

ZANESVILLE CITY COUNCIL MEETING – MONDAY, JANUARY 22, 2018

The Zanesville City Council met in regular session at 7:00 p.m. on Monday, January 22, 2018 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

Mr. Vincent: Tonight instead of the Lord's Prayer I would like to have a moment of silence in honor and remembrance of Howard Butch Zwelling who died this past Sunday, yesterday, at Grant Medical Center. With that, some of the things about him, as far as, his public service to the community and county: he served as our Zanesville Municipal Court Judge for sixteen years. He also served then as Muskingum County Common Pleas Judge for six years and then as Mayor of Zanesville for six and a half years after he was appointed in 2005 following the death of Mayor Jack Fenton. So please remain seated and join me in a moment of silence. (A moment of silence was held) Thank you all for a time of remembrance of Howard Butch Zwelling. We appreciate his service.

Mr. Vincent then led those present the Pledge of Allegiance to the Flag.

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

APPROVAL OF MINUTES

Mrs. Pennybaker-Osborn moved to approve the minutes of January 8, 2018 as written, seconded by Miss Bradshaw.

Motion carries. The minutes stand approved.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Communication from Jay Bennett, Director of Public Services-Cemetery Division's 2017 4th Quarter Report

Mr. Roberts moved to receive the Cemetery Division's 2017 4th Quarter Report, seconded by Mrs. Pennybaker-Osborn.

All present were in favor. None were opposed.

Motion carries.

Resolution No. 18-11- Introduced by Council – A Resolution Introduced by Council – A Resolution setting forth Municipal Services to be provided to property to be annexed. (Sonoma Properties, Ltd.)

Ms. Gildow 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.

Resolution No. 18-12 - Introduced by Council – A Resolution setting forth Municipal Services to be provided to property to be annexed. (Marlene Moore)

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.

Resolution No. 18-13 – Introduced by Council – A Resolution supporting the Muskingum Valley Park District's Clean Ohio Conservation Fund Application to acquire and develop Westview Community Park and declaring an emergency.

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

Mr. Baker: This was discussed at the Community Development Committee and it was recommended to City Council to waive.

Mr. Vincent: Thank you, sir. The deadline is, I think, February 2. Does that sound right?

Various people talking and they seemed to agree.

Mr. Foreman: I wish to abstain from this vote.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Abstention Mr. Foreman

Motion carries.

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

Mr. Vincent: Mr. Russell Edgington is here to speak. He is from the Muskingum Valley Park District. He is here to speak in favor of this.

Mr. Edgington: I just wanted to say thank you for the opportunity to come and speak tonight. I really appreciate the resolution. This is kind of an interesting situation. When I started working for the Park District I said we need to stop purchasing land because we have a bunch of properties that need to be developed. In September we had some residents come to our board meeting and they said that they were very passionate. They said we want you to save the Westview School property and develop it into a community park. So basically, they were instructed to go out and demonstrate that the

community wanted to support the Park District in applying for a grant to save this property. As a result of that they submitted about a month later 1,300 signatures on petitions requesting the park board go forward and approach the school board to purchase this property which we did. Since then we engaged an architect to do a conceptual plan. We put that plan on Facebook and to date it has had 13,200 favorable direct engagements. That number is growing. We also did something a little different. We created a Go Fund Me page to try to come up with part of local match. In four days we have raised over \$2,000 from the community. So, I want to thank you for showing your support as well and hopefully we will be successful at securing that grant and we can then develop Westview Community Park. I did bring copies of the plan in case you were interested. I can pass those around if that is okay. Other than that, I will be happy to answer any questions you might have.

Mr. Vincent: Thank you, sir. We have certain rules here. So, Mr. Vincent asked Ms. Gildow if she had something to share.

Ms. Gildow: No, actually I thought since it was a special topic and the speaker is providing information, I thought we could ask questions.

Mr. Vincent: With that, as far as inviting a special guest which would allow for those questions and probably a more appropriate situation for this instead of a petition? I was thinking we were going to have many more people come here tonight and that is why I went that route. So, yes, go ahead with questions.

