

## ZANESVILLE CITY COUNCIL MEETING MONDAY, AUGUST 26, 2019

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**A Public Hearing previously advertised for tonight for rezoning was cancelled as the request was withdrawn for parcel numbers 84-25-04-19-000, 84-25-04-20-000, 84-25-04-19-001, 84-25-04-17-000, and 84-25-04-13-000 by Muskingum County.**

### ZANESVILLE CITY COUNCIL MEETING – MONDAY, AUGUST 26, 2019

The Zanesville City Council met in regular session at 7:00 p.m. on Monday, August 26, 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. Norman, Miss Bradshaw, Ms. Gildow, Mrs. Osborn, Mr. Foreman, Mr. Roberts, Mr. Baker, Mrs. Gentry, and Mr. Vincent. Mr. Sharrer was absent.

Mrs. Osborn moved to excuse Mr. Sharrer and 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 approve the minutes as written for August 12, 2019, seconded by Mr. Foreman.

Motion carried.

Mrs. Osborn moved to approve the minutes as written for the Special Council meeting on August 14, 2019, seconded by Mr. Foreman.

Motion carried.

### COMMUNICATIONS, REPORTS, AND RESOLUTIONS

**Resolution No. 19-84** – Introduced by Council – A Resolution declaring “Beggar’s Night” / “Trick or Treat” for the City of Zanesville.

Mr. Roberts 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.

### PROPOSED ORDINANCES

**Ordinance No. 19-98** – Introduced by Council – An Ordinance authorizing the Proper City Official to submit an application to the Ohio Development Services Agency for an

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award of Community Development Critical Infrastructure Program Funds and declaring an emergency.

Mr. Baker moved to waive the readings, second by Miss Bradshaw.

Mr. Baker: It has come to the attention that this is time critical and as such, declaring an emergency and waiving the readings was deemed desirable. Mr. Tarbert, was there any problem with the form of this. I know that it went for a few revisions as far as the rationale for the emergency.

Mr. Tarbert: No, we are fine with it.

Mr. Baker: Very good.

Mr. Vincent: With that the Clerk has reminded me that we need to have a public hearing for this so if we waive this and pass it this evening we would go around the requirement of having a public meeting.

Mr. Baker: I would like to rescind my motion to waive the readings.

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

Mr. Vincent: Is there any further discussion?

Mr. Baker: Yes, Mr. Arnett, what is the date this has to be submitted?

Mr. Arnett: We are looking at September, but the public hearing is going to be held on September 9<sup>th</sup>. If we are able to go ahead and get the approval that night we can still have it submitted.

Mr. Baker: So this will be held right before the Council meeting.

Mr. Arnett: Correct, the public hearing will be right before the Council meeting.

Mr. Baker: Thank you.

Mr. Vincent: Is there anything else from Council? Okay, we are at first reading so all in favor of first reading signify by saying aye.

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

**Ordinance No. 19-99** – Introduced by Council – An Ordinance approving an agreement with ABB Leasing/Mattingly Cold Storage/Store It, LLC providing for a project and tax exemptions pursuant to the Ohio Enterprise Zone Program, and making determinations in connection therewith, and declaring an emergency.

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

Mr. Vincent: Is there any discussion on waiving?

Mr. Baker: Yes, this was the one that I actually thought was before this one as time sensitive is it not, Mr. Arnett?

Mr. Arnett: Absolutely.

Mr. Baker: Very good.

Mr. Vincent: Is that anything else on waiving? Okay, we will have roll call vote for waiving of the readings.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absence                      Mr. Sharrer

Motion carries.

Miss Bradshaw moved for passage, seconded by Ms. Gildow.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absence                      Mr. Sharrer

Motion carries. Ordinance is passed.

**Ordinance No. 19-100** – Introduced by Council – An Ordinance authorizing the Mayor to execute a Certificate of Completion for construction of a building and improvements on Zane Street in Zanesville.

