

## ZANESVILLE CITY COUNCIL MEETING – MONDAY, JULY 23, 2018

The Zanesville City Council met in regular session at 7:00 p.m. on Monday, July 23, 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: Miss Bradshaw, Ms. Gildow, Mrs. Osborn, Mr. Sharrer, Mr. Foreman, Mr. Roberts, Mr. Baker, Mrs. Gentry, Mrs. Norman, and Mr. Vincent.

### APPROVAL OF MINUTES

Mrs. Osborn moved to accept the minutes of the Monday, July 9, 2018 meeting as written, seconded by Miss Bradshaw.

Motion carries. Minutes stand approved.

### COMMUNICATIONS, REPORTS, AND RESOLUTIONS

None

### PROPOSED ORDINANCES

Ordinance No. 18-81 - Introduced by Council – An Ordinance authorizing the assessments of liens against certain properties with delinquent bills, 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? 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 Abstention            Mr. Baker

Motion carries.

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

Mr. Vincent: Mr. Roberts did this go to committee?

Mr. Roberts: Yes and the recommendation from Public Service was to pass this on through.

Roll call vote for passage.

8 Ayes

0 Nays

1 Abstention            Mr. Baker

Motion carries. Ordinance is passed.

Ordinance No. 18-82 - Introduced by Council – An Ordinance authorizing the proper City official to purchase a new Case CX60C Mini Excavator from Southeastern Equipment Co., Inc. for the Water Division through the State of Ohio Cooperative Purchasing Program.

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

Mr. Roberts moved to amend Ordinance 18-82 in the following manner:

Remove the third Whereas and then to replace the second Whereas with, “the Division leadership has researched various models and has determined that replacing the existing unit with a smaller track hoe would provide flexibility when crews are working in alleys and confined work areas; and

The motion was seconded by Mr. Foreman.

A voice vote was taken with all in favor of the amendment. None were opposed. Motion carries.

Now we are at Ordinance 18-82 as amended for first reading.

Mr. Sharrer 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.

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

Mr. Roberts: This was also suggested to be approved by the Public Service Committee.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 18-83 - Introduced by Council – An Ordinance authorizing the proper City official to provide amenities for the Storm Water Advisory Committee meetings.

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.

Mr. Vincent: Is there any discussion on waiving of the readings.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

Mr. Roberts 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.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

## **ORDINANCES FOR ACTION**

Ordinance No. 18-80 – Introduced by Council – An Ordinance to vacate the 14' wide, unimproved alley 120' south of Ridge Avenue between Harvard and Cornell Streets; the 14' wide, unimproved alley south of Ridge Avenue and adjacent to the west side of the railroad tracks; and the 40' wide, unimproved portion of Harvard Street from 150' south of Ridge Avenue until it ends to the south in the City of Zanesville, Ohio as herein provided.

Mr. Baker moved for second reading and seconded by Mrs. Gentry.

Mr. Baker moved to introduce the amendment proposed that we all have in front of us for 18-80.

Mr. Vincent: The amendments are changing the first line as the unapproved alley from 120' to 135' and the fourth line change the 150 to 254 to make the corrections for south of Ridge Avenue. This is to make corrections to meet what the surveyor actually has, is that your amendment?

Mr. Baker: Yes.

It was seconded by Mr. Sharrer.

Mr. Vincent: Is everyone clear on that? You have the proposed amended version in front of you. All in favor of those amendments signify by saying aye. All were in favor, none were opposed. We are now at 18-80 as amended.

Mr. Roberts moved for second reading as amended and it was seconded by Mr. Baker.

Mr. Vincent: Is there any further discussion? We are at second reading so all in favor signify by saying aye. All were in favor, none were opposed. The motion carries. It will return to our third and final reading at the next meeting.

Ordinance No. 18-75 – 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.

Mr. Baker moved for third reading and passage, seconded by Miss Bradshaw.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 18-76 – Introduced by Council – An Ordinance Amending Chapters 1105.01, 1105.06, 1113.05, 1113.10, 1113.15, 1115.02, 1115.04, 1115.06, 1121, 1134, 1141.04 and 1141.05 of the City of Zanesville's Planning and Zoning Code.

Mr. Roberts moved for third reading and passage, seconded by Mr. Baker.

With no discussion we will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

0 Absent

Motion carries. Ordinance is passed.

Ordinance No. 18-77 – Introduced by Council – An Ordinance amending Chapter 1141.05 of the City of Zanesville's Planning and Zoning Code.

