

## **PUBLIC HEARING**

Mr. Vincent called the Public Hearing to order about 6:25 p.m. to hear a request by the City of Zanesville to amend Chapter 1153 of the City of Zanesville's Planning and Zoning Code.

Mr. Bill Arnett, Planning and Zoning Administrator, presented on the proposed changes due to the Reed versus the Town of Gilbert, Arizona ruling by the Supreme Court in June of 2018 pertaining to sign content and that the court decided content of signs shall not be regulated. This was discussed at a Community Development Committee meeting.

In this case a church was using a temporary directional sign to let their folks know where the church services were being held each week because they moved it around. The town's sign code limited how long the signs could be up and how big they could be. The sign code also allowed other temporary signs to be up longer and to be larger. The court found that placing limits on the temporary directional signs that were more stringent was a content-based regulation of speech and a violation of the first amendment so that was the Gilbert decision. If you go online and you look up signage you will see the Gilbert decision listed everywhere dealing with the content of signage and what you can regulate and what you can't. The proposed changes tonight are really in response to the Gilbert decision. It is important to say while we are not going to be regulating content in the sign code. We can still regulate the size of the signs, the way the signs look, how many signs can be on a lot as none of that is changing. This is really all about this Gilbert decision and the content-based signage. If you have to look to see what the sign says; then you are regulating content.

Mr. Arnett reviewed the Ordinance and the changes being made due to the Gilbert Decision. Once it was completed it was asked if there were any comments from the audience for or against. No testimony was presented from the audience for or against. The hearing adjourned about 6:35 p.m.

## **ZANESVILLE CITY COUNCIL MEETING – MONDAY, DECEMBER 10, 2018**

The Zanesville City Council met in regular session at 7:00 p.m. on Monday, December 10, 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: Ms. Gildow, Mrs. Osborn, Mr. Sharrer, Mr. Foreman, Mr. Roberts, Mrs. Gentry, Mrs. Norman, and Mr. Vincent.

Miss Bradshaw and Mr. Baker were absent.

Mrs. Osborn moved to excuse Mr. Baker and Miss Bradshaw. It was seconded by Ms. Gildow. A voice vote was taken with all present being in favor. None were opposed. Motion carries.

## **APPROVAL OF MINUTES**

Mrs. Osborn moved to accept the minutes dated November 26, 2018 as printed, seconded by Mr. Roberts. A voice vote was taken with all present being in favor. None were opposed. Mr. Baker and Miss Bradshaw were absent. Motion carries.

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

There were no communications or reports filed for this meeting.

## **PROPOSED ORDINANCES**

Ordinance No. 18-130 - Introduced by Council – An Ordinance to amend the Municipal Code of the City of Zanesville, Ohio, by adding a new Chapter 926 Stormwater Utility Program, in order to establish a stormwater rate structure, which will provide for the funding of the operation, maintenance, and improvement of the stormwater system within the city limits.

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

Mr. Vincent: Is there any discussion?

Mr. Roberts moved to amend as a few amendments are needed for this Ordinance:

Under Section 926.02 Definitions-

- Changing Agricultural Property to Agricultural Parcel.
- Changing Condominium Property to Condominium Parcel
- Changing Condominium Property Single Story to Condominium Parcel Single Story
- Changing Duplex Property to Duplex Parcel

Same Section, second page

- Changing Non-residential property to Non-residential parcel; Agricultural parcel and condominium single story parcels.

Third Page

Changing Single-family parcel instead of Single-family Residential  
Section 926.12-Second paragraph

- Change interested to interest

Mr. Roberts said that is all he has.

Mr. Vincent: A motion by Mr. Roberts for changing all of those properties to parcels and interested to interest.

Mr. Sharrer seconded the motion for the amendments.

Mr. Vincent: Are there any questions? Is everyone clear on those changes? You have them before you and highlighted in yellow. Is everyone good? So, all in favor of the amendment signify by saying aye.

All present were in favor. None were opposed.

The motion carries. Mr. Baker and Miss Bradshaw were absent.

Mr. Vincent: We are now at Ordinance 18-130 as amended.

Mr. Sharrer moved for first reading as amended. It was seconded by Mrs. Osborn. A voice vote was taken with all members present being in favor. None were opposed. Motion carries. Mr. Baker and Miss Bradshaw were absent.

Ordinance No. 18-131 - Introduced by Council – An Ordinance repealing in its entirety Chapter 925.02 of the City’s Title Nine-Streets, Utilities and Public Services Code and enacting a new Chapter 925.02, Titled “Stormwater Utility Program Rate Structure and Fees.”

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

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.

