



Council – Mayor Government

THE CITY OF  
**Zanesville**

Ways & Means Committee  
401 Market Street • Zanesville, Ohio 43701  
Phone: (740) 617-4875  
E-mail: [Council@coz.org](mailto:Council@coz.org)

Zanesville City Council Ways & Means Committee Agenda  
Council Chambers, 401 Market Street, Zanesville, OH  
Monday, May 15, 2023 at 5:00 p.m.

This meeting is open to the public to attend in person or remotely by using the information below. This meeting is for discussion pertaining to the upcoming Ordinances and discussion items of the Ways & Means Committee for review as follows:

**ROLL CALL**

**MINUTES** – Approval of the minutes of April 24, 2023.

**RESOLUTION AND ORDINANCES**

1. **Ordinance No. 2023-50** – An Ordinance authorizing the expenditure of funds for the Water Treatment Plant replacement of electrical switchgear control components and programmable logic controllers (PLC) and declaring an emergency.

**DISCUSSION**

2. **Community Ambulance**

The next regular scheduled meeting is 5:00 p.m., June 20, 2023.

This meeting is open to the public who may attend in person or attend by phone or Internet using the information below.

Phone **1-844-621-3956** US Toll Free or **1-415-655-0001** US Toll  
Use Access Code: **126 750 8098 #**

Online with WebEx- Enter **zanesvillecity.webex.com** in web browser. Enter Meeting Information- **126 750 8098**

## SPECIAL WAYS AND MEANS COMMITTEE MEETING

April 24, 2023 at 5:00 p.m.

Mr. Roberts: It is 5:00. I'll go ahead and call this Committee of Ways and Means to order. Can I have rollcall?

Committee Members present: Councilperson Andy Roberts, Chairperson; Councilperson Joey Osborn; Councilperson Brad Wolfe; and Councilperson Mark Ballmer.

Others present:

Jan Bradshaw, Councilperson  
Billie Corns, Clerk of Council  
Glen Gregor, IT  
Don Mason, Mayor of Zanesville

Cody Pettit, Councilperson  
David Tarbert, Law Director  
Dan Vincent, President of Council

### APPROVAL OF MINUTES OF APRIL 17, 2023

Mr. Roberts: I'll entertain a motion on the minutes from April 17.

Mrs. Osborn moved to approve the minutes as written. It was seconded by Mr. Wolfe.

Mr. Roberts: All of those in favor, aye. Opposed same sign.

A voice vote was taken with all present in favor. None were opposed.

Mr. Roberts: Motion carries.

### DISCUSSION

#### 1. Nonprofit Policy Discussion

Mr. Roberts: We only have one point of discussion tonight, and that's to go over crafting of either a directive or an ordinance to Council to control the distribution of city funds to nonprofit and possibly for-profit appropriations. Brad had sent out an email earlier today outlining what he thought. I had an idea that I had not typed up, but it was basically subtractive in the way, just real broadly, *the City of Zanesville shall not authorize expenditure of funds to nonprofit entities with the following exceptions, and then on a contractual basis, the award of CDBG funds, or if we want to give ourselves a release valve, an ordinance passed unanimously by City Council.* But we're here to talk about this stuff. Brad, do you want to go over your proposal?

Mr. Wolfe: Yes. It was just an idea, a place to start. Basically for anybody that hasn't seen it, I just think that all requests for funding from nonprofit or for-profit agencies should be evaluated by the administration based on a set of criteria that the Council provides for that purpose before they bring any

legislation to Council via this committee along with a recommendation to approve or not approve that request. Some of criteria that I came up with were 1) a demonstrable public purpose that will benefit all or a significant segment of the City of Zanesville citizens; 2) there should be a provision in the budget for the request; and also 3) at the end a report by the recipient to show how the funds were spent and to demonstrate how the expenditures met the criteria that we set. And that's, again, just a starting point. It could have other criteria.

Mr. Roberts: So, Brad, and I think we're heading at this from two different ends.

Mr. Wolfe: Right.

