

## **ZANESVILLE CITY COUNCIL MEETING – MONDAY, FEBRUARY 12, 2018**

The Zanesville City Council met in regular session at 7:00 p.m. on Monday, February 12, 2018 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

Mr. Vincent led those present in the Lord's Prayer. The Pledge of Allegiance to the flag was led by Aidan Cavanaugh from Boy Scout Troop 174 out of Nashport and he is working on his citizenship badge. Also assisting with the pledge are members of the City Kids 4H Club of Zanesville. This is the first City 4-H Club in Zanesville. This is Muskingum County 4-H week and that is why they chose today to come to help with the pledge. They are led by their advisors, Shannon Harland and Joey Osborn.

Mr. Vincent thanked the young leaders for coming. He said we are honored to have them come. Mayor Tilton offered to meet with them after the meeting to answer any questions and also members of Council will be available if you have questions.

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

Mr. Baker was absent. Mr. Roberts moved to excuse Mr. Baker. It was seconded by Mr. Foreman.

Motion carried.

### **APPROVAL OF MINUTES**

Mrs. Osborn moved to approve the minutes of January 22, 2018 as written. It was seconded by Miss Bradshaw.

Motion carried.

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

Communication from Mayor Jeff Tilton - Board Appointment to Civil Service Commission – Mayor Tilton is hereby recommending the appointment of Elizabeth Jackson to the Civil Service Commission. Ms. Jackson will replace Dianna LeVeck completing the unexpired term ending on April 19, 2022.

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

Mr. Vincent said he was talking with the Mayor earlier and this woman has an HR background which he thinks is a nice addition.

Mayor Tilton: She was in HR for many years and actually she was the President of the local HR Association so she has a lot of background. Even though she said she didn't do a lot in government I thought she would be a great fit.

Mr. Vincent: Thank you, she sounds like a great find. Is there any other discussion? Hearing none, all members present were in favor or receiving and concurring with the Mayor. None were opposed. Mr. Baker was absent.  
Motion carries.

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

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

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

Mr. Vincent: For our guests tonight, we have three readings on items. The first two readings the vote really doesn't matter and it still comes back. The third reading is where it matters as far as how people vote this last time. We have had a tradition of voting early on first and second readings to get a feel for where Council is and to see if there are concerns. This will give you a little background.

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

Ms. Gildow moved for second reading, seconded by Mrs. Gentry.

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

Resolution No. 18-16 – Introduced by Council – A Resolution authorizing the sale, by internet auction during calendar year 2018, of City owned personal property which is not needed for public use or which is obsolete or unfit for the use for which it was acquired.

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

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. Mr. Baker was absent.  
Motion carries.

## **PROPOSED ORDINANCES**

Ordinance No. 18-17 – Introduced by Council – An Ordinance authorizing a Maximum Schedule of positions for the City of Zanesville's Workforce.

Mrs. Norman moved for first reading, seconded by Miss Bradshaw.

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. Mr. Baker was absent.  
Motion carries.

Ms. Gildow: This Ordinance and the next one have to do with employment and maximum schedule of positions and that sort of thing.

Ordinance No. 18-18 – Introduced by Council – An Ordinance establishing pay, benefits, and employment policies and procedures for unaffiliated employees in the Municipal Service.

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

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. Mr. Baker was absent.  
Motion carries.

Ordinance No. 18-19 – Introduced by Council – An Ordinance establishing health insurance withholding amounts for unaffiliated employees in the Municipal Service.

Miss Bradshaw 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 present were in favor. None were opposed. Mr. Baker was absent.  
Motion carries.

Ordinance No. 18-20 – Introduced by Council – An Ordinance enacted by the City of Zanesville of Muskingum County, Ohio to replace the bridge deck under railroad within the City of Zanesville as part of PID 96379, MUS-666-02.00 and declaring an emergency.

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

Mr. Roberts: It was discussed at the Public Service Committee meeting earlier tonight and recommended to Council to waive the readings and pass this as an emergency.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries.

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

Roll call vote for passage.

8Ayes

0 Nays

1 Absent Mr. Baker

Motion carries. Ordinance is passed.

Mr. Vincent: With that, for our guests, waiving of the readings means we don't go to the three readings. We just do the one reading tonight. There is a special motion required and a vote of seven of the ten Councilmembers to pass. It requires a higher majority. With that, it is passed as an emergency so tonight I will sign it after Council is over, as passed, and the Mayor will sign it probably tomorrow morning and then it is in effect. Other Ordinances take 30 days before they are in effect. They have to be passed and then take 30 days to take effect.

Ordinance No. 18-21 – Introduced by Council – An Ordinance approving a labor agreement with Zane Lodge #5, Fraternal Order of Police, Ohio Labor Council, Inc. Police Officers, and declaring an emergency.

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

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries.