Mr. Baker moved for third reading and passage, seconded by Miss Bradshaw.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 18-78 – Introduced by Council – An Ordinance amending Chapter 1109.01 of the City of Zanesville's Planning and Zoning Code.

Mr. Baker moved for third reading and passage, seconded by Miss Bradshaw.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

## **TRAFFIC ORDERS**

None

## **MISCELLANEOUS AND UNFINISHED BUSINESS**

Mayor Tilton: Just one small thing. I would like to congratulate Logan Hittle who is the son of Matt and Lisa Hittle, who is our IT Coordinator, who is now the newest area Ohio State Buckeye. It is great that he made the roster and is on the team.

Mr. Vincent: That is wonderful news. Is there anything else from administration?

## **PRIVATE PETITIONS AND COMMUNICATIONS**

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

Mr. David Rogers, 1104 Benjamin Street, Zanesville, Ohio speaking on procedures alternatives discussed with Ohio Attorney General Office for investigating Zanesville Police Department.

Mr. Vincent: I will remind you, Mr. Rogers, as far as not to say anything personal as far as such name calling and stuff. If you want to describe things that lead you to that determination for example if you thought I was a jerk. You cannot call me a jerk, but if you want to describe things that I did or some sort of behavior that I did that was jerk like that is fine too. I am not going to tolerate any name calling.

Mr. Rogers: I don't ever recall referring to you as a jerk.

Mr. Vincent: No, I just gave that as an example, sir. No, I wasn't saying that. Absolutely not; I was not making any suggestion that you called me that; I was giving an example on that to help explain what I was saying. Does that make sense?

Mr. David Rogers: Okay, I think for the most part I was trying to stay within your rules.

Mr. Vincent: I appreciate that. We had a good conversation.

Mr. Rogers: I have already had this made out so if there is any name mentioned I am just going by what is already put, but there is no name calling, just a reference to somebody. Okay, there went a minute.

Mr. Vincent: No, I haven't started the timer yet, sir, so you still have three minutes.

Mr. Rogers: Okay.

Mr. Vincent: So, are you ready?

Mr. Rogers: Yes. Members of Council, the general public, and any government agencies watching. Before the public at hand I have this question related to the last meeting of July 9<sup>th</sup>. What business is it of the City of Zanesville to issue sanctions on a person not to talk to county employees or to be on county property? When I finished, Mr. Roberts, if you would, please answer that question. For the Ohio Attorney General's office to come in and investigate the Zanesville Police Department a request would have to be made by the county prosecutor or the city law director's office. The attorney general's office suggested the justice department to talk to. The feds were brought up to the court attorney which handled part of this case. He refused. Also a disciplinary council was discussed because it really should be considered a matter of ethics. Neither Tarbert nor Haddox had the professional ethics to have the Ohio Attorney General's office investigate the Zanesville Police Department. Haddox would tell or shown they are doing their part to run Zanesville and Muskingum County as its own criminal enterprise and being a part of the corruption. That is quite evident whether it be an election or anything else involving the community. I will cut that short and Mr. Roberts, do you have an answer for that on how the City can issue a sanction on someone?

Mr. Vincent: Sir, this is not a one on one. We are not going to get into a debate here. We are not going to do it. You want to pose your question, you have your three minutes to speak.

Mr. Rogers: From my memory that, Mr. Roberts, didn't have a problem speaking up on Mr. Tarbert's incident when Mr. Jones spoke last fall. I remember the minutes Mr. Roberts stated something that was a wonderful day if we wanted to go back and check the minutes. So, people can't talk about the county doing their work in the city at City Council, but the city can apply a sanction to somebody not talking to county employees or be on county property. That sounds like a major discrepancy there. Just what business is it of the City's for a person to talk to county employees? Thank you.

Mr. Vincent: Mr. Rogers, with that, I think you are making some reference then. You can go ahead and sit down, that is fine. I was just going to talk in general. Our speaker was making some reference, as far as, at the last meeting not speaking to the issue at hand. I watched the DVD. With that, the issue at hand was a county issue and referring back to our last meeting that the City has no authority or jurisdiction over the Board of Elections. So, that is legitimate. We only hear things that pertain to the City that we can take action on. So, we are not going to take care of federal matters. We are not going to take care of county matters. We are a city legislative body.

Mr. Rogers: Okay, I just raised a question of what business is it of the city's of who talks to a county employee.

Mr. Vincent: Sir, I will talk to you afterwards. Your time is up. Thank you. With that, I will entertain a motion to adjourn.