Mr. Roberts: I guess my idea as far as putting a contract on it is that the contract is going to hopefully clearly lay out what is expected of the entity and what is expected of the City of Zanesville. So, I mean I think that would at least give us that peace of mind knowing that we got our money's worth out of the taxpayers' dollar. And it's also basically encapsulating everything that you had there.

Mr. Wolfe: Right. You can put all that in a contract. So, sure.

Mrs. Osborn: Mr. Chair?

Mr. Roberts: Yes, Mrs. Osborn.

Mrs. Osborn: Are you both thinking reimbursable or upfront?

Mr. Roberts: Well, I mean most contracts are reimbursable. I mean, you provide a service, and that service is then invoiced and then paid.

Mrs. Osborn: That way if they don't...

Mr. Roberts: Perform.

Mrs. Osborn: Fulfill the requirements.

Mr. Roberts: I guess that was my whole point is if somebody is providing services to the city that we aren't able to provide for ourselves, I don't have any problem with it. But to just toss a random dollar amount out there and then, hey thanks for what you're doing and hope it's all good. I don't know. Mayor, do you have some thoughts you want to share?

Mayor Mason: I'm just saying we do work with like Carolyn Hughes, and I don't think she's a nonprofit. It was always classified as Humane Society or something like that. She does all the dogs and cats inside of the city limits. We do pay her after the fact. And remember, Council probably the end of last year, passed that ordinance. Then we do Habitat for Humanity quite often; we've worked with them a couple of times a year. A lot of times it's nothing more than waivers of water taps and all that, and that's within the Service Director's authority. But we do work with them on a lot of other matters. Right now, we're

trying to move two houses, one from Maple and one from Francis, to property that the hospital is donating. I just don't want to get in the way of all those kind of things that we do.

Mr. Roberts: Well, and that's what I was thinking, if we said we're not going to do it except for these criteria. And so like, waiving of fees. If there's something of benefit to the community and you need to waive water fees, barricade fees, whatever, I don't see where that's an issue. It's more the actual distribution of funds, I guess is where.

Mrs. Osborn: Mr. Chair, does that fall under the criteria that we came up with a few years ago for donations for use of the parks and shelter houses. Is waiving of tap fees in that?

Mayor Mason: We don't waive those fees.

Mrs. Osborn: Okay.

Mayor Mason: Last year, I think it was about, what September? City Council said they prefer we didn't waive fees. The only thing that ever gets waived is if we are a partner of it. So, if we're cohosting an event at the Secrest or July 4<sup>th</sup> fireworks or something like that. Matter of fact, I do think we give money to Jaycee's, by the way.

Mr. Roberts: Is Jaycee's a nonprofit?

Mrs. Osborn: Yes.

Mayor Mason: Oh yes.

Kade Heskett: But I thought that went towards the purchase of fireworks.

Mayor Mason: It does, but we gave them an upfront sum of money.

Kade Heskett: I don't think we gave them any money last year because they made enough revenue from the beer sales at the summer concert. But historically, I think we usually give about \$10,000, but last year was the first year that they didn't need any money from us to purchase fireworks.

Mayor Mason: Okay.

Mr. Wolfe: Mr. Chair? The arrangement that we have or made with Southeast Area Transit and the Port Authority, how do those type of arrangements fit in?

Mr. Roberts: Well see, that's a good point, Brad. Those are both quasigovernmental entities. I mean, the Port Authority is, by definition, a nonprofit.

Mayor Mason: No, it's governmental.

Mr. Roberts: Well it is governmental, but it's still set up inside the nonprofit codes to 1734 or something like that.

Mayor Mason: Is it?

Mr. Pettit: I think it's a weird mix.

Mr. Roberts: Yes, it's quasigovernmental, but it doesn't classify as a 501(c)(3), but it is a "nonprofit."

Mr. Wolfe: But they're still getting money from us for a reason, right?

Mr. Roberts: Right, and I guess that was when we were talking about other different things like, I guess we would have to accept anything authorized by the Ohio Revised Code. Because I think within the Revised Code, it says that port authorities are allowed to. We have to double check that. I think SEAT is organized in a similar fashion, isn't it? Because aren't they governmental? Transit authority, that's within the Revised Code, isn't it?

