

ZANESVILLE CITY COUNCIL MEETING – MONDAY, FEBRUARY 25, 2019

The Zanesville City Council met in regular session at 7:00 p.m. on Monday, February 25, 2019 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

Mr. Vincent led those present in the Lord's Prayer.

Boy Scout Troop 158 members from Euclid United Methodist Church were brought by Christy Huffman and the leaders are Zack Bauer and Gregg Sayles. The scouts lead the Pledge of Allegiance to the Flag.

Mr. Vincent thanked them for coming and stated we are glad you are here. They were invited to stay afterward to ask questions.

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

APPROVAL OF MINUTES

Mr. Roberts moved to approve the minutes of Monday, February 11, 2019 as written, seconded by Mrs. Osborn.

Motion carried.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Communication from Mayor Jeff Tilton – Zanesville Metropolitan Housing Authority Board – Mayor Tilton is hereby recommending the reappointment of Mr. James Wright to the Zanesville Metropolitan Housing Authority Board. Mr. Wright's term will expire March 18, 2024.

Mrs. Osborn moved to receive and concur with Mayor Tilton, seconded by Miss Bradshaw.

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

Communication from Mayor Jeff Tilton-Board of Zoning Appeals – Mayor Tilton is hereby recommending the appointment of Mr. Dale Raines to the Board of Zoning Appeals. Mr. Raines will replace Mark Douglas. Mr. Raines' term will expire December 31, 2020.

Mr. Roberts moved to receive and concur with Mayor Tilton, seconded by Mr. Foreman.

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

Resolution No. 19-16 – Introduced by Council – A Resolution directing the Community Development Director to proceed with the development of a structure and documentation for creating a Tax Increment Finance Agreement for Muskingum County Tax Parcel No. 84-59-01-03-001 and Parcel No. 84-59-01-10-000, and declaring an emergency.

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

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.

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

Mr. Vincent: Is there any discussion?

Mr. Baker: If this goes through the realtor requested that they have an answer tonight so this project can move forward. Obviously, if it doesn't, it doesn't matter.

Mr. Vincent: With that, your committee, Community Development recommendations?

Mr. Baker: Well, we didn't discuss the whole idea of waiving or not as an opportunity.

Mr. Vincent: We have moved beyond that so it is on the floor.

Mr. Baker: Yes, this went before the Community Development Committee for two special meetings and we have talked about it several meetings before that and have recommended that this go before Council for debate before the entire Council with no recommendation as far as its passage goes. There were several concerns that we heard from residents. I personally have heard from residents as well as things that we have discussed. I think it is kind of obvious that everybody up here would like more businesses to move downtown and to bring economic development to that part of the City particularly, but there are some concerns that maybe we could discuss them today. These were all discussed by the committee as well. The 75% for 15 years TIF is simply too high and hasn't been done before for this kind of a TIF. Particularly without infrastructure that is going in with it whether that is access roads or what have you. The flip side of that is there is going to be some environmental remediation that could count as that which certainly would make the land desirable and able to establish a business on it. Another problem is we haven't actually seen the environmental impact study that has been done by the owner. We haven't seen any documentation for that. So that is perhaps problematic.

Mr. Baker: There were some possibilities that this could lure other businesses to the downtown area. Whether that is an entertainment complex or other restaurants or what have you to sort of make it a destination of choice for people on the interstate and coming from out of town and all of that sort of thing. Then again the flip side of that is that we have heard that for ten, twenty, thirty years as the downtown has been, as we have attempted to redevelop downtown. So we have to take that I think with a grain of salt whether that will actually come into fruition. I think most problematical is the fact that you have businesses that have struggled downtown for twenty thirty year some of them to keep the doors open. They have been good members of the community. They supported charitable contributions to various civic organizations. They have been there when the City has needed them and now to give tax incentives to a business that would come in and perhaps take a piece of that pie and make the slice of each pie that each business receives, so to speak, that much smaller. That is problematic as well.

I have heard from several constituents and some business owners that it is problematical and the whole issue of whether that it is fair that these businesses had no City support as far as a TIF or abatements or anything like that for tax incentives, but yet we are essentially getting competition in to actually compete with businesses that aren't receiving that themselves. I am trying to play devil's advocate here, because that is an issue of concern for a lot of people of the City that I have talked to and even among members of the committee.

