

### **PUBLIC HEARING**

**A Public Hearing was called to order at 6:31 p.m. on Monday, December 09, 2019 in Zanesville City Council Chambers, 401 Market Street, Zanesville, OH by Council President Daniel Vincent to hear a request by Store It LLC to vacate portions of Pearl Street, Beech Street, and unnamed alleys in the vicinity of 302 State Street here in the City of Zanesville. All testimony for and against will be heard.**

Present at this hearing were the following individuals: Matthew Schley, Planning and Zoning Administrator; Dave Rogers, citizen; Todd E. Ware, Third Ward Councilman Elect; David Tarbert, Law Director; Mark Baker, First Ward Councilman; Steven Foreman, Fifth Ward Councilman; J. Rob Sharrer, Joey Osborn, and Ann Gildow, Councilmembers at Large; Council President Daniel Vincent; Sandy Gentry, Fourth Ward Councilperson; Bill Arnett, Community Development Director; and Susan Culbertson, Clerk of Council.

Matthew Schley was asked to guide us through this hearing.

Matthew Schley: Thank you for having me tonight Council. As you said this is an alley and street vacation. We have both that are being vacated. Some highlights are in this area (a map was shown on the Mondopad- a large display screen). This area of Mattingly Foods has had numerous vacations over the years. To be specific there have been nine vacations over the years, but only six of those vacations have been recorded. There is a little bit of some: three are recorded and that is not what is being taken care of today. There is only a single property owner that is in the area. According to the applicant, which is actually Linn Engineering on behalf of Store It LLC, which is Mattingly Foods; the vacations are necessary to construct a new cold storage facility.

The Planning Commission did transmit this to Council with the recommendation of approval. This is an overhead GIS view of the area (a map on the Mondopad). Matthew described the area and stated some of the lines are not entirely accurate. They have done some combinations and things of that nature that have made it a little bit difficult to discern where the alleys were when we initially got this request. So, the Community Development Department worked with the Engineering Department to figure out exactly where these alleys and streets were.

Another slide shows the area that shows where things have been vacated prior. All the vacated areas were viewed. The areas planned to be vacated with this request were viewed. They previously thought half of the square was already vacated and found out that was not the case. They plan on cleaning this up on a later date.

Most of the areas have already been built over already or are being used by Mattingly Foods in another way like parking or something along those lines. That is what I have for you.

Mr. Vincent: Thank you, sir. With that, on the previous screen none of these areas are open presently?

Matthew Schley: This whole area is actually closed.

Mr. Vincent: So it actually changes nothing for anyone in the area.

Matthew Schley: No. Mattingly's entire operation, this is the picture of an aerial of what I just showed you. This is the area that just hasn't been vacated. If you see, they have actually been using it as a parking area for a few years now. It just had never been vacated. They want to put their cold storage here, but they can't because it is not vacated. I believe that is where the request came from, but you are absolutely correct, Mr. Vincent, that Railroad is already closed off.

Mr. Vincent: That is State Street running right beside it. Okay. Are there any questions from Council?

Mr. Baker: Just to inform Council this made its way through the CD Committee a week ago, and you and I were talking before, so just so Council knows, this is a flat area and depending on whether it is going to be initiated by Linn Engineering or you yourself, this is all going to be looked at to create some type of uniform zoning somewhere in the near future.

Matthew Schley: Absolutely. We would be looking in the future to do a total vacation just one to clean up the entire area. As you saw on this page there are nine ordinances that show vacations in this area. Three of them are not recorded, six of them are, and it took myself and David Kerr in engineering a considerable amount of time to figure out what has been vacated, what hasn't been vacated, and what has been recorded and what hasn't been recorded. We worked with Sue to figure that out as well. So, the benefit in the future would be to vacate in one Ordinance everything again, even the portions that are already vacated to have one uniform ordinance that says this entire area has been vacated by the City. At this time it is not being presented to us. It was our understanding from the applicant, Linn Engineering, that this was what they needed to get done immediately to get that Cold Storage project up and running.