Ms. Gildow: I was trying to remember, is this half of the land or a portion of the land where Westview School used to be?

Mr. Edgington: Yes, it is. Actually it is the entire parcel. There are actually three parcels. Two larger parcels and then there is an additional parking lot that is across the street that we are applying for.

Ms. Gildow: This wouldn't tie in, in any way with the one where McIntire School used to be. There is no connection?

Mr. Edgington: That is correct.

Ms. Gildow: Thank you very much.

Mr. Vincent: Is there anything else from Council? Thank you, sir. We greatly appreciate it. We appreciate you coming and providing your expertise, knowledge, and guidance of the board. You have been a big help. Is there anything else from Council on this?

It is exciting to me. This is, even when it was a school, to me it served as a park because people used the playground all the time. On the weekends it was a busy place. People could walk dogs and spend a lot of time over there and do photos and stuff. I am

excited and hope we can get this worked out. With that, if there is no additional discussion we are at roll call for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Abstention Mr. Foreman

Motion carries. Resolution is passed.

PROPOSED ORDINANCES

Ordinance No. 18-14 - Introduced by Council – An Ordinance to authorize the City of Zanesville Mayor and the President of City Council to enter into an enterprise zone agreement with JD Equipment, Inc. and Layman Drive Group, LLC.

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

Mr. Vincent: Is there any discussion?

Mr. Baker: This also was recommended for acceptance by the Community Development Committee.

Mr. Vincent: Is there anything else with it that is specific?

Mr. Baker: No, just the additional investment and jobs we are talking about. It is pretty self-explanatory, I think.

Mr. Vincent: Is there anything else from Council? The Clerk has a good question. I wasn't able to make this meeting. Mr. Bennett or Mr. Abbott, is there some urgency with this to move it along?

Mr. Abbott: They are trying to close on the property at the end of the month. So construction won't start until March so that is the only thing that will be pending. So there would be a need for passage this evening.

Mr. Vincent: Does that change your mind then?

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

Mr. Vincent: With that as regular legislation it will still take thirty days then for it to pass. Mr. Bennett, are you fine with that?

Mr. Bennett: Absolutely.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays
Motion carries.

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

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

Ordinance No. 18-15 - Introduced by Council – An Ordinance authorizing the proper City official to submit an application to the Ohio Development Services Agency for an award of Community Development Critical Infrastructure Program Funds and declaring an emergency.

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

Mr. Baker: Mr. Bennett could you explain the rest of this for Council's benefit, please.

Mr. Bennett: The State of Ohio Community Development programs is having a third round of Critical Infrastructure grant application acceptance. The City is focusing in the greater Brighton area with the investment with Habitat in the Mead Street area look towards, and the Critical Infrastructure grant needs to be very singular in nature. So, curbs and sidewalks are a very singular type project and they are considered critical infrastructure. The one additive we are looking at adding into this would be the ADA accessible notifying pedestrian heads at the intersection of Brighton and Ridge. We had a community member come from the area saying we need to install them. We have added that as a total of about \$355,000 with \$300,000 grant and the City's pledge would be to do the engineering and the inspection with about \$20,000 coming out of City funds in program year 2018 which will be in the permanent budget. About a \$355,000 project for \$20,000 of City investment. It is much needed. It would be from Hickory on Mead on both sides heading over to (the attachments are here) Hickory, Mead Street on both sides to Ridge, turn up Ridge to Brighton and then head west toward Munson School. We are planning on installing the curb and sidewalks for pedestrians.

Mr. Baker: Mr. Bennett, doesn't this continue the City's effort to revitalize that end of town with new City funds and grant money?

Mr. Bennett: It certainly does. We ask for it to go to third reading and to pass on third reading as an emergency because we have to have a public hearing on this application for the second public hearing. That would be held on the 26th.

Mr. Vincent: Is there anything else from Council? With that, we are at first reading to allow for the public hearing, so all in favor of first reading signify by saying aye. All were in favor. None were opposed.
Motion carries.

