

Public Hearing

A Public Hearing was held at 6:20 p.m., Monday, May 14, 2018 in the City of Zanesville's Council Chambers, 401 Market Street, Zanesville, Ohio to hear requests by Dylan Daniels to re-zone 1018 Marietta Street from RS-5 to C-2. All testimony for and against will be heard.

Mr. Vincent called the public hearing to order and turned it over to Mr. Bennett. Mr. Bennett stated the ordinance before you tonight is to rezone this high density residential property that is currently being used as a center on Marietta Street. As you think about heading up Marietta Street before you veer off to the right onto Sharon those properties used to be churches and the center. They have a conditional use permit. With the church going out that took away those conditional uses permits so they revert back to the RS-5 single family district. So to come into compliance with our code it needs to become a C-2. This is appropriate in this case. When you look at the properties to the east, north, west they are all C-2 district properties. So it is very appropriate. The Planning Commission heard this matter on March 20th and unanimously recommended City Council approval of this change from a RS-5 to a C-2.

Mr. Vincent said this will be Ordinance 18-53 or the second item on the agenda.

The Council members didn't have any questions. No one was present to speak for or against this Ordinance. The public hearing was called to a close at about 6:28.

Public Hearing

A Public Hearing was held at 6:30 p.m., Monday, May 14, 2018 in the City of Zanesville's Council Chambers, 401 Market Street, Zanesville, Ohio to hear requests by Richard L. Weed Real Estate, LLC to re-zone 903 Sharon Avenue from RS-5 to C-2. All testimony for and against will be heard.

Mr. Bennett stated this is for Ordinance 18-54 requesting a re-zone from RS-5 to C-2. Specifically this is the part of the facility that one time was a church and center and on two separate parcels. This Ordinance is actually when you look at the map is the one that is directly adjacent to Sharon Avenue and Merrick. It is adjacent to C-2 areas. He would urge Council if you like this one then like the one before it. If you don't like that one then you might want to consider not doing this one as well. The Planning Commission, however, at their meeting in March did consider all testimony and found it very appropriate to go ahead and extend the C-2 zoning to these two lots. The Planning Commission made a unanimous recommendation for Council approval.

Mr. Vincent: If 18-53 passed and 18-54 didn't pass we would then be spot zoning.

Mr. Bennett said we would have a little issue. So he really recommends that you look at that closely.

Mr. Vincent: Are there any questions from Council?

No one was present to speak for or against this request. The public hearing was called to a close at about 6:35 p.m.

ZANESVILLE CITY COUNCIL MEETING – MONDAY, MAY 14, 2018

The Zanesville City Council met in regular session at 7:00 p.m. on Monday, May 14, 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, Mrs. Gentry, Mrs. Norman, Miss Bradshaw, Ms. Gildow, Mrs. Osborn, Mr. Sharrer, and Mr. Vincent.

Mr. Baker was absent.

Mr. Roberts moved to excuse Mr. Baker. It was seconded by Mr. Foreman. A voice vote was taken with all in favor. None were opposed. Motion carries.

APPROVAL OF MINUTES

Mr. Roberts moved to accept the minutes as printed, seconded by Mrs. Osborn.
Motion carried. Mr. Baker was absent.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Resolution No. 18-40 - Introduced by Council – A Resolution requesting the Ohio Department of Transportation (ODOT) preclude Lash Paving Inc. from being awarded any further paving bids within the City of Zanesville, Ohio.

Mr. Roberts moved to postpone this Resolution until June 11, 2018 as recommendation from Public Service Committee. It was seconded by Miss Bradshaw.

A voice vote was held with all present being in favor. None were opposed.
Motion carries. Mr. Baker was absent.

PROPOSED ORDINANCES

Ordinance No. 18-53 – 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 for parcel 81-52-02-01-000 for 1018 Marietta Street.

Mrs. Osborn moved for first reading, seconded by Mrs. Norman.

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.
Motion carries. Mr. Baker was absent.

Ordinance No. 18-54 – 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 for parcel 81-52-02-02-000 for 903 Sharon Avenue.

Mrs. Osborn moved for first reading, seconded by Ms. Gildow.

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. 18-55 – Introduced by Council – An Ordinance enacting Section 514.02 of the Codified Ordinances relating to the illegal use or possession of marijuana drug paraphernalia.