David Tarbert: I don't have the whole Revised Code memorized, Andy, but I'll make a note of things to check on.

Mr. Roberts: How dare you come unprepared. *(Laughter in the room.)*

Mayor Mason: Well it says port authority means a body corporate and politic created pursuant to the authority of 4582.02. So I don't think the Port Authority. I thought SEAT, I know it used to be under the areas of public transit, MAPT. I don't think, I think that's governmental.

Mr. Wolfe: Mr. Chair?

Mr. Roberts: Yes, Mr. Wolfe.

Mr. Wolfe: Would it be fair to say that we don't have too many of these so that we could do each one on a case-by-case basis as a contract?

Mr. Roberts: Yes.

Mr. Wolfe: I like that idea because...

Mr. Roberts: Throw a contract on them. I mean, as long as they can prove that they are providing a municipal service.

Mr. Wolfe: Right.

Mr. Roberts: It's clear that, I don't think anybody is going to argue that SEAT does not provide a municipal service, the Port Authority provides a municipal service. Those are pretty straightforward.

Mr. Vincent: Mr. Chair?

Mr. Roberts: Mr. Vincent.

Mr. Vincent: SEAT is a governmental entity.

Mayor Mason: Yes. I know I appoint two of the board members. Yes, I think SEAT, the Port Authority, Muskingum County Senior Citizens...

Kade Haddox: We do separate ordinances every year authorizing those expenditures anyway, and they are part of the budget.

Mr. Roberts: Correct, yes.

Kade Haddox: To me, those are, there's not a formal contract, but they are providing services. And I believe on the Port Authority one, it lays out what they're allowed to use the money for as far as operational expenses and staff support and things like that. It's not as just, we're giving you 100 grand. I think there are stipulations spelled out in the ordinance on what they can spend the money on.

Mr. Wolfe: I mean, I think that's what we're saying, that these other entities should follow the same guidelines, not specifically, but they should have a public purpose, and we can do that contractually on a case-by-case basis.

Mr. Roberts: So, let's go ahead and run this forward because as we witnessed with, not throwing Pam under the bus, but of course every nonprofit is going to think that what they're doing is going to be a municipal purpose. I guess, I'm just trying to think about this running down the road. So, we go down through and okay, Christ Table is feeding hungry people. Is that a municipal service? I don't think so, but probably the argument could be made for. The whole idea behind this was, and that's what I was trying to explain at the meeting the last time is it's not just about this one. But we open that valve, and then everybody else is going to come rushing through. So I just want us to think ahead. If we do authorize the expenditure of funds to this person, where is that going to leave us with everybody else?

Mr. Ballmer: Mr. Chair?

Mr. Roberts: Yes, Mr. Ballmer.

Mr. Ballmer: First of all, is there any kind of application process for this? I looked up this morning. I did a little research. I looked at Cincinnati and Lebanon. They both have a line in their budget for these particular things that they do and then they set up criteria that has to be met. And it looked like that the applications were made. They were either checked and approved or denied. There was "x" amount of money from the budget. All of these funds coming out of the same, are they coming from the same line or are they coming from different lines in the budget?

Mr. Roberts: To answer that question, I think in the past they've come from varying lines. Depending on, now like with Transitions, I know we were going to pay that out of the police fund.

Kade Haddox: It had its own line item in the budget last year, both that and Hero's Landing.

Mr. Roberts: What's up, Cody?

Mr. Pettit: Shouldn't there be a criteria to kind of separate, sometimes there are multiple nonprofits servicing kind of the same problem area or that provide the same service? Or could hypothetically provide the same service?

Mr. Roberts: I understand what you guys are talking about. Based on what you guys are saying, you want to actually give money to nonprofits from the City Treasury? The only reason I'm asking is because we're talking about creating forms, creating criteria, and all this other different stuff. Like I said before, I know where I stand, but I'm just trying to take a temperature of the room. Do we want to actually do that? Let's answer that question first, and then we can get into the weeds as far as, like if we're going to put criteria on it. Because what you're basically talking about Mark would be creating a grant program.