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

Mr. Baker: This was looked at as something that was needed after a Certificate of Completion was nowhere to be found from back in what, the early 1970's I think. As such it has been endorsed by the Community Development Committee for passage.

Mr. Vincent: Mr. Baker, it was actually in the 1980's. I helped put the steel together for that building. Is there anything else from Council? Okay, we are at first reading so all in favor of first reading signify by saying aye.

All were in favor except Mr. Roberts who abstained. None were opposed. Mr. Sharrer was absent.

Motion carries.

**ORDINANCES FOR ACTION**

**Ordinance No. 19-85** – Introduced by Council – An Ordinance authorizing the Proper City Official to commit City funding as a match for an Appalachian Regional Commission for contracting of a GPS Data Collection & GIS Mapping Service.

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 were in favor. None were opposed. Mr. Sharrer was absent.  
Motion carries.

**Ordinance No. 19-87** - Introduced by Council – An Ordinance allowing a moral claim.

Mr. Roberts 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 were in favor. None were opposed. Mr. Sharrer was absent.  
Motion carries

**Ordinance No. 19-91** – Introduced by Council - An Ordinance to amend the Municipal Code of the City of Zanesville, Ohio, by adding a New Chapter 1152 regarding Tree Preservation.

Miss Bradshaw 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. Sharrer was absent.  
Motion carries.

**Ordinance No. 19-92** – Introduced by Council - An Ordinance repealing and replacing Chapter 1149 of the Codified Ordinances of the City of Zanesville regarding Off-Street Parking and Loading.

Mr. Baker 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.

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

**Ordinance No. 19-94** – This Ordinance was postponed until after our Public Service Committee meeting. So it will return to Council on September 9, 2019. The Public Service Committee meeting will be September 9th at 5:00 p.m. and will be on the agenda of that meeting.

**Ordinance No. 19-95** – Introduced by Council - An Ordinance authorizing the Mayor to accept an Appalachian Regional Commission Grant for the Downtown Fiber Optic Network.

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

Mr. Vincent: Is there any discussion? Hearing none, we do have a speaker tonight on this.

Petition to Speak by Barrett Tamasovich of CWA, Communication Workers of America Union speaking against Ordinance 19-95.

Mr. Vincent: We have a speaker, Barrett Tamasovich, from the CWA Union 4324. Your address is 2145 Dietz Lane, Zanesville. You are speaking against Ordinance 19-95. With that, you have three minutes, sir. I will let you know when your time is up.

Mr. Tamasovich: Thank you, Mr. President and members of the City Council. I just wanted to address this Ordinance about the construction of the downtown fiber optic and Wi-Fi network. I do understand the need for connectivity in communities, especially up and coming communities, communities who are trying to advance technological services, but we are trying to understand the Wi-Fi network. Right now if you have a smart phone or any kind of cell phone the providers, not only in Zanesville/Muskingum County, the speeds have increased exponentially just in the last couple of years. If this was a Wi-Fi network being introduced maybe three to five years ago we could understand with the streaming processes, trying to download, trying to connect other devices it would be a feasible service. If you just walk outside and do an Ookla speed test where you can just pop up on the Internet and just hit a button to see how fast your network is running, just in downtown right now, we have speeds upwards of over 75 megabytes which is very fast. So, we are trying to understand what the usability and the functionality of the Wi-Fi network in Zanesville is and how far would it extend?

Would it extend all the way as far north as North Maple Avenue all the way up to Lowe's and down to the viaduct. It is a large area of providing that kind of Wi-Fi service, but mostly talking about the Wi-Fi Network. Are you going to be placing antennas throughout the City to connect that back into the fiber optic network? So, those were some of our concerns from our brothers and sisters of the Communications Workers of America. We have approximately 20 workers in the Zanesville City area. We maintain

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and provide a lot of network for AT&T in Zanesville itself. I, myself, work right over on 6<sup>th</sup> Street and Shinnick. I am an engineer. So, we are just trying to understand a lot of what is taking place. What is the goal and functionality of the fiber optic network? I believe Spectrum is in this building right now. Spectrum utilizes services to go through the Internet and uses AT&T to connect to the Internet also. With the broad spectrum of technology in Zanesville, is this the right choice for the money to be spent on fiber optics? Thank you for your time.