Mr. Vincent: Is there anything else, Mr. Baker?

Mr. Baker: Yes, how many jobs are going to be affiliated with the refrigeration units?

Matthew Schley: I would defer that question to Director Bill Arnett. He would be better suited to answer that question.

Bill Arnett: I think the tax abatement paperwork that came through City Council said there would be more than one dozen new employment positions created on top of what was already there.

Mr. Baker: Good.

Mr. Vincent: Mr. Schley, is there anything in the future then, another ordinances to re-vacate everything that has already been vacated?

Matthew Schley: Yes, I would assume, as I do not like to speculate, but I know it is something we are actively looking at and we have been actively looking at since this project came across our desks was how do we make this easier for people in ten to fifteen years down the line to discern; because like I said, it did take us a lot of time to get this figured out. It took a lot of man hours that went into this to determine what was done. So, that is what we would be looking for and Linn Engineering had indicated that is something they would be interested in doing, but at this time when they needed to get this done they didn't have the time or manpower to get that finished in the time period they had.

Mr. Vincent: It is going to take significant more work to get all the boundaries and everything drawn up.

Matthew Schley: Yes, it will take a considerable amount of time.

Mr. Vincent: So this is to get the absolute bare minimum to what we need to progress.

Matthew Schley: Yes, the absolute bare minimum to get them up and running with their new cold storage part.

Mr. Vincent: They have been excellent in the community. Okay, is there anything else from Council? Okay, is there anyone here to speak for? Is there anyone here to speak against?

No one came forward to speak for or against this request. The hearing came to a close about 6:40 p.m.

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Susan Culbertson, Clerk of Council

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Daniel M. Vincent, Council President

### **ZANESVILLE CITY COUNCIL MEETING – MONDAY, DECEMBER 9, 2019**

The Zanesville City Council met in regular session at 7:00 p.m. on Monday, December 09, 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: Mr. Baker, Mrs. Gentry, Mrs. Norman, Miss Bradshaw, Ms. Gildow, Mrs. Osborn, Mr. Sharrer, Mr. Foreman, Mr. Roberts, and Mr. Vincent.

## APPROVAL OF MINUTES

Mr. Roberts moved to accept the minutes of November 25, 2019 as written, seconded by Mr. Foreman.

Motion carries.

## COMMUNICATIONS, REPORTS, AND RESOLUTIONS

**Resolution No. 19-139** - Introduced by Council – Introduced by Council – A Resolution responding to the Ohio Rail Development Commission regarding the Liberty Street Railroad Crossing.

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

Mr. Vincent: Is there any discussion?

Mr. Roberts: This was discussed at the Public Service Committee and it was recommended from that committee to waive the readings and pass this legislation tonight.

Mr. Vincent: Thank you.

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

Mr. Vincent: Is there any discussion on waiving? 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.

Miss Bradshaw moved for passage, seconded by Mrs. Norman.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Resolution is passed.

## PROPOSED ORDINANCES

**Ordinance No. 19-140** – Introduced by Council – An Ordinance authorizing the proper City official to submit an application for a 2020 Certified Local Government Program Grant.

Ms. Gildow moved for first reading, seconded by Mr. Baker.

Mr. Vincent: Is there any discussion?

Mr. Baker: This has not made its way through the CD Committee. Mr. Arnett, could you explain this a little bit, please?

Mr. William Arnett: Sure, the City of Zanesville is a certified local government so we are eligible to apply for funding for certified local government projects through the Ohio History Connection. The Friends of Putnam had made a request that we seek a grant to update the Putnam Historic Preservation Plan that was done in 1974. There is no match requirement and from talking with representatives from the Ohio History Connection they think this would be a good project that they could consider.

Mr. Vincent: Thank you, Mr. Arnett. 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.  
Motion carries.