Mrs. Osborn moved to adjourn; it was seconded by Ms. Gildow.

Mr. Sharrer: We have someone out in the audience.

Mr. Vincent: With that, I don't have a petition for him to speak this evening so I have to follow the rules of Council. A petition is to be filed Wednesday before the meeting by noon to speak at a Council meeting for a non-agenda item. The agenda items can be spoken about and they need to be here a quarter till seven before the meeting starts as far as to talk on an agenda item. So, you are welcome to.

Mr. Kagafas: There are three agenda items that I wrote that I wasn't given an opportunity to speak on.

Mr. Vincent: We have a process, sir.

Mr. Sharrer: I will move to allow him to speak.

Mr. Vincent: On what?

Mr. Sharrer: I will move to allow him the three minutes to speak.

Mr. Vincent: So, you want to waive the Council rules to allow this gentleman to speak

Mr. Sharrer: For three minutes.

Mr. Vincent: Okay. Alright. Is there a second on that?

Ms. Gildow: I second.

Mr. Vincent: Mr. Sharrer moved and a second by Ms. Gildow. Is there discussion? Okay, we will need a roll call vote on this. We need six people to override Council rules to allow him to speak. Otherwise then, sir you will need to come back and you need to fill out a petition to come back to speak at the next meeting. So I have to follow the rules to be fair to everyone as I am sure you can understand.

Roll call vote to permit the speaker.

8 Ayes

1 Nay            Mr. Foreman

Motion carries.

Mr. Vincent: With that, sir, if you want to come up and give me your name and address and you will have three minutes to speak, sir.

Mr. George Kagafas, 13604 Conquer Hill Road, Byesville, Ohio.

Mr. Vincent: I guess with this, excuse me just a second; I will stop the time here. I will refer to the Law Director. Is this related to employment with the City?

Mr. Kagafas: No, I don't have an issue with my employment. I am no longer employed with the City.

Mr. Vincent: I guess I will turn to the Assistant Law Director as far as pending litigation, does this need to go into executive session?

Emily Tarbert: I am unaware of any pending litigation, but for any and all employment matters it would be appropriate to go into executive session.

Mr. Vincent: Okay, alright. With that, I would ask Council to consider going into executive session. With that,

Mr. Kagafas: This isn't about my employment.

Emily Tarbert: I am unsure what it is concerning because we did not receive a petition for you to speak. So, I am just advising Council that if this is concerning an employment matter or discipline of an employee that you may go into executive session to discuss that matter.

Mr. Kagafas: I wasn't disciplined.

Mr. Vincent: So, Council is aware.

Mr. Sharrer: Is it something that we need to go into executive session for? I mean

Mr. Kagafas: I could speak more freely then, yes.

Mr. Sharrer: I will move that we go into executive session for personnel matters.

Mr. Vincent: Keeping who in the room, I assume the Assistant Law Director, the Mayor, Mr. Bennett,

Mr. Sharrer: It is up to you, I don't care. I don't need anybody in particular here; I would like to hear what he has to say.

Mr. Vincent: Would you like the Mayor, Assistant Law Director

Mr. Sharrer: That is fine. The City Administration can stay.

Mr. Vincent: So your motion is to go into executive session and keep the administration here. Is there a second on that?

Mr. Baker seconded it.



Mr. Vincent: It was seconded by Mr. Baker. We will have roll call vote to go into executive session.

Roll call vote to go into executive session for potential litigation.

9 Ayes

0 Nays

Motion carries.

Mr. Vincent: That was along the lines of potential litigation, correct?

Mr. Sharrer: It was for personnel matters.

Mr. Vincent: With that, I need all of the audience to step out for the executive session. We can do this as far as and we will not make any decisions or any votes will occur in executive session. Any votes would occur when we return. Are the cameras shut off then?

The executive session was entered at 7:24 p.m. for personnel matters and not potential litigation.

The executive session ended at 8:43 p.m. The public was invited back into the council chambers.

Mr. Vincent: Is everyone back in? We welcome you back and we appreciate your patience. We were in executive session for personnel matters. With that I wanted to reassure you that no vote or action was taken. We were sharing information. With that I will entertain a motion to adjourn.

At 8:44 p.m. Mrs. Osborn moved to adjourn and it was seconded by Miss Bradshaw.

Mr. Vincent: All in favor of adjournment signify by saying aye. Those opposed nay.

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

Mr. Vincent: We stand adjourned. Have a good evening everyone.