Motion carries. Mr. Baker and Miss Bradshaw were absent.

Ordinance No. 18-132 – Introduced by Council – An Ordinance authorizing the disposal of personal property that is obsolete, unneeded, and unfit for public use pursuant to R.C. 721.15.

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

Roll call vote on waiving of the readings.

7 Ayes

0 Nays

2 Absences            Mr. Baker and Miss Bradshaw

Motion carries.

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

Roll call vote for passage.

7 Ayes

0 Nays

2 Absences            Mr. Baker and Miss Bradshaw

Motion carries. Ordinance is passed.

Ordinance No. 18-133 - Introduced by Council – An Ordinance authorizing the Director of Community Development to enter into an Economic Development Grant Agreement with the Zanesville/Muskingum County Port Authority for all activities related to the stabilization of at-risk properties located on Main Street.

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

Mr. Vincent: Is there any discussion?

Mr. Bennett: To let Council know we have a draft of that agreement now. Mr. Tarbert and I met today, reviewed it, and are making some modifications. Mr. Abbott has seen it. We will be meeting with him on our re-do of a few of those matters; so, we fully expect that to be at Council at the next meeting.

Mr. Vincent: Okay, thank you. That won't change our legislation at all?

Mr. Bennett: It does not.

Ms. Gildow: Just to let people know that Mr. Abbott of the Port Authority was at our Ways & Means Committee meeting and as were others who discussed this and answered some of our questions.

Mr. Vincent: Thank you, Ms. Gildow. Is there anything else from Council? We are at first reading so all in favor of first reading signify by saying aye. All present were in favor. None were opposed.

Motion carries.            Mr. Baker and Miss Bradshaw were absent.

Ordinance No. 18-134 – Introduced by Council – An Ordinance authorizing the proper City Official to advertise for bids for the Brighton Boulevard Resurfacing and enter into a contract with the lowest and best bidder.

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

Mr. Roberts: It was recommended by the Public Service Committee earlier tonight to waive this through.

Mr. Vincent: Okay, thank you. Is there anything else?

Roll call vote on waiving of the readings.

7 Ayes

0 Nays

2 Absences                    Mr. Baker and Miss Bradshaw

Motion carries.

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

Roll call vote for passage.

7 Ayes

0 Nays

2 Absences                    Mr. Baker and Miss Bradshaw

Motion carries. Ordinance is passed.

Ordinance No. 18-135 – Introduced by Council – An Ordinance amending Ordinance 17-130, and declaring an emergency.

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

Roll call vote on waiving of the readings.

7 Ayes

0 Nays

2 Absences                    Mr. Baker and Miss Bradshaw

Motion carries.

Ms. Gildow moved for passage, seconded by Mrs. Norman.

Roll call vote for passage.

7 Ayes

0 Nays

2 Absences            Mr. Baker and Miss Bradshaw

Motion carries. Ordinance is passed.

Ordinance No. 18-136 – Introduced by Council – An Ordinance authorizing the proper City Official to apply for grant funding from the Ohio Environmental Protection Agency for the 2019 Community Development Recycling Grant 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? With that, the deadline is February so this could go first reading and still allow time for public input? And pass at the next meeting or it could go all three readings, couldn't it, Mr. Bennett? Do you know?

Mr. Bennett: It is written as an emergency.

Mr. Tarbert: It is written as an emergency, but it could go all three readings, couldn't it?

Mr. Bennett: Yes, it could pass on the third reading and it would be effective.

Mr. Vincent: It would give a chance for public input then. Okay. Is there any further discussion?

Roll call vote on waiving of the readings.

7 Ayes

0 Nays

2 Absences            Mr. Baker and Miss Bradshaw

Motion carries.

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

Roll call vote for passage.

7 Ayes

0 Nays

2 Absences            Mr. Baker and Miss Bradshaw

Motion carries. Ordinance is passed.

Ordinance No. 18-137 – Introduced by Council – An Ordinance authorizing the proper authority to pay an invoice to the Walter Drane Company for the preparation of 2018 Annual Codified Ordinance Supplement Services and declaring an emergency.

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

Mr. Vincent: Is there any discussion on waiving? The company provides us with good service and they need paid by the end of the year.

Roll call vote on waiving of the readings.

7 Ayes

0 Nays

2 Absences            Mr. Baker and Miss Bradshaw

Motion carries.

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

Roll call vote for passage.

7 Ayes

0 Nays

2 Absences            Mr. Baker and Miss Bradshaw

Motion carries. Ordinance is passed.

Ordinance No. 18-138 – Introduced by Council – An Ordinance to revise the Codified Ordinances by adopting current replacement pages and declaring an emergency.