Mr. Ballmer: Right, and that was my next question. Were you going to use the term grant or contract? Because it seems like in what little research I did, it was done both ways. And so I was having a hard time just understanding how they would go about that using the different terms trying to arrive at the same outcome. What I did seem to come across was there was "x" amount of dollars in the budget, applications were made, there were criteria they had to follow, and once the money was spent, the money was spent until the next year. So I was just trying to get a handle on what the big picture was because you're right. We're limited; we don't have a line for budget money that is endless. And so we're going to have to make some kind of determination if we're going to go down this path – who gets the funds and who don't.

Mr. Vincent: Mr. Chair, if I could.

Mr. Roberts: Mr. Vincent.

Mr. Vincent: Jumping back to your original idea and I think you brought it up as far as the last meeting, that Transitions does provide a purpose kind of related to the courts or they do provide some sort of service. But to me, that would fit with contractual stuff. So I guess I think along the lines of that, that if there's a direct purpose for the city, it would fit under a contract. I'm not on the committee, but I would think that would appeal to this group as far as, yes this has a municipal purpose. And maybe that fits for Habitat for Humanity. We have a housing issue here. They're providing services as far as providing housing that is of great need. So, this may be kind of a mixture of the two. But I definitely like the idea as far as a contract spelling out exactly what will be performed for the money investment. And I think it's beneficial to the city, municipality, and taxpayers that that can fit in, which would probably exclude a lot of nonprofits. But as you had shared, Christ Table and things like that may feel they're beneficial. I think the others fit a little better. One last thing is the courts, I don't know if there's any funding there. You said this will come out of the police fund, but I thought maybe whatever it is the service they provide,

and maybe Mr. Tarbert can refresh me, but to me that fits in a little better with the court system, and they can help fund this if they have a little extra money. What was the service they provide, Mr. Tarbert? I think you brought it up.

David Tarbert: Well, police will often take a domestic violence victim to Transitions after an abuse session. Then Transitions works with our Victim/Witness Coordinator down in the court to help with kind of the civil side of it. So our Victim/Witness Coordinator helps negotiate them through the criminal side of it. But then if they need a civil protection order from Domestic Court, Transitions will take them from Municipal Court up to Domestic Court to get another order and a place to live, protection, and everything.

Mr. Vincent: And we don't have any services that provide that? Especially the living part of it? As far as helping to guide them through the process?

David Tarbert: Mr. Chairman? I might request time to ask for or maybe and I'll speak to the Mayor and Mr. Wolfe and anybody else who is interested, but I think I told you I found an Attorney General opinion that talks about townships and counties that are statutory. It takes a slim view of, in fact quoting, "Corpus Juris Secundum 409. Public officers in the expenditure of public funds, are the trustees of such funds and are not philanthropists." So I don't think we have authority to do this unless we have specific statutory authority to do that, and I have not found that yet. Ohio Revised Code is large, and I've read through it under municipalities and donations. I've researched, and the only thing I keep coming up with this is the Ohio Attorney General opinion, which I will happily send out to all of you. So we've got to have a statutory provision that authorizes the city to make contributions to these private, nonprofit charities. Now, if we do contract, I think that's a little different.

Mr. Roberts: Right.

David Tarbert: And again, whereas they provide this public service for us, whereas, whereas, whereas a public benefit. Then therefore, we are granting them money to help with it.

Mr. Roberts: So, and I guess just going back to that from every point that I'm seeing this, I think we construct it as a contract.

Mayor Mason: Can I throw something in?

Mr. Roberts: Yes.

Mayor Mason: But those are counties and townships, right? Which are administrative arms of the state, whereas we have home rule authority under the state constitution.

David Tarbert: This says any, and again, we're kind of getting in the legal weeds on this thing. But it does say, "Because you are concerned primarily with counties and townships, we focus our attention on these governmental bodies. However, we do not consider charter counties or anything else, but any other statutory body of local government is included," which I think would include us.



Mayor Mason: We're not statutory; we're constitutional.

