

ZANESVILLE CITY COUNCIL MEETING TUESDAY, MAY 28, 2019

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The Zanesville City Council met in regular session at 7:00 p.m. on Tuesday, May 28, 2019 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

Mr. Vincent led those present in the Lord's Prayer and the Pledge of Allegiance to the Flag.

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

Mr. Foreman was absent.

Ms. Gildow moved to excuse Mr. Foreman. It was seconded by Mrs. Osborn. All voted in favor except Mr. Sharrer and Mr. Roberts and they voted nay.
Motion carries.

APPROVAL OF MINUTES

Mrs. Osborn moved to approve the minutes as written of the Special Council meeting on April 15, 2019 as printed, seconded by Miss Bradshaw.

Motion carries, minutes approved. Mr. Foreman was absent.

Mr. Roberts moved to approve the minutes of the May 13, 2019 Council meeting as written, seconded by Mrs. Osborn.

Motion carries, minutes approved. Mr. Foreman was absent.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Communication received from Jay Bennett, Director of Public Services pertaining to Municipal Airport Staffing. – A memo that the Airport Attendant has been approved for a leave of absence under the Family Medical Leave Act for a period of twelve (12) calendar weeks and there will be a seasonal person put in place that can work not to exceed sixty (60) working days, or twelve calendar weeks.

Mr. Roberts moved to receive and it was seconded by Miss Bradshaw.
Motion carries. Mr. Foreman was absent.

Resolution No. 19-47 – Introduced by Council – A Resolution permitting Restoration Park to be closed for a private event sponsored by the Muskingum Soil and Water Conservation District and hosted by the Muskingum County Farm Bureau.

Miss Bradshaw moved for second reading, seconded by Mrs. Osborn.

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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. Foreman was absent.

Motion carries.

PROPOSED ORDINANCES

Mr. Roberts moved to add in Ordinances 19-55 as Item 6A, 19-56 as Item 6B, 19-57 as 6C, and the unnumbered Ordinance in front of you as Item 6B Ordinance 19-58.

Mr. Sharrer seconded the motion.

Mr. Vincent: A motion to add in these four items. It was seconded by Mr. Sharrer. Is there any discussion on that? I think there will be more discussion when we get to those. Is everything clear? Council has those in front them; so all in favor of adding those items signify by saying aye. Those opposed nay.

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

Ordinance No. 19-51 - 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.

Mrs. Osborn moved for first reading, seconded by Mr. Baker.

Mr. Vincent: Is there any discussion? With that, it looks like it is a continuation on Maple Avenue connecting C-4 property on one of the areas. Is there anything else, Mr. Bennett, on that?

Mr. Bennett: There will be a public hearing on the night of the third reading before Council and we will have a public hearing on each one of these Planning Commission items.

Mr. Vincent: Okay, 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. Foreman was absent. Motion carries.

Ordinance No. 19-52 - Introduced by Council – An Ordinance to vacate a 16.5' alley running between parcels #81-52-01-08-000 and #81-52-01-09-000 in the City of Zanesville, Ohio as herein provided.

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

Mr. Baker: Mr. Bennett, can you tell us the whys and wherefores'?

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Mr. Bennett: The why is because the applicant, Mr. Michel, presented an application to the Planning Commission to vacate that basically unopened right-of-way. The reason the Planning Commission considered it and voted to recommend yes was because they own parcels on either side of it and it really does kind of make sense as their water tap actually comes out of that public right of way. We don't have a municipal purpose for an alley there and paraphrasing the Planning Commission discussion.

Mr. Vincent: Thank you. Is there anything else from Council? Okay, if nothing else 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. Foreman was absent.
Motion carries.

Ordinance No. 19-53 - Introduced by Council – An Ordinance amending Chapter 1105.12 of the City of Zanesville's Codified Ordinances, regarding administration of the Planning and Zoning Codes.

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

Mr. Vincent: Is there any discussion? Mr. Baker is there anything you wanted to add here or is this going to committee?

Mr. Baker: It is.

