottled water. Something simple. You all sit there with bottled water. It helps you when you are speaking, instead of coming up here and if you do have a dry mouth or whatever you can at least take a quick swig of the water and be able to speak better. I am out of time. Thank you very much. You can give me the answers as I said.

Mr. Tarbert: I typically don't respond to this, but I just wanted to clarify something. What I did with a person in the alley was after a Council meeting I was standing by my truck and Mr. Rogers approached me after a Council meeting and we had a discussion. That is what he is referring to. I just wanted to make that clear. Thank you.

Mr. Vincent: Thank you. Yes, with that my third point after one of the meetings when I forgot what my third point was as I was closing and my third point that I had forgotten that night was that there is a difference between speaking in here and speaking out on a public street. The first amendment is you can say what you want on the street as long as you are not breaking the law or doing anything wrong. It is freedom of speech out there. With that we need to run an orderly meeting here and keep things civil. So I will continue to do that to the best of my ability. If Council is curious as far as the questions tonight I will share with you that as far as e-mailing in, I hope to have that done soon. The Clerk did her part, the Law Director did his part, and I need to refresh myself on what advice and direction he had given on that, but I believe he has done his part. There are issues as far as software from what I remember on that so and I do have that software as of last month. So hopefully we will get that done then and it will save you a trip in here so you won't get to see Mrs. Culbertson then.

Private Petitions either or format? No. Three times on a topic.

Third Question: The petition as far as the packet time to submit. I don't get the packet until after the deadline so I don't know what you are going to speak about until I see what you submit, so there is not time. I think it was Friday when I figured out that Mr. Jones had spoken five times on a subject and I thought it was only the third time so I went back and was surprised to find it was the fifth time. A maximum of three times speaking on a subject. Period.

The fifth one about different topics and kind of dancing all around different points; no, we are not playing games here as far as semantics.

As far as water, if you look on the front door when you leave you will see that water is allowed. So, the Mayor is fine with that. We couldn't find any concerns from the past. I am fine with that. I think probably all of Council is fine with that so all of you may bring water the next time.

I think that covers all of the points. Does Council have any questions with all of that?

Mr. Vincent: So, "on the record", so I can't change my mind by saying one thing (privately) and change my mind later. I will entertain a motion to adjourn.

Mrs. Osborn moved to adjourn. It was seconded by Mr. Baker.

Mr. Vincent: All were in favor of adjournment.

None were opposed. Motion carries.

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

The meeting adjourned about 7:45 p.m.