I guess what a lot of this comes down to whether you believe that luring that particular business to that particular area will actually increase the customer base, the dollars that are coming into the City, keeping dollars in the City that is bigger than the dollars that would be lost from competition to other businesses so that the fundamental fairness factor would be somewhat mitigated by the fact that the pie is growing. That there is more business to be had so therefore all ships rise in a rising storm so to speak or a rising tide. So those are some issues that were discussed by the committee and I think we need to talk about that. Everybody wants economic redevelopment, but we have to be aware of the cost as well because there is a flip side to this.

Mr. Vincent: Thank you, Mr. Baker. With that, my apologies, as I am just now realizing and seeing this here. We need to take a little detour here. I know there are people who still want to speak and that will happen. With that I have some information here and I will check with Mr. Bennett as we have the wrong parcel number on the second parcel, the first parcel number is correct?

Mr. Bennett: That is correct.

Mr. Vincent: Okay, so with that I would like.

Mr. Baker: I would like to move that the second parcel number be amended to 84-59-01-03-000.

Mr. Vincent: A motion by Mr. Baker to make that amendment basically in that series of numbers the 10 becomes a 03 to make it a correct parcel number.

Mr. Sharrer: I second.

Mr. Vincent: Is there any further discussion on this amendment? Hearing none, all in favor of this amendment signify by saying aye. Those opposed nay.

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

Mr. Vincent: We are now at Resolution 19-16 as amended. What is Council's pleasure?

Mr. Roberts moved to waive the readings as amended. Mr. Sharrer seconded the motion.

Roll call vote on waiving of the readings of the amended version.

9 Ayes

0 Nays

Motion carries.

Mr. Roberts moved for passage of the amended version and it was seconded by Mr. Baker.

Mr. Vincent: Is there any further discussion?

Mr. Sharrer: If my fellow Councilmembers and members of the audience will bear with me I have prepared a statement here and first I would like to say I prepared the statement knowing that some of my fellow Councilmembers may agree with my words of some may not. It is because of this that I do not and did not want to put words into their mouth. I assume as many of my colleagues have indicated up here that all of us have received numerous phone calls, e-mails, drop-ins, wanting to make their voices heard and I can assure you, the general public, that wherever you fall in this debate your voice has been heard. We have gone over this and we have debated and I feel that I could make a pretty intelligent and persuasive argument on both sides of this issue and because of that I have devoted more time and research into this issue than many others that we are charged with here on Council.

I know that when I ask the Clerk to call Newark and Lancaster to ask if those communities had been given any type of tax incentive, the report back was no they had not. I know when this idea was presented originally to the Port Authority they declined. To those who argue in favor of this TIF I can see how 25% of any amount greater than what the property is currently generating would be a net gain for the City. It is true that this is now more a fact of life than it was 25 or even 10 years ago. Investors and developers often ask for incentives to locate within your city. I can see that having a brand like Texas Roadhouse offers those 100,000 plus cars driving through our city another option to stop here. They may even explore other destinations in town. I know

that many businesses follow Texas Roadhouse just like when we opened up Lowe's, Home Depot opened across the street. It happens so there are many businesses that follow Texas Roadhouse and open up shop near them in other communities and that would generate additional tax revenue. I know that any new jobs are a welcome addition to the citizens of Zanesville. Regardless of pay, new jobs represent another opportunity for our neighbors and friends to find work in our city. To those of you who argue against the TIF, 75% is a big number and fifteen years is a long time. We do set precedence for future development. Will the businesses that follow Texas Roadhouse require that same sacrifice for them to relocate or to open up in Zanesville? What about all the current businesses that did not receive such an incentive? Will that put them at an economic disadvantage? Is that fair? I also see that many people think that these tax incentives should be held for higher paying jobs and many wanting more manufacturing jobs as opposed to service industry or retail.

Finally, to the developer and Texas Roadhouse management and investors I sincerely, sincerely, hope that the outcome of this vote does not determine whether or not you invest in our community. Zanesville would love to see you come to our community. You will be welcomed here as part of us; involved in our schools, and we will support your restaurant as we do all of our other local eateries. You will be packed on a nightly basis. Regardless of this outcome chances are you will make money here. Thank you.

Mr. Vincent: Thank you, Mr. Sharrer. Is there anything else from Council? You will have a chance to speak also. We have some individuals who have submitted to speak.