ORDINANCES FOR ACTION

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.

Ms. Gildow 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. 18-07 - Introduced by Council – An Ordinance authorizing the Fee Waiver Policy for the City of Zanesville for Secrest, Parks, and Municipal Facilities.

Mrs. Pennybaker-Osborn moved for second reading, seconded by Mr. Sharrer.

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.

TRAFFIC ORDERS

None

MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Tilton: I have a couple of things. First of all, I don't know how many of the Councilmembers have been called about Riverside Park and why we have the gates locked. What it is, is because we have that ice jam above Riverside Park and two years ago when we had the same situation we had to send our safety forces down in there to rescue some people who can gotten down into the park. So, until such time as we have a better understanding of what is going to happen with the ice jam we will keep Riverside locked.

Second of all, on January 17th the City went live with our new software. The parts of it that went live so far are the finances, purchasing, and fixed assets of the City.

We have done a lot of training for this so it kind of went smooth, but there were a couple of hitches, but we got through them.

Next, up will be payroll and HR will go on January 22. Utility billing, which will be a big one, will be March 12th. Code Enforcement and Permitting will be April 13th and the Jail will be last on this round for May 15th. I would also like to say a big thank you to Lisa Hittle, Glen Gregor, and Rhonda Heskett. They put a lot of hours in to make this happen and they have done a great job. I want to thank them.

Mr. Vincent: Thank you, Mayor. I appreciate that. With the ice issue and the concerns for the citizens and our bridges and stuff; I know Mr. Bennett had calls in the middle of the night and getting information and I am sure you are involved too, Mayor. I am not sure also, but Jeff Shook, and some others. There are a lot of people involved.

Mr. Bennett: Yeah, there are County offices, the Sheriff, EMA, and all of those folks. The EMA office is leading that. The installation of cameras at Ellis Dam that really helps keeps eyes on it. Ultimately going out every day and every afternoon take a peek at it. We are hopeful with the warmer weather and some gentle rains we hope there will be more melting in place.

Mr. Vincent: Gradual melting is what we want. We greatly appreciate your work and everyone else's that has been involved with it.

Mr. Bennett: I am just forwarding information that I have received to make sure you all can help spread the word.

Mr. Vincent: Thank you, sir. We appreciate it. Is there anything else from the administration? From the Law Office?

PRIVATE PETITIONS AND COMMUNICATIONS

Non-agenda item petitions filed

Jessica Emerick, Zanesville-Muskingum County Health Department, 205 N. 7th St., Zanesville, OH 43701 speaking in ZMCHD would like to work with Parks and Recreation to adopt tobacco-free policies in the Zanesville City parks. We will discuss the benefits of such policies.

Ms. Emerick: Thank you. Good evening, everyone. You have seen me before talking about tobacco. Before it was work with youth where we talked about tobacco retailers and how they advertised to kids. This time I am talking about policy. This affects everyone. My purpose is to appeal to Council about the City owned parks becoming smoke free. A few reasons: in 2006 the Surgeon General reported there is no risk free level of second hand smoke. So just because you are outside does not mean you are not exposed to the dangers of second hand smoke. Cigarette butts, piece per piece, make up to 28% to 33% of all litter in the entire world. Their non-biodegradability means that they also increase landfill demands, add cost to municipalities waste disposal programs and create an environmental blight in public spaces. In November and December of this year (2017) the health department opened up a tobacco use survey to the citizens of Muskingum County to gauge what was important to them regarding tobacco policy. The results were: 58% agreed that smoking shouldn't be allowed in outdoor public spaces. 54% agreed that other smokeless tobacco products should be treated the same way. 67% agreed the e-cigarettes should be treated as cigarettes in terms of tobacco laws and policies. Enforcement is usually the big hang up when I work

with people especially with outdoor policies. It is usually as easy as posting signage. That is about 95% of it, I would say. 4% is probably using media to be transparent with the community and then you will have probably that 1% that doesn't want to follow it regardless. You are always going to have that. Your tobacco policy resource is me. I am a lone ranger right now. My other health educator accepted another job at Akron Children's Hospital. So, if you are interested in working toward smoke-free policies for the Zanesville City owned parks, contact me at the health department. Thank you.

