

CITY COUNCIL MEETING – MONDAY, APRIL 26, 2010

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, 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, Mr. Kilpatrick, Mr. Hutcheson, Mr. Roberts, Mr. Tilton, Mr. Zakany, Mr. Baker, Mr. Tarbert, Mrs. Gentry, and Mr. Vincent.

APPROVAL OF MINUTES

Mr. Zakany moved to accept the minutes as printed of the Regular Meeting of April 12, 2010, seconded by Mr. Tilton.

Motion carried.

PROPOSED ORDINANCES

Ordinance No. 10-32 - Introduced by Council – An Ordinance authorizing the proper city official to expend revolving loan funds, and declaring an emergency.

Mr. Tilton moved to waive the three readings, seconded by Mr. Roberts.

Mrs. Gentry: What is the \$1,000 to be used for?

Mrs. Clapper: It would be for the purchase of plant material that would be planted in the downtown planters, most of them are located on Main Street. The planting will be performed by the Garden Society.

Mrs. Gentry: And they have already received funding for that in the amount of \$3,000?

Mrs. Clapper: Not from the City of Zanesville. We assisted them last year for \$1,000 and then again this year.

Mrs. Gentry: Someone informed me today that they had received the \$3,000 for the planting of flowers, so I wasn't sure what the extra \$1,000 was for.

Mrs. Clapper: The \$1,000 is the amount for funds from the Revolving Loan Fund. The Zanesville Downtown Association does request and receive contributions from other downtown businesses. So the total cost may be close to \$3,000, but only \$1,000 from the Revolving Loan Fund.

R.C. to waive

9 Ayes – 0 Nays

Motion carried.

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

Mr. Zakany: Flowers are attractive, have you thought about the bicycle trail? There was a service club that planted flowers along there. How about the safety and welfare of the bicycle path? Have folks had any problems?

Mr. Sims: Nothing reported to me, I do not know about the police department has received anything. Planting flowers along the bike path could be rather time consuming as far as maintenance because of the weeds.

Mr. Zakany: I thought it was a service club.

Mr. Sims: They may have, but as far as maintaining the poison ivy and weeds is difficult. I don't recall them planting along the bike trail.

Mayor Zwelling: We have a contract with the Master Gardeners to water. The downtown association raises money to buy the flowers. The only contribution the City has made is the

\$1,000. We have an agreement that Matt Phillips will do the watering and if he is unable to water the Fire Department will take care of it. The Master Gardeners are good and do a wonderful job, but they would not do it unless we contracted to water.

R. C. for passage
9 Ayes – 0 Nays

Motion carried

Ordinance No. 10-33 - Introduced by Council – An Ordinance terminating an Enterprise Zone Agreement with Worthington Foods, Inc. and requesting the Muskingum County Commissioners to approve the same.

Mr. Tilton moved for first reading, seconded by Mr. Zakany.

Mr. Raines: I wanted to make sure everyone to know that I did get a call from the school. The City has or had three Enterprise Zone Agreements with Worthington. One was in 1998 and that one has expired, its last year was 2009. There was 2002 Enterprise Zone Agreement which is addressed by this ordinance. This ordinance is to terminate that agreement because that agreement only covered personal property tax and the state eliminated the personal property tax. Even though it exempts from taxation it is not there anymore. And the third Enterprise Zone Agreement in 2004 that one is still in effect. It was on personal property tax and real property tax exemption granted by that Enterprise Zone Agreement. This ordinance does not affect that one at all.

Motion carried.

ORDINANCES FOR ACTION

Ordinance No. 10-28 – Introduced by Council – Amending Ordinance Nos. 07-114, 07-115, 09-01, 09-02, 09-11, 09-32, 09-37, and 10-12, which established pay, benefit, and employment policies for employees in the municipal service.

Mr. Tilton moved for second reading, seconded by Mr. Tarbert.

Motion carried.

Ordinance No. 10-30 – Introduced by Council – Authorizing the issuance of not to exceed \$1,210,000 of bonds for the purpose of repairing and improving the State Street Bridge, constructing, improving and otherwise enhancing Sixth Street; authorizing a bond purchase agreement appropriate for the sale of the bonds; authorizing an official statement in connection with the sale of the bonds; and retiring notes previously issued for such purpose; and declaring an emergency.

Mr. Zakany moved to waive the three readings, seconded by Mrs. Norman.

Mr. Tarbert: Do we need to pass this tonight to qualify for the bonds? This can't go second reading?

Mr. Raines: No it needs to pass tonight.

Mr. Zakany: I have one more question. Five years minimum maturity of said bonds is 20 years?

Mr. Raines: Some of the bonds mature every year up to 20 years. The maximum maturity is 20 years.

Mr. Zakany: I understand that the banks have short term bond is the interest is less, the long term is more money.

