

ZANESVILLE CITY COUNCIL MEETING – MONDAY, FEBRUARY 26, 2018

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

APPROVAL OF MINUTES

Mr. Roberts moved to accept the minutes as printed, seconded by Mr. Foreman.
Motion carried. Minutes stand approved.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Communication from Mayor Jeff Tilton - Board Appointment-Zanesville-Muskingum County Health Department Board – Mayor Tilton is hereby recommending the reappointment of Mr. James P. Brown to the Zanesville-Muskingum County General Health Board. Mr. Brown's term will expire March 31, 2024.

Mr. Foreman moved to receive and concur, seconded by Ms. Gildow.

All present were in favor. None were opposed.
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internet auction during calendar year 2018, of City owned personal property which is not needed for public use or which is obsolete or unfit for the use for which it was acquired.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. Sharrer 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.

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

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Resolution is passed.

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 third reading and passage, seconded by Mrs. Gentry.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Resolution is passed.

PROPOSED ORDINANCES

Mr. Roberts made a motion to add Ordinance 18-31 as Exhibit 7A to the agenda.

Mr. Vincent: A motion by Mr. Roberts to add an Ordinance to the agenda tonight. It is Ordinance 18-31, which is our permanent budget ordinance, as item 7A.

Mrs. Osborn seconded the motion. A voice vote was taken for all in favor of the addition to the agenda. All were in favor. None were opposed.

Motion carries.

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.

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

Mr. Baker: The Community Development Committee approves of this unanimously, but we would like to make an amendment to the map of the Revitalization District. I believe you all have copies of 36.23 acre map to replace the other one which was 36.12 acres.

Mr. Vincent: Thank you, Mr. Baker. With that, the hold up tonight is we need the legal description. I talked with the Law Director and we need to get that corrected as far as getting it added in. Is there anything else from Council? We are at first reading so all in favor of first reading signify by saying aye. All were in favor. None were opposed.

Motion carries.

Ordinance No. 18-29 - Introduced by Council – An Ordinance authorizing the expenditure of funds relating to the Lock #10 Canal Trail project.

Ms. Gildow moved for first reading, seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion? Mr. Roberts is there anything you would like to add to this from Public Service?

Mr. Roberts: I don't believe this has been to Public Service yet. I think it is set to go in two weeks.

Mr. Vincent: I must have had a discussion with Mr. Bennett because I feel like I know something about it.

Mr. Sharrer: I would like to refer this back to Public Service because I know there was some outside work going to be done on this which we are questioning whether or not that is going to take place and whether or not that takes place will go a long way in determining how we want to move forward on this.

Mr. Vincent: Mr. Roberts, you say this is scheduled.

Mr. Roberts: It will be at the Public Service meeting on March 12 at 5:00 p.m.

Mr. Vincent: So it will be brought up then. Okay. Does that work for you, Mr. Sharrer? Are you going to be there?

Mr. Roberts: This will be the same night this is discussed for second reading.

Mr. Vincent: Sounds good. Does anyone have anything else? With that, we are at first reading, so all in favor of first reading signify by saying aye.

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

Ordinance No. 18-30 - Introduced by Council – An Ordinance approving a labor agreement with Fraternal Order of Police, Ohio Labor Council, Inc. Police Sergeants and Lieutenants, and declaring an emergency.

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

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

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

This was brought to the Ways & Means Committee meeting tonight. Ms. Gildow is there anything you want to share with that recommendation.

Ms. Gildow: Just that there was discussion and there was a unanimous vote to recommend to Council that this be passed as an emergency.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Mr. Vincent: We are now at item 7A the new addition tonight. Council should have that in front of them. It is Ordinance 18-31

Ordinance No. 18-31 - Introduced by Council-An Ordinance providing appropriations for use during the fiscal year 2018, and declaring an emergency.

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

Mr. Vincent: Is there any discussion?