*The following preamble was read in error, it was from a pulled draft ordinance with the same number, that had not come out of committee)*

**Ordinance No. 19-141** – *Introduced by Council – An Ordinance authorizing the proper City official to enter into a contract with Strand Associates, Inc. for design, bidding, and construction engineering services for the Gant Stadium Upgrades Project.*

*(The following was the correct ordinance preamble, which should have been read, and was the ordinance Council had before them. To correct this error, the Law Director has advised reading the correct version for first reading at the next Council meeting on December 23, 2019)*

**Ordinance No. 19-141** – *An Ordinance authorizing the expenditure of funds relating to the Lock #10 Canal Trail Project.*

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

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.

**Ordinance No. 19-142** – *Introduced by Council – An Ordinance authorizing the proper City official to dispose of City property.*

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

Mr. Vincent: Is there any discussion?

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

Mr. Vincent: Is there any discussion on waiving? With that we will have roll call vote for waiving of the readings.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

**Ordinance No. 19-143** – Introduced by Council-An Ordinance amending Chapter 924.11(e) of the City of Zanesville's Codified Ordinances regarding special charges and assessments.

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

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.

**Ordinance No. 19-144** – Introduced by Council – An Ordinance authorizing an encroachment of a City right-of-way.

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

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.

**Ordinance No. 19-145** – Introduced by Council – An Ordinance amending Chapter 1115 of the City of Zanesville's Codified Ordinances, regarding variances.

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

Mr. Vincent: Is there any discussion?

Mr. Baker: This will be coming under examination of the CD Committee at the next meeting.

Mr. Vincent: Thank you, sir. 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.

Motion carries.

**Ordinance No. 19-146** – Introduced by Council – An Ordinance to amend and revise the Zoning Map and make permanent zoning in the City of Zanesville, Ohio as herein provided.

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

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.

**Ordinance No. 19-147** – Introduced by Council – An Ordinance to amend and revise the Zoning Map and make permanent zoning in the City of Zanesville, Ohio as herein provided.

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

Mr. Vincent: Is there any discussion?

Mr. Baker: Mr. Arnett, could you explain this a little bit, please?

Mr. Arnett: Sure, so the Planning Commission is recommending changes in zoning of multiple parcels essentially between Linden Avenue and Maple Avenue along Adair. So, if you think about it right now most of Adair Avenue is commercial zoning, but you have portions of the block between Linden and Maple that still have residential zoning. A number of those parcels are just vacant land now. So the Planning Commission looked at this, City staff Matthew Schley our Planning and Zoning Administrator, looked at it and recommended to the Planning Commission that the whole section be rezoned C-4. During the Planning Commission process there were no negative feedback from any of the property owners. If there is a house already on the property it is just going to become legal non-conforming so it doesn't do anything to the property owner. They can continue to live in their house just like they always would, but in the future if a vacant lot

would be sold it could actually be developed as a C-4, a commercial lot instead of a residential lot.

Mrs. Osborn: Mr. Arnett, what could be built in a C-4? What kind of development happens?

Mr. Arnett: That is Highway Commercial, so if you think of Maple Avenue its drug stores, restaurants, banks, as it is the highest commercial zoning. I think the limiting factor would be the amount of acreage you could actually put together. You don't have acres and acres and acres so it would be a fairly small development.

Mrs. Osborn: Okay.

Mr. Baker: Mr. Arnett and I have met with some stake holders over other matters over the last couple of CD meetings and this came up in just sort of an informal way and the response was along the lines of this is a long time coming as far as being able to spur development of the area. So, this is good measure.

Mr. Vincent: Then to add on to what Mr. Arnett said, as far as lot size, the depth is going to make a difference to what could go in there and also the topography, since it is on a hill. So, that is going to change what you can level off to build.

Mrs. Osborn: What kind of screening is required for that?

Mr. Arnett: I think that is the really good news since the new Landscaping and Screening Code is in place there would be significant screening along any residential boundaries. So much more robust than what we would have had previously. It is going to protect those residential lots that are further off of Adair.

Mrs. Osborn: Okay.