Mr. Raines: Right, there is more risk involved with the investor.

R.C. to waive
9 Ayes – 0 Nays

Motion carried.

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

Mr. Tarbert: I want to make sure Ordinance No. 10-31, the curtains for the auditorium (\$65,000), is that a separate bond issue from this or is that one rolled into this?

Mr. Raines: They will be combined as one issue. According to the bond council they needed to appear on different ordinances.

Mr. Tarbert: If we want to have more discussion on the \$65,000 for the curtains and we approve Ordinance No. 10-30 have I already approved the \$65,000?

Mr. Raines: Council has already approved monies for the curtains and doors at Secrest. All this does is allows us to finance them.

Mr. Tarbert: I understand what we have done when we thought we had money. My question is if I approve Ordinance No. 10-30 am I also approving the financing of the curtains at Secrest or is that only Ordinance No. 10-31?

Mr. Raines: That is only Ordinance No. 10-31. I believe when Council passed the Secrest improvements the intent was to finance the projects to been done they were all to be financed unless there was grant money. Those are the only two that made it.

Mr. Tarbert: I understand we will talk about that when Ordinance No. 10-31 comes up because when we were presented with that we were not told of the financial condition of the City. I think that needs to come up for discussion again.

Mr. Raines: Ordinance No. 10-30 will not affect Ordinance No. 10-31. You do have at your desks a Debt Service Schedule. Last time I talked about having a conference call with out bond writers which was scheduled for last Monday. We were not able to have it because the rating agency is in the process of redoing the mechanism that they use to attach rating to issues and the underwriter agreed that if we waited and had a rating with the new method that we would come out looking better. So that is why we waited a week. This is probably what it is going to look like, the debt service schedule, but it could change a little but it will basically look like that.

Mr. Vincent: How is this looking, I know you did comparison locally and I do not recall the figures you were looking for originally with bonds at Fifth Third, comparing that with what is available locally. How much difference is there?

Mr. Raines: The only fixed rate, we got three quotes, one was a fixed rate of 5.375% or 5.325% for 20 years. If this is what we end up with it will be closed to this. The interest difference is a little more then \$400,000 if we go with the fixed rate local.

Mr. Tarbert: At the top of your debt service schedule the total amount of \$1,275,000. What does that consist of because Ordinance No. 10-30 it is \$1.1 million what else is added to that to get to the \$1.275 million?

Mr. Raines: Well Ordinance No. 10-30 is actually \$1,210,000, but there are three major components one is note that we have coming due which is \$1,132,000, the \$65,000 on the Secrest improvements, and the rest is cost of the bond council, underwriter fees, bonding agency fees. That is all rolled into the cost of the bonds.

R. C. for passage
9 Ayes – 0 Nays

Motion carried

Ordinance No. 10-31 – Introduced by Council – Authorizing the issuance of not to exceed \$65,000 of general obligation limited tax bonds for the purpose of acquiring, constructing, and installing improvements to Secrest Auditorium; authorizing a bond purchase agreement appropriate for the sale of the bonds; authorizing the use and delivery of an official statement relating to the bonds; and declaring an emergency.

Mr. Kilpatrick moved to waive the three readings, seconded by Mr. Zakany.

R. C. to waive
8 Ayes – 1 Nay – Mr. Roberts

Motion carried.

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

Mr. Zakany: I noticed this is for 13 years and the other one is for 20 years. I don't quite understand that.

Mr. Raines: This is just an indication that this part of the bond would be retired no later than 13 years. I do not think it is really an issue. Can we really say that the curtains are going to last for 20 years, but because of the lower amount it is for a shorter term.

Mr. Tilton: Mr. Hillis, even though we passed this last July to pay money for these curtains are we now obligated to do this?

Mr. Hillis: You are not obligated to do it. You passed it and the way that it was to be funded at that time was a bond issue for financing it. Now that has come up. No you are not required to vote the same way you did back then.

Mayor Zwelling: My recollection is that I brought in an ordinance that had the marquee, loading dock, one half million or three quarter of a million dollars and we had a lot of debate on it. Council threw out most of that ordinance. We left in the curtains which are in terrible shape and the vestibule doors that left \$65,000 in the ordinance. We never intended to pay cash for this; we always talked about financing it. We have also talked about stadium light and we haven't done that. We never thought we had a lot of money, we never thought of paying cash for these. We had retired a bunch of debt that was twenty years old and we had a lot of room for long term debt. We decided we would do it that way. That is my recollection. Now it is time to finance.

Mr. Roberts: I guess coming in on this a little bit late since I did not get to vote in the first place. This was July when it was passed last year? We did not know where we were or where we are now, back then.

Mayor Zwelling: I don't think it had anything to do with where we are. We always intended to do this long term. Never intended to pay cash for it.