David Tarbert: We're a statutory city, right?

Mayor Mason: That's, we operate under statutes, but...

David Tarbert: Well again, we're getting in the legal weeds. I'm not sure I guess is my answer.

Mayor Mason: But to answer your question, so in 2022 Transitions helped 436 women, 82 men, 47 children, it says with court matters. They assisted 2,875 people in crisis. And it goes through a lot of other things that they do.

David Tarbert: I mean, I think the Mayor's point about the Humane Society was what I had written down too. That is a charitable organization that we donate to because Carolyn, our Humane Officer, provides services inside the city limits to...

Mr. Roberts: But the Humane Officer that is explicitly set out in ORC, is it not?

David Tarbert: It is, but we give extra money, more than what we're required to give.

Mr. Roberts: Okay, but I mean there are statutes. And I believe that is a contractual basis, isn't it?

David Tarbert: Yes.

Mr. Roberts: Because we give her those funds so that she will...

David Tarbert: We do a new contract every year with her.

Mr. Roberts: Exactly.

David Tarbert: Right.

Mr. Roberts: So and what you're saying is even outside of that Attorney General's opinion, if it's a contractual matter, that doesn't hit then, right?

David Tarbert: I'm not understanding. I think it's a contractual matter. I think we can...

Mr. Roberts: As long as we're not just handing out donations.

David Tarbert: Correct. We can't be philanthropists.

Mr. Roberts: Correct, but if we are giving you "x" for "x," we're good.

David Tarbert: I think we're good.

Mr. Pettit: It's got to be a public interest.

Mr. Roberts: Right. It has to meet the...

David Tarbert: Whereas they do this, whereas they do, whereas, and then boom, there's your public purpose and here's what we expect out of you and here is what we're going to pay you for it because we don't offer these services as a city. We're contracting with you to provide those. And the problem is for you, yes, it's going to open the floodgates. But it's like moral claims. I mean, you guys, the Council I think is just going to have to shut the floodgates when you think something is not deemed worthy for the city. That's going to be a hard call to make, Christ Table and everything else, but I don't know how else. You either do it for none, which is going to be kind of tough because we do it for some. I think the floodgates are open; we just haven't had any big flood lately.

Mr. Wolfe: Mr. Chair?

Mr. Roberts: Mr. Wolfe.

Mr. Wolfe: I think the point being talked about here is the most important one, and that is, and Dan, I think both of you explained it pretty well. That if these organizations are providing services that we would otherwise have to provide or that's helpful to the city, then that's where we should enter into a contract. We're not in the business of feeding hungry people or stuff like that. So we shouldn't give money away, and I don't think that we should have a grant program.

Mr. Roberts: Right. I agree.

Mrs. Osborn: I totally agree.

Mr. Roberts: Mr. Ballmer?

Mr. Ballmer: I think the contract piece, at least what I thought through today, would be the safest way for us to go. So that we get "x" for "y." I think you're right, that we have to just look at sometimes we'll have to say no just because it's in the best interest in that moment to say no.

Mr. Roberts: So, Mr. Tarbert, you might know this. Distribution of CDBG funds, aren't those a lot of times given to nonprofit organizations?

David Tarbert: I'm sorry. I don't know.

Mr. Roberts: Okay.

David Tarbert: I don't deal with those.

Mr. Roberts: I was just trying to think of all other distributions from the city that would be to an outside entity.

Kade Haddox: I thought for those they have to go through an application and a grant process that's approved through our Community Development Department.

Mr. Roberts: I was just trying to think of exceptions to...

Mayor Mason: I just think we're creating a problem where no problem exists. As it is now we go to City Council for these kind of things. You can pass this ordinance, but still City Council can override the ordinance.

Mr. Roberts: Right. I guess, going back Don, we've been having this discussion for the last 10 years. And we had the whole conversation with MEOAG because apparently we'd been giving money to MEOAG forever. Every time I asked the question as to why are we giving the money? The answer that I got was we've always done it. And I kept asking the question – you didn't answer my question – why are we doing it? And then finally once we took a look at their books and took a look at everything else, we decided it's probably not a municipal service. So we ceased that donation, and we haven't done it since.