Private Petitions on Resolution Number 19-16

Mr. John Benson, 5125 Heritage Drive, Nashport, OH speaking on Texas Roadhouse Resolution No. 19-16.

Mr. Benson: Thank you. I appreciate the opportunity to speak with you this evening. I wanted to discuss this issue of the Texas Roadhouse site. I am familiar with Texas Roadhouse and I am an investor in Texas Roadhouse and many of you may understand they are undergoing a nationwide expansion of their business. Their business has been extremely successful over the years and Zanesville is a perfect site for them to locate. You are halfway between two major cities, you have a local base source for employees, and most importantly right between the interstate which will draw people from outside Zanesville to that area. I have seen a lot of Texas Roadhouses around the country especially on the east coast and their business model seems to always site where there is a major highway and where they house a local population that can support that business. They have been extremely successful. They will be extremely successful here if you give them the opportunity. How much longer is this parcel going to stay vacant? How many big manufacturing companies want to locate on that parcel or in the Zanesville area? I am all for expansion. I also think you need to consider the tax abatement issues. I think you also need to look at the larger issue and that is what is best for all the citizens of Zanesville?

I am sure you are all aware of the recent events regarding Amazon and New York City and I, myself, was very upset when Amazon pulled out: twenty-five thousand very good paying jobs. They will not be coming back, and maybe other businesses will see that decision and they too will not be coming back. I hope you keep that in mind with whatever happens with Texas Roadhouse. I gave these to Dan already, but there are some questions that I would like the Council to ask themselves and answer themselves. The first one is how many other businesses are currently actively pursuing that Underwood site for development? Secondly, other than Texas Roadhouse how many businesses have actively pursued development in that area over the last year?

Mr. Vincent: Thank you, Mr. Benson. I am sorry, I told you I would have to keep you at three minutes so thank you. I appreciate your input and I am passing it around for Council. With that, we don't debate here then we won't be answering your questions, but after the meeting if you would like to speak with them if there is still a question based on how the vote is coming out I am sure they will meet with you.

We have a special guest here this evening as far as invited to be here to be able to answer Council's questions and also share some information. This is Mr. Matt Daniels of Meridian Realty Capital. He is here to answer Council's questions because not all of Council has had a chance to get their questions answered and quite a few came up in our meeting yet tonight at our committee meeting earlier this evening. If Council has questions we will entertain those this evening.

Mr. Matt Daniels, with Meridian Realty Capital, 9380 Montgomery Road, Cincinnati, OH speaking on Texas Roadhouse Resolution No. 19-16.

Mr. Matt Daniels: City Council Members, Mayor, Staff thank you for inviting me. I am really glad to be here. Thank you for allowing me to speak in your community. I am going to start by, before the questions start, and I want to warn you I am not very good at public speaking. So I will try to struggle through this. Some things I want to put to rest that have been in the press on the social media, I am not a big social media person, but a tax abatement keeps coming up and this is not a tax abatement. 100% of the taxes will be paid by Texas Roadhouse. So it is not that the business is getting an advantage over other businesses. So the current taxes of \$7,000 a year being rounded upward, will be paid. The increase in the taxes from the investment that will be made will be paid 100%. All the sales taxes will be paid and the payroll taxes, which we have estimates on those figures and I will go over in a little bit. So there is no tax abatement. So the competitor down the street or a different part of town is not paying more than Texas Roadhouse. In reality on a percentage of the square foot basis because of the start of our facility and the cost to build these types of buildings today; you know first class building and not a renovation or something like that on a square footage basis it is much higher than what the current or a twenty, thirty, or fifteen year old business is paying on their real estate taxes. We did research on that. We pulled it up because my job is to present that to and give it to the Texas Roadhouse. What we are doing here is an Urban Renewal TIF, .41 is another name for it. What that is, is an urban area that in perception might need some development done? This allows people like you to help a

business move forward and to be developed. Something I think is important because it is a big benefit. Currently day one, the day they open to your community, is as I said current taxes are \$7,000 round numbers. With the increase it increases to approximately \$48,000 in taxes. The City and schools will receive approximately \$17,250 of those taxes. That is a 250% increase on where that parcel is today. The 75% that we are asking for, and I will come back to that, in today's markets to go first class retail, first class companies to an area there has to be some positive benefit for them because to build a state of the art facility and the technology that goes into these things is so expensive to make it happen it is next to impossible. I know you had checked on some other communities. I have done \$300,000,000 in TIF's all through Ohio, Northern Kentucky, Southeast Indiana and Michigan. We just did one in Ashland, Ohio which is not too far from here. We did a CRA which is a Community Reinvestment Act and a TIF on top of it. This is what we first were thinking would work here because it worked so well in Ashland. That worked out really well. It was welcomed with open arms. So the 75% seems like a big number and it is. What it is is 75% of increased taxes.