Mr. Roberts moved for passage, seconded by Mr. Sharrer.

Roll call vote for passage.

8Ayes

0 Nays

1 Absent Mr. Baker

Motion carries. Ordinance is passed.

Ordinance No. 18-22 – Introduced by Council – An Ordinance authorizing the proper City official to purchase grinder pumps for the City's East End Sewer Collection System from Covalen.

Mr. Sharrer moved for first reading, seconded by Mrs. Osborn.

Mr. Roberts: The Public Service Committee recommended approval of this ordinance.

Mr. Vincent: We are at first reading, so all in favor signify by saying aye. All present were in favor. None were opposed. Mr. Baker was absent.

Motion carries.

Ordinance No. 18-23 – Introduced by Council – An Ordinance authorizing the proper City official to provide funds to the Transportation Improvement District Board for operational expenses.

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 present were in favor. None were opposed. Mr. Baker was absent.  
Motion carries.

Ordinance No. 18- 24 – Introduced by Council – An Ordinance authorizing the proper City official to advertise for bids and enter into a contract for the leasing of uniforms for Public Service Department A.F.S.C.M.E. Employees.

Mr. Sharrer 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 present were in favor. None were opposed. Mr. Baker was absent.  
Motion carries.

Ordinance No. 18- 25 – Introduced by Council – An Ordinance authorizing the proper City official to execute all documents related to the purchase of real property identified as Muskingum County Tax Parcel Number 84-21-01-10-000.

Mr. Vincent: With that, Council has a modified version of this they were e-mailed about Friday. There is a copy in front of on this. It is the seventh whereas is changed including the figures who will be paying toward this as far as the different funds. With that Mr. Roberts do you want to make a motion to substitute this?

Mr. Roberts moved to substitute the Ordinance we have before us tonight for the piece we had in the packet. Ms. Gildow seconded the motion. A voice vote was taken with all present in favor. None were opposed. Mr. Baker was absent.

Mr. Vincent: It is the same preamble so I will entertain a motion for first reading.

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

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. Mr. Baker was absent.  
Motion carries.

Mr. Vincent: I went through all of that just to be on the safe side and making sure we are doing everything right.

Ordinance No. 18- 26 – Introduced by Council – An Ordinance awarding a contract for construction of the Putnam Hill Water Tank and improvements to the Heritage Water Tank to Caldwell Tanks, Inc. and declaring an emergency.

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

Mr. Vincent: Is there a deadline on this.

Mr. Bennett: The City opened bids in December with a new Council coming on we were unable to award to Caldwell Tanks as the apparent low bidder. We did a preliminary award subject to. We have gone ahead and executed all loan documents. All grant documents are ready to go if Council awards tonight and we are able to then start signing all the formal documents and Mr. Bennett thought he saw on his computer tonight that said the scheduling of the pre-construction meetings. It takes many years to get all the planning work, all the engineering, all the loan documents, all the grants filed for the project. It is a big project.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries.

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries. Ordinance is passed.

Ordinance No. 18- 27 – Introduced by Council – An Ordinance declaring the Mayor's recommendation to establish a revitalization district in downtown Zanesville, in accordance with ORC 4301.81, and declaring an emergency.

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

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries.

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

Mr. Bennett asked for a reconsideration to unwind and go back to the Community Development Committee of Council which meets next Tuesday, night. Upon the receipt of two applications: one from Mr. Emory and one from Mr. Poorman, the Mayor formerly at that point in time had thirty days to submit them to City Council with a recommendation which he does tonight. The Council has ninety days to consider and discuss. We met in office today with three of the D-5 liquor license holders and they are interested in this. So it is my belief that we should precede back to City Council Committee next Tuesday night's scheduled meeting instead of Monday, because of the holiday. They are aware of it and I think they would be very interested in coming and having conversation with the Community Development Committee of Council. There seemed to be an energy in the room as they kind of understood it and understood what it provides for and understood how it impacts their existing liquor licenses. If we might I would recommend moving backwards a step and coming after the Community Development Committee meeting and considering it from there. You all do have ninety days to take a formal action. We wrote it as an emergency because of the timeframe to get through three readings and then the thirty days.

Mr. Vincent: I think the cleanest way to do this is if it is Council's desire to postpone this until our next meeting, I think a motion to postpone until the next meeting would be the easiest way to handle this.

Mr. Roberts: Mr. Bennett, do you ever see any changes coming to any of this out of Community Development or do you just want an extra period to discuss.

Mr. Bennett: I think it is the later, Mr. Roberts. I think the three individuals who came, business owners, would like to hear a little bit more about and have dialogue with you all, around it. That would be Tuesday night at 5:30 p.m. in the first floor conference room. The meeting may be in Council Chambers. There will be a sign posted.

Mr. Sharrer moved to postpone this Ordinance to the next Council meeting. Mr. Foreman seconded. A voice vote was held with all present in favor. None were opposed. Mr. Baker was absent.  
Motion carries.