Mayor Mason: I think that was a holdover from the CDBG days in the 70's and 80's when you actually had to have a community action agency in order to get CDBG money.

Mr. Roberts: Okay.

David Tarbert: CDBG money is a grant from the state or the fed?

Mr. Roberts: Fed.

Mayor Mason: Fed, to stay to us.

David Tarbert: So again, we're kind of dealing not, it is taxpayer money, but it's not Zanesville taxpayer money.

Kade Haddox: And there are already rules and stipulations set on that money by the state that you have to follow.

Mayor Mason: I know the State of Ohio funds them because I met Lydia Mihalik over there last year when she was there.

Mr. Roberts: But I'm just saying, the reason that we're doing this, and I understand what you're saying that we're creating a problem where there is none. But, we always end up here talking about this. So that was the idea was to just codify it so that at least we have something in writing as to what this committee, this Council thought at this point in time. If a future Council wishes to change it, I mean that's the process.

Mayor Mason: So we've got Ordinance 23-40 on the agenda. That's for the Zane's Trace Commemoration. So we will be providing some service there, which is the same as giving money. So, I'm assuming we'll still be able to come forward to you annually to support things like ZTC or parades where we have our people involved with either cleaning up trash or a barricade or things of that nature.

Mr. Roberts: From my perspective, I won't speak for the rest of this committee, I do draw a line between us giving away fees or giving away our employees' time and hard cash.

Mayor Mason: Okay.

Mr. Roberts: Guys? I mean, if we're going to have our workers do something like the Commemoration. I mean, I don't think anybody's ever going to argue with that. If we need to have city workers doing work on that stuff, okay.

Mayor Mason: I mean, just barricades and things like that.

Mr. Roberts: If you need to waive fees for Habitat or for any other organizations...I'm just talking about pure cash out of pocket. That's the only thing I'm really worried about. Make sense?

David Tarbert: How do you plan on handling the Transitions thing?

Mr. Roberts: Contractual.

David Tarbert: The ordinance itself. So, are you going to tell them, come to us at the end of the year and ask for your money?

Mr. Roberts: As far as I'm concerned, they could present a contract tomorrow.

Mrs. Osborn: Mr. Chair?

Mr. Roberts: Yes.

Mrs. Osborn: I have down, who evaluates those contracts now to make sure that they've performed the duties?

David Tarbert: I mean, I'll write the contract. Council approved the ordinance and contract, but as far as who monitors them, again, I'm throwing out examples. It could go to a department, it could go to a subcommittee of Council, or it could come to all of Council 15 minutes ahead of a Council meeting.

Mrs. Osborn: Does anyone evaluate SEAT and whatever else?

Mr. Roberts: Well I think SEAT's a little bit different of a game because that's a governmental entity.

Mrs. Osborn: Okay.

Mr. Roberts: This is the way that I've got this in my head playing out. So we sign a contract with Transitions stating that, I assume there's probably 5 or 6 different things that they do on a regular basis?

David Tarbert: Sure.

Mr. Roberts: Tie a dollar amount to it. When they've done monthly, quarterly, however they want to bill. They've done "x" number of "a," "x" number of "b," "x" number of "c," apply the multiplier and then write an invoice and submit it.

David Tarbert: I'm just trying to think through how, again, we don't really monitor the Humane Society. No one counts Carolyn's cats and dogs.

Mayor Mason: Actually she turns a report in to me and gives me her mileage, how many cats and dogs, and I'm happy to share it with you.

Kade Haddox: She does but we're not tracking it on an individualized basis though. I think what you're proposing, are we going to make them bill us for every time they come to court?

David Tarbert: Can we think through that a little bit? Because if a domestic violence victim comes in, it might change their approach if they're billing us per person, per abused person. It seems a little maybe callous. I'm not sure we want to charge per the abuse.

Kade Haddox: I was envisioning it being broader, that as long as we're giving them money, they commit to providing the service within the City of Zanesville.