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

Roll call vote on waiving of the readings.

7 Ayes

0 Nays

2 Absences            Mr. Baker and Miss Bradshaw

Motion carries.

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

Roll call vote for passage.

7 Ayes

0 Nays

2 Absences            Mr. Baker and Miss Bradshaw

Motion carries. Ordinance is passed.

## **ORDINANCES FOR ACTION**

Ordinance No. 18-128 – Introduced by Council – An Ordinance adopting Chapter 523 of the Codified Ordinances of the City of Zanesville, entitled “Public Nuisance Abatement” Relating to Combatting Crime, Combatting Drug-Related Offenses, Removing Problem Residents, and Abating Other Public Nuisances.

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

Mr. Vincent: Is there any discussion?

Mr. Sharrer: I know that we have a Public Safety meeting in which we are going to discuss some changes to this proposed Ordinance. I just wanted to let Council know and that public meeting will be advertised. The Clerk is going to get that set. There will be some changes discussed and that kind of thing so I would encourage Council to come to that public meeting if possible and certainly the public is welcome.

Mr. Vincent: So you are anticipating having time for the public to have input at that meeting? Do you have an hour?

Mr. Sharrer: We will have a meeting lined up right after it so there may not be a lot of time, but we wanted to make sure we did get a meeting in prior to it coming to Council for its third reading. If we don't get all of the changes made that we need or we feel there may be some issues, then we can certainly postpone that from third reading on the 26<sup>th</sup> of December.

Mr. Vincent: We will look forward to when that meeting date is. We hope we get a good turnout. Is there anything else from Council? I do have an associate here to speak on that.

Mr. Larry Emerson, 1329 Pear Orchard Road, Dresden, Ohio 43821 speaking against Ordinance 18-128.

Mr. Vincent: Mr. Emerson, were you able to hear Mr. Sharrer talking about there is going to be a meeting on this.

Mr. Emerson: I couldn't hear every word that was spoken. I didn't hear whether there was a date and a place.

Mr. Vincent: No date is set yet, but they are working on that. They are shooting before the next Council meeting.

Mr. Sharrer: We are shooting for December 17, next Monday, but nothing confirmed.

Mr. Vincent: With that, they are going to be discussing some changes that Mr. Sharrer is thinking about at this point, so you have a petition in to speak. If you would like to speak tonight you are welcome to do so. You have three minutes tonight and you can still also come to the meeting next Monday night then too. Or if you want to wait until next Monday that is perfectly fine also.

Mr. Emerson: I would like to make some quick statements if I could.

Mr. Vincent: You have three minutes, sir.

Mr. Emerson: First I want to say that you know me as a board member of the Muskingum Area Real Estate Association, but I am not speaking in that capacity tonight. Everything I say I haven't had time to go over this in depth nor to have legal counsel so everything I say is just the words of Larry Emerson. We are meeting tomorrow night as a group and I hope to have some information to be able to bring them from here that will help us with our decision. This looks to be a very bad Ordinance for landlords. As I can see it, it looks like an attempt to shift the financial responsibility for policing the City from the City to the landlords. We rent houses; we are not police officers. We don't set policy. I will go real quickly. On the 3<sup>rd</sup> page where there is a list of one, two, three, four and then on to ten. I am doing this real quick because of the time limitation. Item ten is any health, safety, or sanitation violation under Chapter 521 of the Codified Ordinances; that should be stricken completely. That is Code. Zanesville has a very effective and very hard working Code. They take care of that and they shouldn't be said in the same breath with the next thing which is any sex offense and the next one is weapons offenses. Code violations shouldn't be counted as a nuisance because a lot of places have code violations and a lot of them are minor. A person not having a lid on their garbage can doesn't equate with a sex crime or with drugs or crime in general.

Skip down real quick to 13, any activity or violation indicated to be a public nuisance anywhere in the Codified Ordinances or the Ohio Revised Code. This is any place, anywhere, this is too broad. This is too broad for anything. I mean it is already said any Code or any Ordinance any place can already be enforced. This doesn't need to be in there. It is too broad. Jumping down, and this is the one that really upsets me and I will try to keep myself under control here. Number 17: I blame a lot of this problem on Zanesville, and not just Zanesville, but we are talking about Zanesville here. On the

Zanesville Safety Committee, the Public Safety Directors; because of the amount of time and money they spend on these drug addicts and carrying these little cans of Narcan around when they should be doing a lot of other work that should be being done. Yes, it is costing a lot of money; but as a property owner, I didn't have anything to do with that decision. I don't use drugs; I don't promote drugs; and trying to shift the burden of paying for all this Narcan nonsense; the deities, whoever you believe; God or whoever; vowed a solution to the drug problem.