Ordinance No. 18-28 – Introduced by Council – An Ordinance approving a Labor Agreement with Local #88, International Association of Fire Fighters, and declaring an emergency.

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

Roll call vote on waiving of the readings.  
8 Ayes  
0 Nays  
1 Absent      Mr. Baker. Motion carries.

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

Roll call vote for passage.

8Ayes

0 Nays

1 Absent Mr. Baker

Motion carries. Ordinance is passed.

## **ORDINANCES FOR ACTION**

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. Roberts moved for second reading, seconded by Mrs. Gentry.

Mr. Vincent: Is there any discussion? I will explain, just to refresh Council, that it was brought to our last meeting that there will be a public hearing on February 26<sup>th</sup> so yes, you could have waived, but we do need that public hearing. Is there any other discussion? All in favor of second reading signify by saying aye. All present were in favor. None were opposed. Mr. Baker was absent.

Motion carries.

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries. Ordinance is passed.

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.

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries. Ordinance is passed.



## **TRAFFIC ORDERS**

None

## **MISCELLANEOUS AND UNFINISHED BUSINESS**

Mayor Tilton: First of all this Thursday at 6:00 o'clock in Council Chambers I will be giving the State of the City Address. I will cut it down to about 2 hours (laughter broke out)

Second of all, I would like to ask our citizens to keep the families of the two slain officers in Westerville over the weekend in their thoughts and prayers.

Mr. Vincent: Someone has a birthday tomorrow. Which, I probably shouldn't have said anything, but Happy Birthday, Mayor Tilton.

Mayor Tilton: Thank you.

Mrs. Osborn: Will the State of the City be broadcast:

Mayor Tilton: Yes, it will.

## **PRIVATE PETITIONS AND COMMUNICATIONS**

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

Mr. Eric Jones, 221 Luck Avenue, Zanesville, OH 43701 speaking on how to get public answers to public questions during a private petition?

Mr. Jones: Hello everybody. At the last meeting I asked a couple of questions then and I thought Mr. Vincent was going to answer them at that meeting. I thought I better, I sent an e-mail asking those same questions to give him notice. So here we are again. I asked about these questions again so that he had notes and he would be able to answer them while I am here. The first question was, "What is the definition of same subject matter?" I gave the example of three books. Each book having ten chapters and they are different books, but is the same subject matter going to be books, and something after the three chapters out of each book. That was my example and to get an answer I will wait for that.

The second one, "Does the 2018 City Council represent a substantive change from the 2016 City Council?" We have a new Councilmember. What that does, is that if you have three times that you speak on a subject the time frame. If it is for life that you can speak on a subject and it is the same subject, it is for the next twenty years I can't speak on it again. So I needed to know if that is in effect.

The last question was, "Who is the acting Parliamentarian for City Council?" I don't know if it is the President of Council, because when he and I would assume that the ruling that he made when I was speaking three times on a subject that would have been

a ruling by the President of Council and I don't think he is allowed to make rulings. I might be wrong. I don't have a problem with that, if he explains to me that he is allowed to do that and is able to interpret the Ohio Revised Code.

Those are the three questions and that is all I need to know. Thank you very much.

Mr. Vincent: Thank you, Mr. Jones. With that, for Council here and the audience also; books, there are hundreds of millions of books out there and probably; well, consider all the chapters in hundreds of million books there are quite a few. So, that is an example, compared to one specific subject that I ruled against. Speaking on, for I think the sixth time, being a very specific subject. I just don't see a comparison, but I will explain my perspective with that. That is my decision and I will explain more on that here in just a moment.

As far as 2018 City Council I think there are 10 Councilmembers. If you replace one Councilmember I think it is pretty easy, being 10%. So if you want to look at it from that perspective of a substantive change; 10% to me would not be a substantive change in my mind.

Three times speaking on the same subject as far as how that can be done and how often, is that a life time? I am not going to be here for a lifetime and I think people will finally forget at some point. So, to go back and look at that and rule after a period of time, I don't think it is going to happen. The subject itself was dealing with someone that was here and able to represent themselves and what their concerns were, but that doesn't play into this.

As far as the President, I am in charge by City Ordinance. I do make rulings and it is quite clear on what I can rule on. I made those rulings. My job is to run a fair, concise meeting and professional. I won't tolerate disruptions and breaking the law as far as obstructing a public meeting. I will not tolerate that and I will rule against that. That is given by Ordinance.

Does Council have any questions for me, or anything they would like to add to that? So there, we have it on the record. With that I will entertain a motion to adjourn.

Mrs. Osborn moved to adjourn and it was seconded by Miss Bradshaw. All in favor of adjournment signify by saying aye. All were in favor. None were opposed. Mr. Baker was absent.

Motion carries.

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