Mr. Vincent: Thank you, sir. We greatly appreciate it.

Mr. Vincent: Is there anything else from Council or the Administration? Okay, with that we are at second reading and all of those in favor of second reading signify by saying aye.

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

**Ordinance No. 19-96** – Introduced by Council - An Ordinance authorizing the proper City official to enter into an agreement with CompuCorp as the Internet Service Provider for Zanesville Downtown Fiber Optic Network.

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

Mr. Vincent: Is there any discussion?

Petition to Speak by B.J. Smith of AT&T, 160 North Sixth Street, Zanesville, OH. She is speaking against this Ordinance. She will have three minutes.

Ms. B.J. Smith: Alright, Zanesville City Council Members, one, I just have a question and maybe Jay can answer this, but this Ordinance had a project understanding attached to it that was outdated the last time and I had asked for a revised one. Do you have a revised one?

Mr. Bennett: There is no such revision to the Memorandum of Understanding. That should be removed. That is what Mr. Sharrer asked for and you all have laid on your desks tonight the Fiber Optic Service Agreement that shows \$1,502 per month for a term of 36 months. That is the attachment. There is no memorandum of understanding. It is the document that I sent to you the other day, the Provider of Service Agreement.

Ms. Smith: The budget, basically?

Mr. Bennett: The budget, well it is a budget showing the work sheet of how and plus all the terms and conditions. I think you have that there, correct?

Ms. Smith: Well, yeah, that is what I have.

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Mr. Bennett: Right, that is what replaces that Memorandum of Understanding. That is gone, because Council took away the one Ordinance on the utility, that effectively eliminates that Memorandum of Understanding.

Ms. Smith: Okay, alright, and this one is also out of date?

Mr. Bennett: Well, it is \$1,502 as the monthly charge.

Ms. Smith: Okay, alright, well that was actually the only comment that I have at this time on Ordinance 19-96 is that I am concerned that the budget numbers don't truly reflect what the cost of the project will be. The committee members and I only saw that very basic budget, I believe, and that's all that I saw. It would be helpful if we could get a look at the Capital and Operating cost as projected to see what may be missing and what additional costs the City may have to pay for the fiber bill for the four buildings and for the Wi-Fi service. Okay, that is all I have. Thank you.

Mr. Vincent: Thank you very much. Is there anything else from Council? Administration? We are at second reading. All in favor of second reading signify by saying aye.

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

Mr. Vincent: With that, just a comment. If there are questions before hand, I would encourage getting answers, reaching out, and maybe that was tried, and it didn't work out. I don't want questions and back and forth here, as getting into a debate. I allowed that to go forward, but I caution you on that as far as if you have questions we need to get those answered ahead of time. Or you can pose a question and we will answer after you speak, but I want to avoid the back and forth. Hopefully that made sense. If not, I will clarify if it comes up again.

**Ordinance No. 19-97** – Introduced by Council - An Ordinance authorizing the expenditure of funds for the construction of the Zanesville Downtown Fiber Optic Network.

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

Mr. Vincent: Is there any discussion? Hearing none, we do have a speaker.

Petition to Speak by B.J. Smith of AT&T Ohio speaking against Ordinance 19-97.

Ms. Smith: Good evening, President Vincent, City Council Members, Mayor, and City Administration Officials. Did I introduce myself before? I am Director of External Affairs for AT&T Ohio and I represent the company in 24 Southeastern Ohio Counties. So, we have been very interested and involved in the City's proposal to build its own fiber optic network between the four City buildings. Even though it has two excellent private providers with AT&T and Spectrum with fiber already existing below downtown City

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streets and with the local expertise to provide what the City says it wants. I have had correspondence with each of you and I am just sorry to say I haven't been able to talk with each of you personally about this issue. I understand that the City has been looking into this for a long time. The Ways and Means Committee has held several meetings and worked very hard on this. So, I don't want to offend anyone who thinks that a City owned Broadband Network is a good idea, but maybe I should just say it is my belief that government usually isn't able to do things better than the private sector does.