Mr. Vincent: Thank you. 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.  
Motion carries.

Ordinance No. 19-148 – Introduced by Council – An Ordinance amending the City of Zanesville's Comprehensive Plan Implementation Index.

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

Mr. Vincent: Is there any discussion?

Mr. Baker: Mr. Arnett again. None of this has made its way to the CD Committee.

Mr. Arnett: These were all reviewed. The two rezones, the use of variance language, and then this Comprehensive Plan Implementation Index were all reviewed and recommended for approval by the Planning Commission. So the City adopted a Comprehensive Plan and in the back of the Comprehensive Plan is an Implementation Index. So, it actually shows what kind of action items are attached to each of the goals. So the Implementation Index actually lets you see what has been done and what has yet to be done. It was put together with feedback and input from the Public Service Department, Public Safety Department, and Community Development. So it doesn't change the Comprehensive Plan itself; it updates the Implementation Index in the back.

Mr. Vincent: With that the only changes to this are the notes as to what has been accomplished.

Mr. Arnett: Correct.

Mr. Vincent: So everything else is the same, not changing goals or directives. 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. 19-149** – Introduced by Council – An Ordinance authorizing an agreement with Muskingum County and the Zanesville-Muskingum County Port Authority related to infrastructure improvements within the Zanesville-Washington Joint Economic Development District.

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

Mr. Vincent: Is there any discussion? With that tonight Council you have an edited agreement that is now with that legislation before you tonight. If there are no other comments 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.

## **ORDINANCES FOR ACTION**

**Ordinance No. 19-94** – Introduced by Council – Postponed until January 13<sup>th</sup> so we will see that then.

**Ordinance No. 19-132** – Introduced by Council – An Ordinance authorizing the proper City official to advertise for bids for the City of Zanesville's Solid Waste Disposal Needs.

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.  
Motion carries.

**Ordinance No. 19-133 Amended** – Introduced by Council – An Ordinance amending Ordinance 01-128, making findings and determinations as permitted in Sections 3735.65 to 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of “Community Reinvestment Areas” and designating a housing officer to administer the program.

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.

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

**Ordinance No. 19-134** – Introduced by Council – An Ordinance amending Ordinance 02-175, making findings and determinations as permitted in sections 3735.65 to 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of “Community Reinvestment Areas” and designating a housing officer to administer the program.

Mr. Baker moved for second reading, seconded by Mr. Foreman.

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. 19-135** – Introduced by Council – An Ordinance amending Ordinance 03-107, making findings and determinations as permitted in Sections 3735.65 to 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of “Community Reinvestment Areas” and designating a housing officer to administer the program as referenced in Ordinance 06-10.

Mr. Baker moved for second reading, seconded by Mr. Foreman.

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. 19-136** – Introduced by Council – An Ordinance accepting the City of Zanesville Housing Needs Assessment, as herein provided.

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

Mr. Vincent: Is there any discussion? Hearing none, we are at second reading so all in favor of second reading signify by saying aye.

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

**Ordinance No. 19-138** – Introduced by Council – An Ordinance accepting the Historic Preservation Guidelines, as herein provided.

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.

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

**Ordinance No. 19-127** – Introduced by Council – An Ordinance authorizing the proper City official to grant funds to the City of Zanesville Community Improvement Corporation resulting from the sale of property.

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

Mr. Vincent: Is there any discussion? With that we will have roll call vote.

Roll call vote.

8 Ayes

0 Nays

1 Abstention            Mr. Roberts

Motion carries. Ordinance is passed.

**Ordinance No. 19-128** – 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.

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

Mr. Vincent: Is there any discussion? With that we will have roll call vote.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

**Ordinance No. 19-129** – Introduced by Council - An Ordinance to vacate portions of unnamed alleys and portions of Pearl Street and Beech Street in the vicinity of 302 State Street.

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

Mr. Vincent: Is there any discussion? Hearing none we will have roll call vote.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

**Ordinance No. 19-130** – Introduced by Council - An Ordinance authorizing the proper city official to sign an amendment to the Programmatic Agreement between the City of Zanesville and the Ohio Historic Preservation Office.