Clerk Culbertson: It will go to committee in June under the CD committee, all four will.

Mr. Baker: There are a whole slew of ordinances that are going to go through the committee.

Mr. Bennett: It will go to CD Committee before the third and final reading.

Mr. Vincent: 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. Mr. Foreman was absent.
Motion carries.

Ordinance No. 19-54 – Introduced by Council – An Ordinance to vacate Slate Alley running between Elmore Street and Pierce Street in the City of Zanesville, Ohio as herein provided.

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

Mr. Vincent: Is there any discussion? I didn't get a chance to follow up on this, but Mr. Bennett, didn't we vacate part of Slate Alley.

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Mr. Bennett: We did a traffic order to allow it to be closed to traffic. This now then comes through later with the action to formally do the vacation.

Mr. Vincent: 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. Mr. Foreman was absent.
Motion carries.

Item 6A

Ordinance No. 19-55 – Introduced by Council – An Ordinance repealing and replacing Section 541.09 of the Zanesville City Code.

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

Mr. Roberts: This is the first part of a two part Ordinance. The Zanesville Downtown Association is looking to put wayfaring signs on some City light poles and it was brought to our attention that the City Code was at odds with what they wanted to do. This change to this section basically will allow the Service Director to permit affixing signs to City owned light poles for instances such as that.

Mr. Vincent: Is there any else you want to add to that, Mr. Bennett?

Mr. Bennett: It did go before the Downtown Design Review Board who looked at the characteristics, architectural, covers and such. They have approved the design.

Mr. Vincent: They are pretty stylish and this will help visitors figure out where locations are for the Y-Bridge and things like that. Hopefully, it helps people get around. That is one thing, every time I stop in the Welcome Center, I see a visitor and if I am driving by I sometimes pop in just to welcome them to our city and see what is going on. They are usually in there asking directions on how to get to locations and I usually recommend a few. So, the signs should be helpful. 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. Mr. Foreman was absent.
Motion carries.

Ordinance No. 19-56 – Introduced by Council – An Ordinance authorizing the City Auditor's office to pay an invoice that did not receive authorization before services were performed.

Mr. Sharrer moved for first reading. It was seconded by Mr. Roberts.

Mr. Sharrer: I have some amendments to this. Under the second whereas I would like to add a third whereas that states:

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“WHEREAS, failure to pay City invoices when due, could subject the City to collection issues and possible litigation thereby affecting the public welfare.”

And, then also I would like to strike the existing Section Two and insert the following:

SECTION TWO: “For the reasons stated above, this ordinance is declared to be an emergency measure provided it receives the affirmative votes of six (6) or more members of City Council. This Ordinance shall take effect and be in force immediately upon its passage and approval of the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.”

Mr. Tarbert: If we are going to do that add, “And declaring an emergency.” to the preamble.

Mr. Sharrer: Thank you.

Mr. Vincent: You wanted to add that too?

Mr. Sharrer: Yes, please.

Mr. Vincent: So we have the preamble declaring an emergency. The addition of a third whereas and the emergency language added to Section Two, that language is pretty common. Is everyone clear on that?

Mr. Roberts seconded the motion. A voice vote was taken with all present being in favor. None were opposed. Motion carries and the Ordinance stands amended.

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

Mr. Vincent: Is there any discussion on waiving? I think this probably falls to that we have a bill that is due to a company and we would like to get our bills paid.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absence Mr. Foreman

Motion carries.

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absence Mr. Foreman

Motion carries. Ordinance is passed.

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Ordinance No. 19-57 – 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 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 were in favor. None were opposed.

Motion carries. Mr. Foreman was absent.

Ordinance No. 19-58– Introduced by Council – An Ordinance authorizing an encroachment of a City right-of-way; permitting installation of wayfinding signage on city-owned light poles in downtown Zanesville.

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

Mr. Vincent: Is there any discussion?

Mr. Roberts: This is the second part to that Ordinance that I inserted earlier. If you look at the page with both addendums attached; both have the sign and the locations around. I believe we are going to try to get a map actually showing those locations.