Ms. Gildow: Just a comment that as she typically does Ms. Heskett took a lot of time to go through any of the significant changes in the budget with the Ways & Means Committee and answered all of our questions to our satisfaction and our comfort level is there, so obviously we are comfortable in making the recommendation that this be approved.

Mr. Vincent: Thank you, Ms. Gildow. With that our budget hearings are next Monday and Wednesday, I believe. They start at 5:00 p.m. both nights. Is there anything else from Council? Hearing none, we are at first reading 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. 18-17 – Introduced by Council – An Ordinance authorizing a Maximum Schedule of positions for the City of Zanesville’s Workforce.

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

Mr. Vincent: I think there was an amendment needed.

Mr. Roberts moved to amend Ordinance 18-17 on page 4 changing the number of Communications Operators from 10 to 11 and on page 7 fixing the tabs on Vehicle Operator II under Sewer so that it aligns properly with the others. Second by Mr. Baker.

A voice vote was taken with all in favor. None were opposed.
The motion carries.

Mr. Roberts then moved for second reading for Ordinance 18-17 as amended. Mr. Baker seconded the motion. All were in favor of second reading. None were opposed. Motion carries.

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. Sharrer 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 were in favor. None were opposed. Motion carries.

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

Mr. Roberts 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. 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 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 were in favor. None were opposed. 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.

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. 18-24 – 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.

Mrs. Norman 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. 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.

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. 18-15- 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 third reading and passage seconded by Mrs. Osborn
Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

TRAFFIC ORDERS

None

MISCELLANEOUS AND UNFINISHED BUSINESS

Mr. Baker: I was recently approached by a constituent of mine of the name of Brian Wilkey who is actually sitting in the gallery right now. He indicated a problem on the east end of town, in my ward, and probably throughout the rest of the city which is feral cats and other animals that are unattended to and not being taken care of and are wandering throughout the city. He has done a lot of volunteer work in this regard in order to try to take care of the problem himself at some considerable expense for himself as well. He encourages City Council to adopt legislation concerning the spay and neutering of these abandoned animals and specifically he is interested in trying to figure out a way to solve this problem with the city's help for the long term which he has been trying to find land over the course of I think the last four years in order to try and find a parcel that is suitable for zoning and in other ways for the refuge of these animals, particularly cats, to get them off the streets and to treat them humanely etc.

After being shut down a few times with various avenues on this hunt for the first parcel, he discovered that there is a parcel of about seven acres that is on the corner of Wayne Avenue and Dillon Road in my ward, which is an undeveloped chunk of land that the Land Bank is considering selling and on the verge of selling here very shortly, in fact tomorrow. I talked with Tim Smith as I think Mr. Wilkey did as well. I encourage him and anyone else that is interested in this to go to the meeting tomorrow morning at 8:00 a.m. in Commissioners' chambers. Mr. Smith indicated to me that he would be willing to try and get the vote tabled for another month so that Mr. Wilkey could further explore possible zoning problems that he has been running into and try to figure out if there is any feasible way for that land to be used first of all to be used for the intended purposes and second of all for the resources to enable him to purchase it. So with all of that being said, it is a problem in the east end and probably a problem for every one of you folks up here as well I would suspect. It is a problem that we are going to have to address at some point in time, I suspect. This would be one avenue of doing this. We also met with Mr. Bennett to sort of navigate some of the zoning requirements that Mr. Wilkey was a little bit unfamiliar with as well. I just wanted to get that out. You have a letter from Mr. Wilkey that was emailed to all of you folks, as well as you have a copy at your desks, and I encourage you to read that through. He wanted to speak before Council today, but he missed the deadline by a bit. So if you have questions for him we could waive the requirement unless you have questions you can talk with him after the Council meeting if you have any further desired information.

Mr. Vincent: Thank you, Mr. Baker. We appreciate the summary and your work on this and Mr. Wilkey as far as your interest in addressing this issue in the community. Does Council have any questions? Is there anything else from the administration or Council?