Knowing that I was researching the topic of Municipal and Broadband Networks a colleague sent me an article and policy brief of the Buckeye Institute highlighting problems with government owned broadband networks. In the brief the author looks at two Ohio case studies:

The City of Lebanon in Medina County, the local network in Lebanon, a town of a little more than 20,000 was plagued with problems almost from the start and it ended up being sold to Cincinnati Bell at a loss, a loss to taxpayers. In Medina County the Commissioners have already had to subsidize that network twice to the tune of \$1.6 million dollars. There are more stories like these and I do not want to see the City of Zanesville listed in a future article. I am going to e-mail this to you. This is the policy brief and there was a little one pager that went with it. I will send that to you. I didn't get that done today, but I will provide that and so I just want you to consider these examples before you go down this path.

The City of Canton, Ohio too looked extensively at this idea, but decided against taking that route. If I can find the article and perhaps it was a commentary giving the other side of that issue I will send that along as well. It is just not something you want to get wrong because it is something the taxpayers will have to pay for. Thank you very much for your time.

Mr. Vincent: Thank you, B.J. We appreciate it. We do have a second speaker on this.

Petition to speak by Barrett Tamasovich of CWA, Communication Workers of America speaking against Ordinance 19-95.

Mr. Tamasovich: Mr. President and City Council, just a very brief remark on this Ordinance. AT&T does provide and maintain the largest conduit structure under the streets of Zanesville. When we were looking at the proposal we were asking how much was going to have to be placed and constructed to connect all four buildings. When we were looking at our records we were able to connect all buildings with the conduit structure we have in place. Due to proprietary information I can't say exactly where it is, but between the 1950's to 1990's there were miles of conduit placed. The functionality of that conduit was to serve downtown Zanesville and get AT&T's facilities outside of the City to go north, south, east, and west in Muskingum County. So, not only does AT&T utilize that conduit, but other providers use it also; other providers like Spectrum, Horizon, and other third-party communication companies. I just wanted to bring that in to notice that the conduit is already there for public and private use to rent. It wouldn't cost any extra added on top to maintain it through AT&T. Thank you.



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Mr. Vincent: Thank you, sir. We appreciate it. Is there anything else from Council? Okay, 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. Sharrer was absent.  
Motion carries.

**Ordinance No. 19-68** – Introduced by Council - An Ordinance authorizing the proper City official to enter into a lease with AK Steel Corporation.

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

Mr. Vincent: Everyone has the new lease with them. Are there any questions? Okay. Is there anything from the Law Director on the new lease?

David Tarbert: It looks good.

Mr. Vincent: Thank you. I appreciate your work on that.

Mr. Tarbert: Sure.

Mr. Vincent: We are at third reading so a roll call vote.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Sharrer

Motion carries. Ordinance is passed.

**Ordinance No. 19-78** – Introduced by Council - An Ordinance authorizing the proper City Official to enter into a (5) Five Year Agreement for professional services for auditing the City of Zanesville for fiscal year's ending December 31, 2019, 2020, 2021, 2022, and 2023.

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

Roll call vote for passage.

7 Ayes

0 Nays

1 Abstained Mr. Roberts

1 Absent Mr. Sharrer

Motion carries. Ordinance is passed.

**Ordinance No. 19-81** – Introduced by Council - An Ordinance authorizing the proper City official to enter into a contract with Best Equipment for the purchase and outfitting of a 2019 Mobile Transit Camera Van T-250 through the State of Ohio Cooperative Purchasing Program for the Wastewater Division.

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Ms. Gildow moved for third reading and passage, seconded by Miss Bradshaw.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Sharrer

Motion carries. Ordinance is passed.