Mr. Vincent: Thank you, Mr. Emerson,

Mr. Emerson: We are letting these people die.

Mr. Vincent: Your time is up.

Mr. Emerson: Is my time up?

Mr. Vincent: Yes. I am sorry

Mr. Emerson: Anyway, don't blame us for something that you are perpetuating by making the drug problem worse.

Mr. Vincent: Thank you, Mr. Emerson, and with that

Mr. Emerson: If anybody would like to speak to me after about this I would be glad to talk to you and have a little information to bring to my group.

Mr. Vincent: Thank you, Mr. Emerson. With that, your information will be recorded in the minutes then and I encourage you and anyone else from your association to make that meeting then once it is finalized. You can check with the Clerk then too to make sure that you are e-mailed that information if you would like that so you know when the meeting is and encourage others to attend. With that, I will turn to the Law Director, Mr. Tarbert, is there anything you want to add? I know you went over with Council with this as far as you put a lot of work into this to make this work out. I know we had a problem over on Baker Street, I think it was, and this is kind of where this all started as far as a way in the future to deal with properties that are a problem.

Mr. Tarbert: This just gives us another tool. It gives the City another tool in the tool box about how to deal with some of these properties that aren't responding to or they aren't being good neighbors to some of the other citizens. The City receives complaints and just these repeat houses that have or are harboring felons, harboring prostitution, that

are doing things they shouldn't be doing and tearing down the rest of the neighborhoods. It gives the City another option on how to deal with some of these properties.

Mr. Vincent: Those landlords that actually work with the City when they are made aware of problems, to get people out of the properties, as Mr. Emerson shared as far as how he has done in the past with some of his properties. He has had to work to move people out from illegal activities going on which I think is an important thing to do. So, if the landlords are working with the City and Law Enforcement this doesn't come into play?

Mr. Tarbert: Correct.

Mr. Vincent: If they are making efforts to abate the problem.

Mr. Tarbert: Correct. We send a letter and if they help to abate those nuisances then there is no penalty for those landlords.

Mr. Vincent: Okay, Alright. Thank you, is there anything else from Council? Any comment? Thank you, sir. Thank you, Mr. Emerson. We are at second reading so all in favor of second reading signify by saying aye.

All present were in favor. None were opposed.

Motion carries. Mr. Baker and Miss Bradshaw were absent.

Ordinance No. 18-129 – Introduced by Council – An Ordinance authorizing the proper City Official to enter into a contract with Crawford, Murphy, and Tilly Inc., consulting engineers for engineering services related to the development of the Zanesville Municipal Airport.

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

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.

Motion carries. Mr. Baker and Miss Bradshaw were absent.

Ordinance No. 18-123 – Introduced by Council – An Ordinance authorizing the Mayor to enter into an agreement with the Muskingum County Commissioners, for the reimbursement of fees paid to attorneys who represent indigent defendants in Municipal Court.

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

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mr. Baker and Miss Bradshaw

Motion carries. Ordinance is passed.

Ordinance No. 18-124 Amended- Introduced by Council – An Ordinance to amend Chapter 1153 of the City of Zanesville’s Planning and Zoning Code.

Mrs. Osborn moved for third reading, seconded by Mrs. Gentry.

Roll call vote for passage.

7 Ayes

0 Nays

2 Absent Mr. Baker and Miss Bradshaw

Motion carries. Ordinance is passed.

Mr. Vincent: Again I want to thank Mr. Arnett for his hard work on this and everyone involved: Mr. Bennett, I am sure, probably the Law Director, the Mayor, and probably about everyone got involved with this one.

## **TRAFFIC ORDERS**

Traffic Order 18-05

SECTION ONE: Traffic Order 18-05 is hereby to establish City Personnel Parking Only on 4th Street on the east side of the street starting 60 feet north of South Street and continuing 23 feet.

SECTION TWO: The appropriate signs shall be installed in accordance with O.R.C. 4511.09.

Mr. Roberts moved to postpone this Traffic Order for two weeks so maybe we can discuss it at Public Safety next week. It was seconded by Mr. Sharrer.

A voice vote was taken to postpone this for two weeks with all present being in favor.

None were opposed. Motion carries and the Traffic Order is postponed for two weeks.

## **MISCELLANEOUS AND UNFINISHED BUSINESS**

Mayor Tilton: I have a couple of things. First off my wife, Becky would like to thank City Council, City Hall employees, and everybody in the City who said or sent their well wishes after her unfortunate fall here at City Hall while we were decorating for Christmas. She is doing well. She is recovering so she wants to thank everyone who sent her well wishes.