PRIVATE PETITIONS AND COMMUNICATIONS

Non-agenda item petitions filed

Mr. Eric Jones, 221 Luck Avenue, Zanesville, OH speaking on, "Let's try again with public answers to public questions."

Mr. Eric Jones: Hello everybody. I hope everybody got the e-mail on that to clear up this question. When I first started I was going to say, you know, Mr. Vincent is a tyrant.

Mr. Vincent: Mr. Jones, Mr. Jones, Mr. Jones, excuse me, Mr. Jones. I will pause your time here. I want to let you know that I will not tolerate you calling me a tyrant any more.

Mr. Jones started to speak

Mr. Vincent, Sir, I am speaking, please wait. I will not tolerate you calling me a tyrant any more. If you want to talk about things I am doing as far as it demonstrated being a tyrant you may do that, but I am not going to tolerate name calling any more. Is that understood?

Mr. Jones: So if I say, you act

Mr. Vincent: Is that understood, sir?

Mr. Jones: If I say you act as a tyrant would that be sufficient?

Mr. Vincent: No, sir, you need to explain what I am doing.

Mr. Jones: Which is why I am doing it? I just want to indicate this is one of the indications of tyranny.

Mr. Vincent: I am not going to tolerate name calling.

Mr. Jones: That is not name calling, right, if I give the indications of a tyrant, alright. What I came here, at the last meeting, I said, "I gave the examples of what would be the same subject matter, the definition." I was doing that. Mr. Vincent didn't want to give what his definition is and I am still waiting for that and give an example of what he considers the same subject matter if we are not going to use Webster's Dictionary or anything like that. The other part was the substantive change definition. If one Council member does not represent a substantive change, how many would represent a substantive change. If you changed, if you were voted out; would that be a substantive change? Then the third thing I was asking about and that would be practicing law without a license. As I said in my email there are two things, there are two elements to practicing law without a license: one is giving legal advice and the second one is getting paid for it. If I got that part wrong, I am sure the Law Director will say something about that. At the end of the day, Mr. Vincent, if you are giving a ruling what that means you are giving some type of legal advice to the community and you get paid for being President of Council. The Ohio Revised Code they say that it is okay for you to be President of Council if in effect you have a law degree. That is why the state, the state recommends for municipalities to use Roberts Rules of Order instead of the Ohio Revised Code. But if you know of an Ordinance or statute that gives you that permission by all means let me know. Thank you very much. I appreciate it.

Mr. Vincent: Thank you, Mr. Jones. With that, I will let Council know, and the audience here. My attempts to humor Mr. Jones last week with addressing his specific questions, really was not a good answer for him, in looking back. Basically, the answer to the questions as far as bringing up and talking beyond a third time about a subject whether things have changed, does not matter. I was elected by the citizens of this great City to be a Council President. It is my job to run this meeting, for starters. Under Ordinance 111.13 Addressing Council under Section H, it says no repetition of remarks shall be permitted nor speaking on the same subject matter will be allowed at more than three meetings, unless there has been substantive change to the legislation or the situation as determined by the President. I am the President and I made that determination. There has not been any substantive change because it is an event that happened in the past. So, that is my ruling and as far as with that, Council always has the opportunity that if they disagree with how I rule, and I welcome this, if you don't agree with me that you may appeal my decision. You may all take a vote and if two-thirds of you vote

against what I have ruled, we go in the direction that you want. So, I am not the king here. I don't rule everything. You guys have the power. So, with that, I did make the ruling that you spoke more than three times on this and you are not speaking again. It baffled me that the person that was actually involved with the event actually came and spoke on this a couple of times and so it is outside of this person's involvement. So, with that, are there any questions from Council for me?

Mr. Roberts moved to adjourn and Mrs. Osborn seconded the motion. A voice vote was taken with all in favor. None were opposed.
Motion carries.

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

The meeting adjourned about 7:26 p.m.