Mr. Vincent: Mr. Daniels, I am sorry, sir, if you could just address Council so they can hear you then. I know you don't like to be rude with your back to people, but I am sorry Council is not going to be able to hear you if you turn away from the microphone.

Mr. Daniels: 75% of the incremental increase, not 75% of the current taxes or anything of the 25%, but that 75% that gets increased what that revenue is for is to support the building. It has nothing to do with Texas Roadhouse's business. They are paying the full boat on the taxes, but what this allows us to do is to be able to afford to bring a new state of the art first class business and building to your community. The reason is it 15 years, at first we asked for 30 years. That seemed really greedy, but it really is not because it is based on returns on bonds. What happens is those taxes increase and it is not the base amount that comes out to the bonds that increases, it is the city's portion that increases. So what we had to do was find a fine line because it is like finding this in your home, if you finance your home with a 25 year mortgage it is one number, if you do it at 15 years it is a higher number because you are paying it off quicker which also does benefit the city because as soon as it is paid off it is over and the city gets 100% of the taxes including the incremental increase.

Mr. Vincent: With that Council, you have these points in front of you here.

Mr. Daniels: The payroll tax, there are about 180 jobs that are going to come into this facility. We estimate the payroll tax to be \$30,000 to \$40,000 a year and it is currently not in that region which I call the north side of 70. The sales taxes don't directly affect the city, but it does affect your community. There is \$375,000 to \$400,000 in sales tax that will come into your community through the county, not through the city, but it does affect investments in the area if a structure etc. that can be beneficial. I wanted to point that out.

Now, 15 years from now the city and your community will enjoy a 215% increase in your tax revenues as opposed to what it is now. If the other 15 years is a 700% increase which is significant.

A company like ours doesn't come to Zanesville to do one project. It is a three hour drive, I could go see my grandbaby tonight; but there are other opportunities why we are here. We are a true believer in Urban Development, not Suburban. The sprawl is having lots of issues. The malls of the world are dying. Urban Core Redevelopment is where it is at. You have to have sales, and in my business the more sales there are it generates more sales. Very seldom have I witnessed a world class retailer and or entertainment or restaurant drive out another restaurant or retailer. It just doesn't happen. Sometimes you have a bad situation where you have a direct steak house compete directly with another steak house, but typically no one wants to eat the same steak every day. That is the reason we have done more CVS drug stores in the state of Ohio. That is why everywhere you see a CVS drug store there is a Walgreen's across the street. That is a fact.

I truly, honestly believe that if Texas Roadhouse lands where they are at in that same region there will be another entertainment use come very quickly and not a restaurant.

Mr. Vincent: We will take a break here for a moment and review some questions. I can see some of this information would have been helpful if we could go backwards in time to have had some of this information before us then. One of the questions that came up like I said and the reason why I wanted to speak to you is there are lots of questions that weren't answered in different committees that had looked closely at this. The one that has come up several times is the environmental reports or soil reports, do you have that from the owner?

Mr. Daniels: We have to go in phases on the amount of money we are allowed to invest. I think I went over this with a couple members. We have an older Phase One report that shows plumes from the past use around there that had not been mitigated, but moved into the site. It is an old report and we can't rely on it. We are not allowed to I think after two years. To go spend for a Phase Two and I know there are some opportunities to maybe help us to defer some of those costs, but setting that aside we are not allowed to go to a Phase Two until we know we have and we basically have to go report and say yes we had a very good meeting and we are going to the next step on the TIF because without this TIF it can't be built. That building costs \$4.5 million dollars. To be able to afford to do that these days is why we need the TIF; it is not a tax abatement. Here is the other thing; we are not selling the bonds to the general public. Most TIF's as we have done some very large TIF's. They go out and they go through a bond banker and they are sold to investors out in the market. We are buying the bonds ourselves. I am sure that will be put in some type of document, but we are not going to take them out to market. We are going to invest in the building ourselves and buy the bonds. We are like the banker for these bonds.