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

Mr. Vincent: Is there any discussion?

Mr. Sharrer: I have several amendments to this just due to the end of the year and deadlines. I would like to add in the preamble. I would like to add the words, “and declaring an emergency.”

Down in the eighth whereas after the SHPO I would like to add, “Before the end of 2019.”

I would like to input another Whereas directly underneath that to read, “Whereas, if a PA is not submitted before the deadline certain environmental reviews and other activities including safety repairs could be delayed thereby creating possible risks to the health, safety, and welfare to the public.”

And under Section One at the end of that Section One I would like to add, “Prior to December 31, 2019.”

And then I would like to remove the Section Two that is on the original and amend it to read a new Section Two, “For the reasons stated herein, 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 from and after the earliest period allowed by law.”

Mr. Baker seconded the motion.

Mr. Vincent: Is everyone clear on that? You have a hard copy in front of you then also. We have a motion and a second so all in favor of that amendment signify by saying aye.

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

Mr. Vincent: We are now at **Ordinance 19-130** as amended and we are at third reading.

Mr. Baker move for third reading as amended. It was seconded by Mr. Roberts.

Mr. Vincent: Is there any discussion? We will have a roll call vote.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

#### **TRAFFIC ORDERS**

No traffic Orders were filed for this meeting.

#### **MISCELLANEOUS AND UNFINISHED BUSINESS**

Mayor Tilton did not have any comments and none from the administration.

Mr. Vincent: Mr. Bennett is not here tonight. I just found out he will not be at the last meeting. I wanted to say thank you, even though he is not here, but hopefully he will hear. He has done a lot for the City, I am not sure how many years he has been here. Mayor can you help? How long?

Mayor Tilton: This time? Since 2014.

Mr. Vincent: Actually, a lot of things and he brought a lot of wisdom, a lot of great things, challenged us in many ways and very beneficial. He was the director of two different departments for a lengthy period of time. He had a plate full, but he still provided a lot of insight and guidance and a lot of opportunities for us. So, he is not here, but thank you Mr. Bennett. We do appreciate it.

#### **PRIVATE PETITIONS AND COMMUNICATIONS**

Adam Binckley, 1110 Walter Drive, Zanesville, Ohio 43701 speaking on Zanesville Think Tank on Poverty Unity letter, SOS Zanesville.

Mr. Vincent: You will have three minutes.

Mr. Adam Binckley: Good evening. My name is Adam Binckley and I am a resident of Zanesville. I am also involved in a collaboration of residents under the banner of S.O.S. Zanesville. We are trying to respond to the distress we see of our friends and neighbors. As you know we had a community potluck and silent vigil procession on Friday night. Participants, many who attend downtown churches; also wrote down their thoughts, wishes, and prayers for those who are unsheltered and for City officials to help provide for shelter for these citizens. We present those wishes to you tonight. I have them right here. We know there is a zoning problem that is standing in the way of serving the needs of those who are homeless. Our goal is to work with the City to find both a short term solution so no one freezes to death this winter and a long term solution to end chronic homelessness in Zanesville. We know that City Council has lots of responsibilities. We request that we figure out answers together. We would like to schedule a meeting with Mayor Tilton and Public Safety Director Keane Toney as soon as possible. We will wait to talk with you after tonight's meeting and Mrs. Osborn you and I went to high school together back in the day. I haven't been in town for a while, but I desire to hand these off to you, if you will gladly accept.

Mrs. Osborn: Okay.

Mr. Binckley proceeded to hand an envelope to Mrs. Osborn.

Mr. Vincent: Thank you much. Does anybody have anything else?

Mr. Roberts moved to adjourn. It was seconded by Mrs. Osborn.

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

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

The meeting ended about 7:25 p.m.

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Susan Culbertson  
Clerk of Council

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Daniel M. Vincent  
President of Zanesville City Council