David Tarbert: Yes, and we have the right to check their books and right to do, you know. Maybe they come like SEAT and the Port, and once a year they make a report.

Kade Haddox: Let's say they stop showing up to court and not helping citizens of Zanesville any more. We won't give them more money.

David Tarbert: Or we're getting complaints. I mean, I'm sure my office will get complaints if that happens and I come to Council and say, you might want to call them in for a little meeting.

Mayor Mason: So, right now they get roughly 10 dollars if you break it down, per person affected. So I wouldn't want to break it down 10 dollars per person affected because you might go from having 2,487 to 2,900 people affected. So I would rather make it a flat monthly fee as long as they're providing their services.

Mr. Roberts: Okay. I can see that.

Mr. Vincent: Mr. Chairman? And I like the monthly fee idea just because if they're not performing and someone just gave an example that it would be cut off at that point.

Mr. Roberts: Okay.

Mr. Vincent: And it's more aware. It's not a lump-sum check each year.

Mr. Roberts: Right. It still gives them the assurance that as long as they continue to perform, they'll have that cash coming in but still holding accountability. So, anybody want to propose a way to skin this cat?

Mr. Vincent: You're a wordsmith.

Kade Haddox: I think we can structure it, David, similar to what we do for the Port Authority and just list that the money has to be spent on operational costs.

Mr. Roberts: Well, I mean, you guys can do whatever you want to in a contract.

Kade Haddox: I would recommend send money out quarterly.

Mr. Roberts: I'm trying to get an overarching ordinance to give guidance.

David Tarbert: Is the Transition one on tonight?

Mr. Roberts: I think.

Mrs. Osborn: Yes, second reading.

Mr. Roberts: But there's a recommendation from this committee to postpone.

David Tarbert: Well, I can have an amended ordinance to you before the next Council meeting that I think incorporates everything that we've discussed here, at least for you to review.

Mayor Mason: Did you guys have to pass a first reading last week? Remember you waived the three, then you withdrew it. I thought you just put it to committee? No?

Mr. Roberts: We passed the first reading.

Mrs. Osborn: Yes and had it go to committee.

Mr. Roberts: I guess I'll ask this first. Does the committee still want to pass an ordinance outlining how we're going to deal with charitable entities?

Mayor Mason: I wouldn't use the word *charitable* in the ordinance. I would use *nonprofit*.

Mr. Roberts: Sorry.

Mayor Mason: I mean, I don't know how much you have to write. I like the idea of moving forward contractually. I like that idea.

Mr. Roberts: Okay.

Mr. Wolfe: I don't think we should limit our flexibility.

Mr. Roberts: Okay.

Mr. Pettit: Besides that, we'd probably have to include not-for-profits, as well. Nonprofits, not-for-profits, there's difference, right?

Mr. Wolfe: I think the contract concept is the right way to go, and that we need enough leeway to deal with each case as it comes to us.

Mr. Ballmer: Mr. Chair?

Mr. Roberts: Mr. Ballmer.

Mr. Ballmer: Will there be a cap on the amount?

David Tarbert: That's a good idea in some ways, but if we put a cap on it, it sounds a lot like a grant.

Mr. Ballmer: I know, and that's the reason I'm asking the question.

David Tarbert: I mean, if somebody comes to us, and my advice would be no. Because you're going to put the cap on it when you discuss it at Council.

Kade Haddox: We already kind of have caps in place anyway. If it were to go over \$50,000, you technically have to open it up for bid anyway.

Mr. Ballmer: Thank you.

Mr. Vincent: Mr. Chair? I guess in seeing this through, what else, in the past history, has happened that would come to us in this way? What else comes to us? We discussed the Habitat for Humanity. That's just fee waivers. That's within the departments, the administration's discretion. Parks and shelter, we don't do anything there. Secrest Auditorium, we waive fees there for nonprofits. We didn't discuss that.

Mayor Mason: I don't think we do anymore. Starting towards September, I think of last year, is when we quit. Unless we are a partner with that group, nothing gets waived. That means like July 4<sup>th</sup>, we're a partner of. You know, some of the concerts you'll see, for example, the concerts you see this week for Rotarama. There are various sponsors. No, we don't just...