Mr. Vincent: We are at first reading and the Law Director requests waiving and passing as normal legislation if that is Council's pleasure.

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

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

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries.

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

Mr. Vincent: Mr. Tarbert, my understanding is this follows exactly with the Ohio law and the issue for this is similar to when Council passed the marijuana ordinance before and this has to do not with marijuana, but actually the paraphernalia and everything that goes with it.

Mr. Tarbert: Right. The state amended a few years ago where possession of marijuana changed to a minor misdemeanor and the City Code didn't follow suit at that time and Council amended that a year or so ago, I think within the last year. What was happening was when someone was convicted of that in Municipal Court the court would apply the state code section and the City was missing out on those fines. When the state amended their marijuana ordinance to a minor misdemeanor they also amended their

paraphernalia ordinance to a minor misdemeanor and the city didn't do that again at that time so this is kind of cleaning up that issue and allowing us to collect the fines for those violations.

Mr. Vincent: So this is part two of what we did before.

Mr. Tarbert: Right.

Mr. Vincent: Is there a part three?

Mr. Tarbert: There may be, but not today.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries. Ordinance is passed.

Ordinance No. 18-56 – Introduced by Council – An Ordinance authorizing the Public Service Director to execute two annexation agreements with Falls Township and declaring an emergency.

Mr. Roberts 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.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries.

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

Mr. Bennett: Just very quickly these are the two properties: one on Doak's Lane and one is the Robin Court Apartments on Carmen. These agreements as required by the Revised Code to spell out the terms and conditions between the township and city. The Doak's Lane is a complete closure of corporation limits and the City is agreeing not to take complete closure on the corporation limits with the Falls Township on the Robin Court Apartments thereby the City will share revenues with Falls Township. That will be the property tax to Falls Township that they currently receive in exchange for them continuing to receive their property taxes they will do the maintenance on Carmen Drive. It is a good trade-off for both parts.

Mr. Vincent: Thank you, Mr. Bennett. Is there anything else from Council?

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries. Ordinance is passed.

Ordinance No. 18-57 – Introduced by Council – An Ordinance authorizing the transfer of an asset and its debt payment from the Wastewater Division to the Sanitation Division.

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

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. 18-58 – Introduced by Council – An Ordinance authorizing the proper city official to purchase a leaf collection unit for the Streets Division through a competitive bidding process or a cooperative purchasing program.

Mr. Foreman moved for first reading, seconded by Mrs. Gentry.

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. 18-59 – Introduced by Council – An Ordinance authorizing the proper city official to purchase a transfer station compactor for the Sanitation Division through a cooperative purchasing program or a competitive bidding process.

Ms. Gildow 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. 18-60 – Introduced by Council – An Ordinance authorizing the proper city official to purchase a 2018 one (1) Ton Dump Truck for the Street Division through a cooperative purchasing program or a competitive bidding process.

Mrs. Gentry 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. 18-61 – Introduced by Council – An Ordinance authorizing an encroachment of a City right-of-way.

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

Mr. Vincent: Is there any discussion? Mr. Roberts, there is no recommendation from your committee?

Mr. Roberts: There was a recommendation to approve this.

Mr. Vincent: Is there any other discussion? We are at first reading so 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. 18-62 – Introduced by Council – An Ordinance authorizing participation in the ODOT Winter Contract for road salt, and declaring an emergency.

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

Mr. Vincent: Is there any discussion on waiving?

Mr. Roberts: The Public Service Committee recommended that we pass this as an emergency.

Mr. Vincent: Okay, thank you. Is there anything else from Council on waiving? Hearing none, we will have roll call vote for waiving of the readings.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries.

Mrs. Norman moved for 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. 18-63 – Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids and enter into a contract for the 2018 Citywide OPWC Overlays with the lowest and best bidder, and declaring an emergency.

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

Mr. Vincent: Is there any discussion on waiving?

Mr. Roberts: This Ordinance was also recommended by Public Service to be passed as an emergency.

Mr. Vincent: Thank you, Mr. Roberts. Is there anything else? We will have roll call vote for waiving of the readings.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Baker

Miss Bradshaw moved for passage, seconded by Mr. Foreman.