Mr. Vincent: We are getting things rolling here tonight. The public will have a chance to see this.

Mr. Bennett: The GIS staff created that map and it is part of the DDRB presentation. We will send it to Sue and she can send it out to you.

Mr. Vincent: Excellent.

Ms. Gildow: At the last ZDA meeting they showed us samples of things including the logic that the colors on the signs correspond to certain things. There will be some consistency there so it seems they have gone to great lengths to make these both as aesthetically appealing, but very practical as far as directions and locations. I think it will be a huge plus for the downtown area.

Mr. Vincent: Thank you. They will fit in nicely with the light poles we have as they are ornate, decoration and they are definitely about improving downtown to make it more appealing. We will look forward to that. Is there anything else from Council? Good, 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. Mr. Foreman was absent.

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ORDINANCES FOR ACTION

Ordinance No. 19-45 – Introduced by Council – An Ordinance authorizing the proper city official to provide funds to the Ohio Flags of Honor Foundation as a donation for the presentation of the Ohio Flags of Honor at Zanesville High School.

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

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. Foreman was absent.
Motion carries.

Ordinance No. 19-46 – Introduced by Council – An Ordinance authorizing the proper city official to submit an application to the Ohio Development Services Agency for an award of Community Development Allocation Program Funds and declaring an emergency.

Mrs. Osborn moved to waive the readings and it was seconded by Mr. Baker to pass as emergency legislation.

Mr. Vincent: Is there any discussion on waiving?

Mr. Baker: What is the time constraint on this again?

Mr. Bennett: The application is due electronically June 14.

Mr. Vincent: Are there any more questions on waiving?

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absence Mr. Foreman

Motion carries.

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

Mr. Vincent: Is there any discussion?

Roll call vote for passage.

8 Ayes

0 Nays

1 Absence Mr. Foreman

Motion carries. Ordinance is passed.

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Ordinance No. 19-48 – Introduced by Council – An Ordinance authorizing the proper city official to enter into a contract with Crawford, Murphy, and Tilly to update the Zanesville Municipal Airport Master Plan.

Miss Bradshaw moved for second reading, seconded by Mrs. Osborn.

Mr. Vincent: Is there any discussion? Mr. Roberts or Mr. Bennett, timewise we are okay?

Mr. Bennett: Yes, the application is due soon, so we will need to be approved for those funds. We believe the discussion on the pre-application was they certainly accepted it and it was just a matter of finalizing the contract so they won't start until after July or August anyway. We are in perfect timing.

Mr. Vincent: We are at second reading so all in favor of second reading signify by saying aye.

All present were in favor. None were opposed. Mr. Foreman was absent.
Motion carries.

Ordinance No. 19-49 – Introduced by Council – An Ordinance authorizing the proper city official to purchase a new 2019 Western Star 4700SB Dump Truck from FYDA Freightliner Western Star Zanesville and Ace Truck Equipment for the Street Division through the State of Ohio Cooperative Purchasing Program.

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

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. Foreman was absent.

Motion carries.

Ordinance No. 19-50 – Introduced by Council - An Ordinance authorizing the proper city official to enter into a commercial lease agreement with Harris Industrial Parkway, LLC.

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

Mr. Vincent: Is there any discussion? Hearing none, all in favor of second reading signify by saying aye. All present were in favor except Mr. Sharrer and he abstained. None were opposed. Mr. Foreman was absent.

Motion carries.

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Ordinance No. 19-39 – Introduced by Council –Establishing the annual salary and benefits for the Public Service Director of the City of Zanesville.

Mrs. Osborn moved for third reading and passage, seconded by Miss Bradshaw.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries. Ordinance is passed.

Ordinance No. 19-41 – Introduced by Council – An Ordinance authorizing the proper city official to apply for grant funding through the Federal Aviation Administration for the Airfield Lighting Vault Improvements Project.

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

Mr. Sharrer: I have some amendments for this as well. Add to the preamble, “and declaring an emergency.”