Mr. Roberts: Just one point of clarification, Mr. Daniels. You made a statement earlier that the taxes would increase to \$48,000. I just took the effect of tax rate and ran it against the deducting off current valuation of the site and that would make the improvements on that property in excess of \$2.5 million.

Mr. Daniels: Correct. We were very conservative. The building will cost \$4.5 million. The trouble with development is we ran these numbers at \$2.5 million.

Mr. Roberts: It just doesn't tell me that is going to be half a million dollars. Oh, four and a half million. Okay I heard half a million dollars.

Mr. Daniels: That \$48,000 does include the current base year's tax. Understand I could be \$500 off.

Mr. Roberts: Round numbers, I understand.

Mr. Vincent: Are there other questions from Council?

Mr. Sharrer: I had a couple. You mentioned the Ashland community that you had done a CRA up there. What were those percentages and years like, because I know for example I had talked with the administration and gotten information that I think Red Lobster was originally when they were the first person in the whole entire area in that Underwood area and they were under a CRA. That CRA was I think somebody told me 7 years at 100%.

Mr. Daniels: The different is a CRA is a tax abatement. This isn't a tax abatement.

Mr. Sharrer: What were those percentages in Ashland? Do you know?

Mr. Daniels: I don't handle that myself personally from the company, but this is from memory so if when you check it and I am off don't hold me. I think it was 25 years and I think it was 75%. I want to really stress to you that this is a tax abatement. Most TIF's that I have been involved with and not everywhere, but they are typically 100% for 30 years.

Mr. Roberts: Just one point of clarification also on the whole TIF versus abatement because there has been a lot of misinformation and things on that. I have been here for quite some time and we have done TIF's on various different things and always within a TIF there has been some type of public improvement that has been done through those. I think where a lot of the misinformation comes from, is that through this TIF, through this .41, you are saying it is not an abatement, but my statement has been that it is an abatement in TIF clothing, because yes, Texas Roadhouse is going to pay 100% of their taxes. That is going to get paid to the county for property. They are going to cut a check back to the City and the City cuts a check straight back to Texas Roadhouse.

Mr. Daniels: No, that is not correct. Texas Roadhouse as a company is spending 100% of a very large tax rate as compared to the square footage of most of your buildings in town. If you look up Olive Garden's taxes, if you look up Cracker Barrel you will see the differences are tremendous. Texas Roadhouse pays the tax. They don't own the building, but for us to be able to go out and build this project for them with this state of the art building.

Mr. Roberts: I am sorry, I probably misspoke. The taxes are paid to the county, given back to the city, and then they are given back to the developer.

Mr. Daniels: To a bond holder. In this instance, we are going to buy the bonds. If we just wanted cash we would just say sell the bonds on the open market. Then those revenues would be paid to those bond holders. It is not a tax abatement dressed in sheep's clothing. It is an investment in real estate and the improvements to generate these types of taxes which is a 250% immediate increase and eventually 700% increase when the taxes are paid. For an investor to go build that type of building it has to get supported somehow.

Mr. Roberts: I understand you, Mr. Daniels. I am a firm believer in the free market and we have discussed this in committee meetings and discussed it with various constituents and this is just me personally speaking, I believe these incentives should be offered for large scale industrial and those types of uses, but I can't see setting precedence like this for this type of development.

Mr. Sharrer: Mr. Daniels, I would like to ask a question that I am asked and see how you would answer and that is, "What would you say? I am a small business owner. I went out and I started my own business, I either bought or built my building and the City didn't give me any kind of TIF or any kind and I will just take the word abatement out of it altogether. The City gave me no TIF, no reductions, no incentives whatsoever, to do that. What would you tell somebody that asks you that question?" They may not be investing \$4.5 million dollars, but they invested maybe \$450,000.