Mr. Vincent: Is there any discussion? Hearing none, we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries. Ordinance is passed.

Ordinance No. 18-64 – Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids and enter into a contract for the Larzelere Avenue Paving Project with the lowest and best bidder, and declaring an emergency.

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

Mr. Vincent: Is there any discussion on waiving?

Mr. Roberts: The same. (Laughter)

Mr. Vincent: So the Public Service recommended passing as an emergency. Is there any other discussion? With that, we will have roll call vote for waiving of the readings.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries.

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

Mr. Vincent: Is there any discussion? Hearing none, we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries. Ordinance is passed.

Ordinance No. 18-65 – Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids and enter into a contract for the Muskingum Avenue improvements with the lowest and best bidder, and declaring an emergency.

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

Mr. Vincent: Is there any discussion on waiving?

Mr. Roberts: The same again. Public Service recommended passing this as an emergency.

Mr. Vincent: Thank you. Is there anything else from Council? We will have roll call vote to waive.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Baker

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

Mr. Vincent: Mr. Roberts, I know there were some concerns brought up about paving at this time and do you want to add to that or Mr. Bennett?

Mr. Roberts: Right, I will defer to the Public Service Director.

Mr. Bennett: This is a Community Development Block Grant funding project. The project as scoped about a year and a half ago involved kind of cleaning up and adding to the storm water system along Muskingum Avenue, i.e. Dug Road and along the hillside. Then moving storm water from there and it being directed over the bank towards the river and back towards the other system against the hillside. Those conditions have changed. So we have looked at this and again it is grant funding and we are making a request to the state of Ohio to amend our grant with them. We would still like to go forward and pave the one lane that is available. It is very, very rough. It has been a tough bridge closure and beyond. We would to go ahead and perform the sidewalk

improvements and spot curb improvements along the riverside part of that project. We would probably non-perform the majority of the storm water work against the hillside. We just do not feel it is safe to put a contractor under that hillside with the slippage. That is going to be the amendment to the state of Ohio. We are requesting to go ahead and go forward with paving and the spot work and then we would also not pave the other lane that is up against the hillside.

Mr. Vincent: Thank you, Mr. Bennett. Are there any questions from Council? We will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries. Ordinance is passed.

Ordinance No. 18-66 - Introduced by Council – An Ordinance allowing a moral claim.

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

Mr. Vincent: Is there any discussion?

Mr. Sharrer: I would like to amend Section One. I would like to amend that to read, the proper City Official is hereby authorized to pay and strike \$55,804.34 to \$25,000. And said money shall be taken from line item and I would like to insert the following line item, 603-5470-53408.

Mr. Vincent: Also in the top first whereas change that also to \$25,000?

Mr. Sharrer: No, I wouldn't like to change that because that is what he presented the moral claim in that amount or legal claim in that amount.

Mr. Vincent: To make sure I am clear on this. Your motion right now is to modify Section One authorizing to change the amount to \$25,000 and it should be taken from line item 603-5470-53408. Is that correct?

Mr. Sharrer: Correct.

Mr. Vincent: Is there a second on that motion?

Mr. Roberts seconded the motion.

Mr. Vincent: Is there any discussion? All in favor of the amendment signify by saying aye.

A voice vote was held with all present being in favor. None were opposed. Mr. Baker was absent. Motion carries.

We are now at Ordinance No. 18-66 as we just amended so we are now at first reading as amended.

Mr. Sharrer moved for first reading as amended. Mr. Roberts seconded the motion.

Mr. Vincent: Is there any further discussion?

A voice vote was held with all present in favor of first reading except Mr. Roberts. Mr. Roberts voted nay. Mr. Baker was absent.
Motion carries.

ORDINANCES FOR ACTION

Ordinance No. 18-50 – Introduced by Council- An Ordinance amending Chapters 1171.01, 1171.03 and 1171.04 of the City of Zanesville’s Planning and Zoning Code.

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

Ordinance No. 18-51 – Introduced by Council – An Ordinance repealing Chapter 937.05 of the City of Zanesville’s Codified Ordinances, regarding City Utility Billing Deposits.

Miss Bradshaw 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.

Ordinance No. 18-52 – Introduced by Council – An Ordinance allowing a moral claim for Patty Goldsmith.