Kade Haddox: Council passed a new fee structure that does already provide for a discounted rate for not-for-profits. And that discounted rate is the advantage they get.

Mr. Vincent: I had forgotten that, so thank you.

Kade Haddox: I think we updated the Auditorium, if it was last year or the year before.

Mayor Mason: It was the end of last year we updated almost every fee in the city.

Mr. Roberts: All right. So, the City of Zanesville shall not authorize the expenditure of funds to nonprofit entities with the following exceptions, if the city deems the services of the nonprofit a municipal cause and in which case, the city enters into a contract with said nonprofit or the waiver of fees by the City Administration or Legislature. Anything else?

Mr. Vincent: Nice job.

David Tarbert: So you want two ordinances? Do you want something like that and then we need to fix the Transitions ordinance?

Mr. Roberts: Yes.

David Tarbert: And then someone needs to draw up a Transitions contract?

Mr. Roberts: Yes. Do we need to vote on this, or I'm just taking the temperature of the room here.

Mr. Wolfe: I'm good with that.

Mrs. Osborn: I'm in agreement.

Mr. Ballmer: Yes.

Mr. Roberts: I'd say that's by acclamation. You guys are good with this too? Okay. Anything else for the good of the order? I'll entertain a motion to adjourn.

Mrs. Osborn: So moved.

Mr. Wolfe: Second.

Mr. Roberts: A motion and a second. All those in favor, aye. Opposed same sign.

A voice vote was taken with all being in favor of adjournment. None were opposed.

Mr. Roberts: We stand adjourned. Thank you.



The meeting ended about 5:33 p.m.

**Regular scheduled meetings with the next dates as follows:**

Monday, May 15, 2023  
Tuesday, June 20, 2023  
Monday, July 17, 2023

Monday, August 21, 2023  
Monday, September 18, 2023  
Monday, October 16, 2023

Monday, November 20, 2023  
Monday, December 18, 2023

---

Billie Corns, Clerk

---

Andy Roberts, Chairperson

Department of Public Service  
Scott Brown, Director

**ORDINANCE NO. 2023 – 50  
INTRODUCED BY COUNCIL**

**AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE WATER TREATMENT PLANT REPLACEMENT OF ELECTRICAL SWITCHGEAR CONTROL COMPONENTS AND PROGRAMMABLE LOGIC CONTROLLERS (“PLC”) AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Water Treatment Plant Electrical Switchgear Control Components and PLC require immediate replacement; and

**WHEREAS**, quotes were received for vendors and contractors, and the total project costs are estimated to be \$78,658 and thus require approval by City Council; and

**WHEREAS**, Siemens Industry, Inc. is the exclusive product vendor, and Southeastern Electric will serve as Contractor for the project; and

**WHEREAS**, because of the failing components, a real and present emergency exists that could jeopardize the health, safety, and welfare of the City’s water customers; therefore, to expedite the project and promote health and safety by replacing the aging components, this Ordinance is declared to be an emergency measure in accordance with ORC 735.051.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the City of Zanesville, State of Ohio, that:

**SECTION ONE:** The Public Service Director is hereby authorized to enter into the necessary agreements and expend funds for the Water Treatment Plant Electrical Switchgear Control Components and PLC in an estimated amount of \$78,658.

**SECTION TWO:** The Water Treatment Plant Electrical Switchgear Control Components and PLC funds shall be paid from the City’s Water Fund Line Item 611-5473-54457.

**SECTION THREE:** This Ordinance is declared an emergency measure for the above-stated reasons. 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.

**ORDINANCE NO. 2023 – 50**

**PASSED:** \_\_\_\_\_, 2023

**ATTEST:**

\_\_\_\_\_  
Billie Corns  
Clerk of Council

\_\_\_\_\_  
Andrew Roberts,  
President Pro-Tempore of Council

**APPROVED:** \_\_\_\_\_, 2023

This legislation approved as to form:

\_\_\_\_\_  
Donald L. Mason, Mayor

\_\_\_\_\_  
Law Directors Office