Mr. Daniels: I have a couple of different ways to answer that because I have answered it multiple times in my life. Most likely, maybe I am wrong, maybe this is a very recent investment. The typical ways that these types of urban redevelopments, and kicking off urban redevelopments, you can't finance them the way you used to. It doesn't happen anywhere in the country. You will have a stagnant downtown. You will have a stagnant quadrant right there without community help investing in that area. So, I would look at the timing of when that investment was made to whoever asked you that. Second of all, a lot of investments in Zanesville have been done north of the City and in some other big box type areas. That is over. Malls are done. They are dead. I've got a few and the urban core is where all of the development needs to come back to because if you lose your urban core you are going to lose your city. Am I saying would the TIF? To go and for you to invest, along with us, to kick off and help get that quadrant going because of the exit ramps and the improvements of the ramps that are going to happen there that is how you drive more sales which would benefit whoever is asking that question. That is

rationale. Retail sales, restaurant sales, entertainment sales, drive traffic and drive more sales. Industrial generate a lot of jobs, but they don't drive traffic and they don't drive sales. You don't live off an industrial project when you are trying to do an urban core. That is why we went here to do the urban renewal TIF. It is a different type of TIF; it qualifies differently. The public improvements I thought it will be a little bit, but not a lot. There will be some sidewalks and be a turn lane I am sure. We will work with your County or City Engineer as I haven't figured that one out yet. Those things will happen, but in the Urban Renewal TIF it is not based on public improvements. It is based on economic improvements in areas that need help redeveloping the urban core. That is why when the law was written it is not to go to build an exit ramp.

Mr. Vincent: Alright, thank you. Is there anything else from Council? Mr. Bennett, do you have anything you wanted to add to this?

Mr. Bennett: No.

Mr. Baker: Does the Administration have anything to add as far as are you still sort of just sort of presenting this to Council with no opinion?

Mr. Bennett: No, I think we have had opinions on it and you heard those on the committee level. When Matt and his group reached out the property owner reached out first. The property owner reached out to us and said the motel could not be built. This Council had authorized or the previous Council had authorized a CRA tax abatement on that property for the motel of seven years for 49%. So the property owner reached out and said could we still move forward with a project.

We said to bring a project and we would take a look at it and he did. Mr. Daniels came in and as he hinted at there was a large ask and the CD Committee sent that back to them. He has responded and I in coordination with the Mayor and our counsel put together covenants within this to kind of protect the City's interest if you will on expenses and they have said they would comply with all of those. Now what is in here as we talked about in the Ways & Means Committee is because of the Urban Redevelopment TIF requires school district sharing of income taxes. You have heard a little bit about what they project that to be for the payroll taxes on it. Again, we felt like the city preserving its resources and making sure its resources were available to do work with our agencies and street improvements or whatever those income taxes go for, lots of things. It is in here that if the school district does not approve, if you all approve this tonight and directing us to move forward because you are still controlling the back end of this, right? You have to approve the actual formation of it. They have to go negotiate with the school district and they have indicated they are willing to do that.

Mr. Daniels: Yes, we are.

Mrs. Osborn: You spoke about an older Phase One report that shows something and I don't know the word you used.

Mr. Daniels: Plume.

Mrs. Osborn: Plumes, can you explain that to me. I have not been on the committee that this has gone through.

Mr. Daniels: No, I am not an environmental expert, but I have a little bit of gray hair so I have done this once or twice. A plume is like it could be in the water, it plumes like it moves out. It grows. That is what plume is.

Mrs. Osborn: Okay. So what is the cleanup for that or what is the estimated cost?

Mr. Daniels: We only have an estimate and we don't know until we get to Phase Two. A Phase Two is what identifies is it actually on the property. Until we have that we don't know. Seeing with this approval to let us go and negotiate with the schools and try to move us forward then I am allowed to release more money to investigate that type of stuff, but understand that even if there isn't a plume on the site and there is no environmental cleanup needed, I don't think that is going to be the case, and understanding the CVS Drug Stores are all on ex-gas stations. That, with the Urban Renewal TIF, is also meant for is for economic development and redeveloping the core of the urban city communities just like you. There are several different qualifications for the Urban Renewal. It can be blight, it can be environmental, which can qualify as blight, or it can also be economic.

Mr. Sharrer: I guess I will ask the obvious or maybe not so obvious question, and that is if this TIF is voted down tonight does that immediately kill this deal.

Mr. Daniels: Yes, sir.

Mr. Sharrer: Okay. Thank you.

Mr. Vincent: Is there anything else from Council? Is there anything else from the administration? Okay, I thank you all very much. Thank you, Mr. Daniels. We greatly appreciate you driving all the way up here to answer Council's questions and giving us additional information as it was much needed.

Mr. Daniels: I am available to answer and community questions after if they like.

Mr. Vincent: Is there anything else from Council?

Roll call vote for passage.

0 Ayes

9 Nays

The Resolution is defeated.