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

Mr. Vincent: Is there any discussion on waiving?

Mrs. Norman said Mrs. Goldsmith chose not to continue with the claim.

Mr. Vincent: She wants to move it along and get it off the agenda so waiving and then defeating it. Is there any other discussion on waiving the readings? With that we will have roll call vote for waiving of the readings.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries.

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

Mr. Vincent: Is there any further discussion? Just being clear, Mrs. Norman. She does want this defeated and to go away completely? Correct?

Mrs. Norman: Yes.

Mr. Vincent: Is there any other discussion?

Roll call vote for passage.

0 Ayes

8 Nays

1 Absent Mr. Baker

Motion fails. Ordinance is defeated.

Ordinance No. 18-46 – Introduced by Council – An Ordinance declaring various city properties as surplus and authorizing the Zanesville Community Improvement Corporation, acting as the agent of the City of Zanesville, Ohio, to negotiate the disposal of certain city owned property for economic development purposes.

Mr. Roberts moved for third reading, seconded by Mrs. Gentry.

Mr. Roberts: After this Ordinance was presented different things have come to light including a prior Ordinance I believe from 2007. It kind of dictated the way the property would move within the CIC and City of Zanesville. In speaking with the Administration we believe that ordinance would probably need to be amended and this Ordinance is more or less not going to be what we need it to be, so it would be my recommendation to Council that we shoot this down and then have the administration bring another ordinance that would actually fix all of those things and focus in on this as well.

Mr. Vincent: Thank you, Mr. Roberts. You want Council to defeat it and bring it back.

Mr. Roberts: At their pleasure, yes.

Mr. Vincent: Okay, defeat it and for the CIC, the Administration, and probably the Law Director to bring back what is needed. Is there any further discussion? Hearing none, we will have roll call vote.

Roll call vote for passage.

0 Ayes

8 Nays

1 Absent Mr. Baker

Motion fails. Ordinance is defeated.

TRAFFIC ORDERS

Traffic Order 18-01

Section One: Traffic Order 18-01 is hereby to establish No Parking anytime on South 4th Street on the East Side of the street starting 68 feet South of South Street and continuing 100 feet.

Section Two: The appropriate signs shall be installed.

Mr. Roberts moved to receive, seconded by Miss Bradshaw.

All present were in favor. None were opposed.

Motion carries. The Traffic Order stands received.

Traffic Order 18-02

Section One: Traffic Order 18-02 is hereby to rescind Traffic Order 11-01 and establish new Traffic Order to have No Parking on the South side of Roosevelt Ave. from Western Ave to the entrance of John McIntire Elementary School and No Parking on the North side from 7:00 a.m. until 5:00 p.m. school days from Western Ave. to the entrance of John McIntire Elementary School.

Section Two: The appropriate signs shall be installed.

Mr. Foreman moved to receive, seconded by Mrs. Gentry.

Mr. Vincent: Is there any discussion? This will be the last thing to come before us with Fred Buck's name on it. He is now retired.

All present were in favor of receiving. None were opposed.

Motion carries. The Traffic Order stands received.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Tilton: On Friday, June 22 from 8:00 until 12:00 a.m. there will be a work party at Dogzville. It is being organized by Boy Scout Mathew Combs as part of his Eagle project. If anybody would like to go down and help this young gentleman get his Eagle project done it would be appreciated.

Also, I never had the chance to do it in front of Council, but I would like to thank Fred Buck who retired Friday as the Public Safety Director for his forty-some years of service to the City. I truly appreciate what he has done for me. Thank you!

Mr. Vincent: I agree with what you are saying. I greatly appreciate Fred for all he did. He is a good man that is for sure. He worked out a lot of things. He was great to work with. He will be greatly missed in his role and we will still see him out there in the community. Is there anything else from the Administration? Law Director?

PRIVATE PETITIONS AND COMMUNICATIONS

Non-agenda item petitions filed

No petitions were filed to speak at tonight's meeting.

Mr. Vincent: If Council doesn't have anything else, I will entertain a motion to adjourn.

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

A voice vote was taken with all present being in favor. Mr. Baker was absent. None were opposed. Motion carries.

Mr. Vincent: Thank you everyone. We stand adjourned.

The time of adjournment was about 7:34 p.m.