**Ordinance No. 19-82** – Introduced by Council - An Ordinance repealing and replacing Chapter 1151 of the Codified Ordinances of the City of Zanesville regarding Landscaping and Screening.

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Sharrer

Motion carries. Ordinance is passed.

**Ordinance No. 19-83** – Introduced by Council - An Ordinance authorizing the proper City officials to waive payment of various zoning and stormwater permit fees associated with the review and permitting of a Muskingum County Project.

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Sharrer

Motion carries. Ordinance is passed.

### **TRAFFIC ORDERS**

No traffic Orders were filed for this meeting.

### **MISCELLANEOUS AND UNFINISHED BUSINESS**

Mayor Tilton: One thing, Mr. President. I say kudos to the local churches that came together and put on the Putnam Jam Festival on Saturday. I was truly amazed at how many people showed up and them giving away all of the bicycles and door prizes. I have never cooked that many hot dogs in three hours in my life.

Mr. Vincent: It was in good hands.

Mayor Tilton: That is all I have.

Mr. Vincent: Thank you, Mayor.

Mr. Bennett: Thank you, Mr. Vincent and members of Council. Just as an update for the public. The City staff met with Hull and Associates today and reengaged with them for final design of Dug Road improvements. You all will recall an Ordinance a couple of meetings ago where you authorized us to submit an application for Hazard Mitigation funding to FEMA. You all tonight took first reading and the hearing coming up at the next Council meeting to make CDBG Critical Infrastructure money up to \$500,000 for that project. So that project is moving again. We are going to do the best job we can to try to get FEMA dollars. There is also an EDA grant that has come out authorizing construction projects to mitigate as a result of flooding damages this last spring. They are taking applications as well so we are seeking every possible funding source. The final design has started, again.

Mr. Vincent: Thank you. Is there anything else? Mr. Bennett, we appreciate it.

### **PRIVATE PETITIONS AND COMMUNICATIONS**

No Non-agenda item petitions were filed for this meeting.

Mr. Vincent: With that I talked to the Law Director and he would like us to go into Executive Session for a conference with him concerning imminent and pending court action against the City.

Mr. Baker moved for Executive Session. It was seconded by Mr. Roberts at 7:29 p.m. A roll call vote was taken.

Roll call vote was taken to enter Executive Session.

8 Ayes

0 Nays

1 Absent Mr. Sharrer

Motion carries

### **Executive Session ended at 7:45 p.m.**

Mr. Vincent: Welcome back. We are done with the Executive Session. We do not need to vote to come back out of Executive Session. I want to assure everyone that there was just discussion of information provided by the Law Director and questions answered related to these pending court matters. No votes were taken, as that would be done in public session, if we had to vote on anything, and we don't, it was just information sharing only.

With that I do know Mr. Foreman had something to add.

Mr. Foreman: I wanted to make everyone aware that on September 15 the Park Society is doing the dedication of the McIntire Outdoor Classroom and we will have Mr. and Mrs. McIntire there to tell a little bit about the history of the McIntire family and the

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school; not the real Mr. and Mrs. McIntire. We will have activities: we will have a scavenger hunt, performances, arts and crafts, and some plantings. There are going to be a lot of performances on the new stage and we are really hoping that stage is built by then because we kind of need it. That again is on September 15 at the McIntire Outdoor Classroom.

What time was asked and Mr. Foreman will have to check, but he said it is on the Muskingum Valley Park District Facebook page. All of the activities will be listed and when things are taking place.

Mr. Roberts moved to adjourn and it was seconded by Mrs. Osborn. A voice vote was taken with all present being in favor. None were opposed. Mr. Sharrer was absent. Motion carries.

Mr. Vincent: We stand adjourned. Thank you everyone and have a good evening. The meeting adjourned about 7:48 p.m.

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Susan Culbertson  
Clerk of Council

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Daniel M. Vincent  
President of Zanesville City Council