PROPOSED ORDINANCES

Ordinance No. 19-10 - Introduced by Council –An Ordinance providing Appropriations for use during the fiscal year 2019, 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? Hearing none, we will have roll call vote for waiving of the readings.

Mr. Sharrer: Now that this is on the floor is this where we need to insert the replacement pages so prior to waiving of the readings and the vote I would like to move that we use the replacement pages that were placed on Council's desks for pages 1, 5, and 9 of the working budget.

Mr. Vincent: We have a motion to amend for the replacement pages by adding replacement pages 1, 5, and 9.

It was seconded by Mrs. Osborn.

Mr. Vincent: Is there any discussion? Hearing none, all in favor of the amendment signify by saying aye.

A voice vote was held and all the members were in favor. None were opposed. Motion carries.

Mr. Vincent: We are now at Ordinance 19-10 as amended.

Mr. Sharrer moved to waive. It was seconded by Mr. Roberts.

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 as amended.

9 Ayes

0 Nays

Motion carries.

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

Ms. Gildow: I just wanted to mention that this was discussed at some length at the Ways & Means Committee and as usual Rhonda Heskett answered any questions we had and was thorough in her explanation of any of the adjustments.

Mr. Vincent: Thank you, Ms. Gildow. Is there anything else from Council? With that I shared my concerns as we have not had budget hearings yet, we will be hearing from

individual department heads for information. Ms. Heskett shared if Council has any concerns after budget hearings, which would be very rare, it has happened in the past. One time that I know of in 18 years, but if we have any strong feelings at that time we can make an amendment to the budget at that point if this does pass tonight.

Ms. Gildow: What I didn't add is that the Ways & Means Committee recommended that Council approve this as an emergency measure.

Mr. Vincent: Also to add to that there are some grants and the push is that there are some grants that are urgent.

Ms. Heskett: Yes, particularly the Brighton Boulevard paving project which is one of the replacement pages that you had before you tonight. We would like to get that under contract and get that project on its way.

Mr. Vincent: The replacement pages tonight were to make some edits for some things that were missed, minor tweaks, correct.

Ms. Heskett: The other two replacement pages were due to a rounding error and it was simply a dollar.

Mr. Vincent: Is there anything else from Council?

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 19-11 - Introduced by Council – An Ordinance authorizing the Community Development Director to execute a Gift Agreement with the Muskingum County Farm Bureau.

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

Mr. Vincent: Is there any discussion?

Mr. Baker: This has been recommended to Council for approval in order to get funds passing through the City for the Farm Bureau to the Muskingum Soil and Water Conservation District which is a companion piece to a piece of legislation already passed.

Mr. Vincent: Thank you, sir. 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. 19-12 - Introduced by Council – An Ordinance amending Ordinance 88-191, as amended, passed November 14, 1988, extending the re-evaluation date for the Fairview Road Community Reinvestment Area and declaring an emergency.

Mr. Vincent: Motion to waive or first reading?

Mr. Baker 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 Mrs. Norman.

Mr. Baker: This too has been recommended by the CD Committee and Jay could you give us the bullet points for this because I am a little fuzzy.

Mr. Bennett: The last time Council had presented this area for consideration it had gone ahead and reserved the right to reevaluate it after 2003. In fact, it made a statement it included us from accepting any additional applications. It is still an eligible CRA area registered with the state. There is an interested party who has been talking to the Port Authority up in that area so we would like to reinvoke this and kind of make that available. This would take it out to 2024 which would be the next renewal.

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 19-13– Introduced by Council –An Ordinance authorizing the proper City Official to provide funds to the City of Zanesville Community Improvement Corporation for the year 2019.

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. Eight were in favor with Mr. Roberts abstaining. None were opposed.

Motion carries.

Ordinance No. 19-14 – 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.

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. Eight were in favor with Mr. Roberts abstaining. None were opposed. Motion carries.

Ordinance No. 19-15 – Introduced by Council – An Ordinance authorizing the Public Safety Director to enter into a Memorandum of Understanding between the City of Zanesville and the Public Utilities Commission of Ohio for use of space at 34 South 4th Street, Zanesville, Ohio, 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.

9 Ayes

0 Nays

Motion carries.

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

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

ORDINANCES FOR ACTION

Ordinance No. 19-09 – Introduced by Council – An Ordinance authorizing the proper city official to enter into a professional contract with AECOM for Phase II revisions to the City of Zanesville’s Combined Sewer Overflow Long Term Control Plan.