Second of all on November 28 we had the lighting of downtown for the Christmas season. I would like to publicly thank a lot of people: Mid-East Career Center and their electrical and welding departments for making those figurines that we have hanging on our poles. The City Maintenance crews, the County Maintenance crews for all of their time and effort in putting them up, and the volunteers we had plus the Chamber of Commerce and the Convention and Visitors' Bureau. They did a great job this year and I think it looks really nice. I hope our citizens enjoy it and next year even better.

Mr. Vincent: Thank you, Mayor. I am hearing lots of good compliments. I don't know, the Muskingum Valley Garden Society for the planters, did they do them?

Mayor Tilton: They did the planters. They didn't have anything to with the lights, but yes, they did the planters and they look very well; plus the Y-Bridge. They decorated each one of the light poles. So it was a group effort and they did a great job for downtown.

Mr. Vincent: A lot has gone into that and it is bringing a lot of enjoyment. So, thank you, sir. We appreciate that. Is there anything else from the Administration? Do you want to introduce someone special to us?

Mr. Toney: Yes, but I think Ms. Gildow has something.

Ms. Gildow: I just wanted to add that the Festival of Trees is part of not only the Miracle on Main Street, but there was an auction to raise funds for the Chamber on Friday and that was just another great example of not only community spirit, but a lot of talent in the area. It is a fun way that we have that other communities would like to have. So, I agree. This is a good place to be for the holidays.

Mr. Vincent: Thank you, Ms. Gildow. Mr. Toney, would you like to do a special introduction?

Mr. Keane Toney: Yes, I would like to introduce our new Fire Chief that we have. It is my pleasure to introduce Chief Jeff Bell. He was one of our Assistant Chiefs who came up through the ranks. He is a great leader at the Fire Department. He exemplifies all of the standards and things about the fire service. He is a great fire fighter too. Once again Chief Jeff Bell, congratulations! Thank you, sir.

Chief Jeff Bell: I appreciate getting to be here tonight to see everybody. I know that the Fire Department holds a special trust with the public. It comes with high expectations and we embrace that. We embrace and hold those expectations and the same thing when I am coming to you guys in this new position; I expect you guys to have high expectations of me and I am looking forward to building and gaining your trust. I also am relying, being in a new position, on the Council and these fine people down here (referring to Rhonda Heskett, Jay Bennett, Mayor Tilton, David Tarbert, and Keane Toney) that I have to talk to and looking for them for advice in my new position to lead me in the right direction. I look forward to building that relationship with you guys. After I have your trust though; I also understand we are a large part of our budget. I do welcome to have City Councilmembers and that along with I have talked to the Public Safety Director to come down and I want you to see the faces of our fire fighters. When you are writing those checks for those trucks and stuff I want you guys to be able to put a face to the people who will be on the front lines of Public Safety. I appreciate your time tonight and if you guys have any questions I am always available. Thank you.

Mr. Vincent: Thank you, Chief. Congratulations!

Chief Bell: Thank you.

Mr. Toney: Also, I unfortunately need to announce the passing of one of our City Administrators. Michelle Duke passed away this morning at 2:12 a.m. It is a sad time for all of us. I hadn't known Michelle long. Many people worked with her for over 20 years. She was Mrs. Jail, as I called her. She loved the jail. She did an excellent job for us. Her passing was unexpected; as natural passings often are. It is going to be a hard void to fill; to fill her shoes. So, I ask for your prayers and comfort and well wishes for the family: her mother, siblings, her son, and her co-workers as well. Thank you.

Mr. Vincent: Thank you, sir. With that I know with our tours down there you could tell she had great pride in her work and in her jail. She did so many things to improve that. She was very impressive as far as her work. It is a great loss to the City as well as she was a friend to many and her co-workers.

Mr. Toney: Today, I framed from the Mayor, her award of appreciation for 25 years of service. It came down today. It was effective November 29<sup>th</sup>. This was her 25 year anniversary for services to this community.

Mr. Vincent: Thank you, sir. If you would join me just for a moment for a moment of silence to just think about her and her family. (A moment of silence was held) Thank you everyone. I think the service information has been provided and we will get that out to people. Is there anything else from any one?

**PRIVATE PETITIONS AND COMMUNICATIONS** - No non-agenda item petitions filed

Mrs. Osborn moved to adjourn. It was seconded by Mr. Sharrer. A voice vote was held with all present being in favor. None were opposed. The meeting adjourned about 7:32 p.m.

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