After the fourth whereas I would like to add, “Whereas, failure to secure timely grant funding from the FAA for this project it could result in further delay of the project and further deterioration of the existing airport facilities thus potentially creating a health and safety hazard for those that utilize the airport.”

Then I would like to amend Section Two at the bottom and adding, “For the reasons stated above, this Ordinance is declared to be an emergency measure. Provided it receives the affirmative vote of six (6) or more members of City Council, this ordinance shall take effect and be in force immediately upon its passage and approval of the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.”

It was seconded by Mr. Baker.

Mr. Vincent: Mr. Sharrer, does the first line need stricken?

Mr. Sharrer: The first line in Section Two? Yes.

Mr. Vincent: Okay, we have a motion for that. Mr. Baker seconded. Is there any discussion? Council, you have a copy in front of you with that language. If there are no questions, all in favor of that amendment signify by saying aye.

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

Motion carries.

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Mr. Vincent: We are now at Ordinance 19-41 as amended.

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

Mr. Vincent: With that the deadline is that the grant must be submitted by June 1. Is there anything else?

Roll call vote for waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries.

Mrs. Norman moved for passage and it was seconded by Mr. Baker.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries. Ordinance is passed.

Ordinance No. 19-43 – Introduced by Council – An Ordinance authorizing the proper city official to apply for grant funding through the Federal Aviation Administration for the Airport Master Plan Update Project.

Mrs. Osborn moved for third reading, seconded by Mr. Sharrer.

Mr. Sharrer: I have some amendments to this one as well, so if we could add to the preamble, "And declaring an emergency."

After the fourth whereas add the word, "and".

I would like to add a new whereas, "Whereas, failure to secure grant funding from the FAA would result in having to utilize local funds deferring them from other important city projects, and thus causing a possible risk to the health, safety, and welfare of the citizens."

Then in Section Three I would like to strike that first sentence and add, "For the reasons stated above, this Ordinance is declared to be an emergency measure. Provided it receives the affirmative vote of six (6) or more members of City Council, this Ordinance shall take effect and be in force immediately upon its passage and approval of the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law."

Mr. Vincent: A motion by Mr. Sharrer for that amendment.

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Seconded by Ms. Gildow.

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

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

Mr. Vincent: We are now at Ordinance 19-43 as amended.

Mr. Roberts moved for third reading and passage. It was seconded by Mrs. Osborn.

Mr. Vincent: Is there any discussion?

Mr. Roberts: I am sorry, I move to waive.

Mrs. Osborn: I second.

Mr. Vincent: A motion to waive by Mr. Roberts seconded by Mrs. Osborn. This is for third reading so, it doesn't matter does it?

Mr. Tarbert: No.

Mr. Roberts: Will it wait for 30 days?

Mr. Vincent: We have the emergency language, so it will cut the 30 days off.

Mrs. Osborn: I still second that.

Mr. Vincent: A motion for third reading by Mr. Roberts and seconded by Mrs. Osborn.

Roll call vote for waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Foreman

Motion carries.

TRAFFIC ORDERS

We have none.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Tilton: It was a long weekend, I have nothing.

Mr. Vincent: The cemeteries look nice.

Mayor Tilton: Yes. There were great programs throughout the cemetery.

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Mr. Vincent: We appreciate all the City employees who worked on that. I know it is more than usual.

Mayor Tilton: They did a great job.

Mr. Vincent: I know the other departments helped out.

Mayor Tilton: We pulled everybody that we could.

Mr. Vincent: Do you have anything else from the administration?

PRIVATE PETITIONS AND COMMUNICATIONS

We have none.

Mrs. Osborn moved to adjourn and it was seconded by Mr. Sharrer.

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

All present were in favor. None were opposed. Mr. Foreman was absent.
Motion carries.

Mr. Vincent: Thank you everyone. Have a good evening.

Susan Culbertson
Clerk of Council

Daniel M. Vincent
President of Zanesville City Council