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.

Ordinance No. 19-04 – Introduced by Council – An Ordinance authorizing the proper City Official to advertise for bids and enter into a five-year lease with options for renewal or extension for the leasing of land for farming at Zanesville Municipal Airport.

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

TRAFFIC ORDERS

None were filed for this meeting.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Jeff Tilton: I have a few things. As Council and the community are aware resulting from a hillside slip we have had to close Muskingum Avenue, also known as Dug Road.

Additionally the City has been monitoring a slip that occurred on Wayne Avenue near the City corporation limits. The City staff will be meeting with engineering firms this week in order to interview a contract for services. This will include immediate generation of approximate costs to stabilize the river banks on both roads. It is our intention to construct the necessary improvements through an application to Ohio Public Works Emergency Funds. We will also submit costs for FEMA funds should that source become available. It will be our intention to reopen Muskingum Avenue to one lane when the slip is stabilized. We will update Council and the public as the information is obtained. That is the first one.

Second one, I would like to thank the City Street Department and the Fire Department for their outstanding jobs yesterday. I mean, we had a lot of problems with trees and power lines and we worked all over the City for about 12 hours, but one thing the citizens have to understand is even though the City pulls up on a tree and we clean it out of the street, it is their responsibility to get rid of the rest of the tree. That is not our responsibility. So that is the second thing.

The third is Wednesday at 6:00 p.m. in Council Chambers I will have the State of the City Address and I invite everyone to attend. Thank you.

Mr. Vincent: Will we be televising it? It has not been confirmed yet. Thank you, Mayor. Is there anything else from the administration?

I wanted to take a moment and with sadness I want to share this and I think many of you already know, but I wanted to take a moment to remember our former Clerk of Council, Vicki Figgins. Vicki passed away this last Tuesday, February 19. She served

here as our clerk from 2010 to 2014. Prior to that she worked in Public Service, Grant Compliance, the Sewer Department, and the Utility Billing Department. She served in many areas of our City to many people. Vicki is survived by her husband, Jim, who many of you know and her loving family. She was a friend of many here at the City. She enjoyed her job or jobs and provided great service. Please keep Jim and her family in your thoughts and prayers. Thank you. Services have not been announced yet. We will get that out to the Administration and the public as we are sure it will be in the local paper.

I have one more thing to finish up on, but I wanted to talk about Private Petitions and Communications. We have had no private petitions filed to speak this evening.

PRIVATE PETITIONS AND COMMUNICATIONS

Non-agenda item petitions filed
None were filed for this meeting.

Mr. Vincent: We will need to go into executive session at this time to discuss a real estate matter and also legal actions with the Law Director. The Administration will stay. There are certain things that by law we are allowed to go into executive session to discuss these are two of them in one subject. With that we will need everyone to exit the room and clear chambers. With that, after we are finished with the executive session you are welcome to come back in. I also wanted to share that we don't have anyone else speaking. I do not expect anything to happen after this, other than a motion to adjourn is what I expect. I cannot guarantee that, but this is for information for Council. There will be nothing we will be voting on related to this executive matter and any discussion we hold in executive session will not be discussions as far as making any decisions. That needs to be done in the public. So, it is for getting information. I will turn to the Law Director, is there anything else I should add to that, Mr. Tarbert?

Mr. Tarbert: No.

Mr. Vincent: So, with that if you don't want to stick around and meet with Council afterwards or with the Mayor this could be lengthy. It may be quick, but I wanted to let you know there are no other matters that should be voted on; other than to adjourn the meeting is what I expect..

Okay, we will need you to vacate at this time and we will let you know when it is over and you can come back in.

Mr. Sharrer moved to enter into executive session to discuss real estate and legal matters. The motion was seconded by Mr. Baker.

Roll call vote to enter executive session.

9 Ayes

0 Nays

Motion carries.

Mr. Vincent: We are in executive session as soon as we clear the room. I want to make sure the cameras are off. The cameraman was excused for the evening.

The executive session was entered at 7: 55 P.M.

Around 9:02 P.M. the remaining individuals were permitted to return to the Council Chambers.

The executive session was exited at 9:02 P.M. with no motion needed.

At 9:03 P.M. Ms. Gildow moved to adjourn and it was seconded by Miss Bradshaw. A voice vote was taken with all members being in favor. None were opposed. Motion carries.

The meeting was adjourned.