Mr. Vincent: Thank you very much. We appreciate it. If there is some Council interest you can take it to committee. I was trying to think of what committee. We will come up with that if someone is interested in pursuing that here. We already have it here for City buildings, City Hall, sidewalks around and also Secrest. Is there anything else, Mayor? You were on Council at the time we passed that.

Mayor Tilton: I think it is the corridor around City Hall and down towards the auditorium.

Mr. Bennett: Does it include the Public Safety building and the Safety Center?

Mayor Tilton: It was not in the corridor, no. I don't think they will be able to put it in the corridor.

Mr. Vincent: I don't recall. We will need to pull that out and take a look. Just follow up with the Clerk if you have interest and I will do what I can to help.

David Rogers, 1104 Benjamin Ave, Zanesville, OH 43701 to continue speaking on Law Director David Tarbert from Dec. 26, 2017.

Mr. Rogers: This is to members of Council, attendees, viewers on TV, and also includes any government agencies. Once again I have a document: "I, put your name, resign effective immediately my position of Zanesville City Law Director." I will pass it to Mrs. Gentry so she can have other Councilmembers examine it. The minutes from 12-26-2017 are available or from the Council secretary. I will pick up where I left off. What I found most disturbing was Mr. Talbert's squirming around as if the incident didn't happen. David Talbert has a direct conflict of interest at being the administrator of the baggage left by the last Law Director.

Mr. Vincent: Mr. Rogers, if you would stick to it as far as the facts and what happened that evening.

Mr. Rogers: I am just picking up on my paperwork right where I left off.

Mr. Vincent: I understand that. I want to caution you as far as what the previous Law Director, where you go. Go ahead, sir. Go ahead.

Mr. Rogers: But when I cover up other information this past year involving law enforcement and other employees he doesn't have the professionalism and integrity to

have outside Council brought in. Why there can only be one reason: baggage, Emily Strang Talbert. Remember we are talking about attorneys. What are attorneys, but people for realtors to look down on? When a few members of Council ask former Law Director to resign, it wasn't even a good dog and pony show. One can only wonder what ZPD had on him for such activity to go on and what ill advice was given to administration for such things to be uncovered. Thank you.

Mr. Vincent: Alright, thank you, Mr. Rogers.

Eric Jones, 221 Luck Avenue, Zanesville, OH on a few more questions, esp. definition of "same subject matter."

Mr. Jones: Hello, everybody. I will try to make this quick and not go my three minutes. Since we were here the last time, Mr. Vincent didn't want to give the definition of same subject matter. He was talking about having trouble with semantics. I don't have a problem with that except it works in reverse. Mr. Vincent has to give definite definition of same subject matter. For example: I will use three books: books one, two, and three. Each book has ten chapters; if we are talking about chapter one of book one is that a different subject matter than chapter two, three or four? If I talk about book two; is that a different subject matter than book one? This is the semantic, Mr. Vincent, is upset with. If he can give me the answer to this, but if I go by book three, now is the same subject matter book, or is it different chapters within each book, or chapters within all three books? It is simple. So, Mr. Vincent, when I was talking about one part of the incident is not the same thing as talking about the entire incident? That is the first thing. Now you can give that answer when I get done speaking.

The second part, real quick, is that substantive change to legislation. Which is, I think it would be number six on the rules or 5A or 5B; however you look at it. The question is, "Is the 2018 Council a substantive change from the 2016 Council or are all Council's the same?" In which case the three times rule, would it be all the way through forever or is it per legislative session. Thank you very much.

Mr. Vincent: Thank you, Mr. Jones. I will entertain a motion to adjourn.

Mrs. Pennybaker-Osborn moved to adjourn. It was seconded by Mr. Roberts. A voice vote was taken with all in favor. No one was opposed.
Motion carries.

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

The meeting adjourned about 7:26 p.m.