Mr. Roberts: We have had the discussions before about borrowing money when we are in financial constraints, but I don't really see borrowing excess monies. I understand the curtains are in bad shape, but we are talking about laying people off if things do not improve.

Mayor Zwelling: We really are not talking about laying people off. Heaven forbid we have to do that. I don't see where the connection is if we don't do this we are not going to lay somebody off.

Mr. Roberts: I am not saying that. Taking more debt service out when we are in financial constraints.

Mayor Zwelling: This is a 52 million dollar budget company; it is going to have long term debt. It is not the family budget.

Mr. Roberts: I understand that. We can also nickel and dime ourselves to death.

Mayor Zwelling: We can, but we are trying not to do that. We are watching it very carefully. The reports that Dale puts out are looking good. What we have put in place is working and I don't think we need to stop everything.

Mr. Kilpatrick: Have the curtains and doors been replaced?

Mayor Zwelling: No.

Mr. Kilpatrick: So the money has not been spent.

Mayor Zwelling: We put the financing in order then we will order them.

Mr. Baker: Mr. Raines, so this going to be retired in 13 years, is that right?

Mr. Raines: Right.

Mr. Baker: With interest rates and what I saw in the debt service schedule, what can we assume the real cost of the curtains will be after 13 years?

Mr. Raines: I believe it would be about \$5,400 per year. The debt service is going to be attributed to the Secrest project. So you would be talking about \$4,000 or \$5,000 in interest per life of the bond.

Mr. Roberts: Just a point of clarification, do you say \$5,400 per year in interest?

Mr. Raines: In 13 years.

Mr. Roberts: So \$5,400 per year for 13 years would be \$70,200.

Mr. Zakany: You don't pay interest, just on the balance.

Mr. Raines: Yes, that is really the debt service schedule.

Mr. Baker: So if you take the \$65,000 in principal and after 13 years the total amount of the interest on that \$65,000 will be what amount?

Mr. Raines: It is \$70,200. That includes the principal and interest.

Mr. Tilton: So \$5,400 per year is principal and interest, right?

Mr. Raines: Right.

R. C. for passage

5 Ayes – 4 Nays – Mr. Kilpatrick, Mr. Hutcheson, Mr. Roberts, Mr. Baker

Motion defeated.

Ordinance No. 10-24 – Introduced by Council – Amending Ordinance No. 97-127, as amended, which authorized a maximum schedule of positions, and authorizing payment of sick leave reciprocity benefits.

Mr. Tilton moved for third reading and passage, seconded by Mr. Tarbert.

Mr. DuBeck: Before you vote on this I would like to bring one thing to point. This will be the second ordinance in the last two months that we have passed retroactive because contracts were not checked when they were signed and peoples' positions were not explained to them when they were hired. I think we are going to open up a "can of worms" when we keep making retroactive ordinance because somebody did not get what they were suppose to get. I understand this particular individual is entitled to sick leave reciprocity and this is the first time in five years that he is eligible for it because this is the first time in five years he has not used sick time to get his money. Now today you will pass an ordinance going back to 2009 so someone can get their sick leave reciprocity. Next week you are going to have another ordinance asking you to make it retroactive to 2008 because somebody didn't know something about their position because their supervisor did not explain to them. I think it is time we hold accountability here. We changed contract because it was suppose to be in there, but we forgot to put it in there, but yet we signed it, the union signed it and now we are going to change it. Now we have somebody else who agreed to a job who was told everything was the same as it was before, nothing to worry about, and now four years later because he is eligible for sick leave reciprocity and does not get it he finds out he was not told the truth when he took the job. So why should we be accountable for that. Thank you.

Mr. Raines: I don't know about four or fives years ago, but this is traffic signal superintendent and he's been retired from the fire department in 2008 so he was working part time up until then so he was not really eligible for sick leave reciprocity for all that time.

Mr. DuBeck: Yes he was at the fire department.

Mr. Vincent: It sounds like two separate things. Anything else Mr. Raines?

Mr. Raines: No. This is the first time he would be eligible for it and I cannot disagree, but this should have been thought of before.

Mr. Vincent: Any thoughts on methods, putting things in place that will help avoid this in the future? I know we do not have an Human Resources person and a lot of those duties fall to you.

Mr. Raines: In this case and this is the second time this has happened where we have had someone holding two jobs, one was part time, and when they retired from their position it was automatically assumed that they would become full time. I am not sure that won't happen again.

R. C. for passage
9 Ayes – 0 Nays

Motion carried

TRAFFIC ORDERS

Traffic Order 10-04 – There is hereby established a no parking anytime zone on the north side of McIntire Avenue from Findley Avenue to Sunset Avenue.

Mr. Kilpatrick moved to receive, seconded by Mrs. Gentry.

Mr. Zakany: The north side of McIntire? McIntire runs east and west.

Mr. Brandford: This is across from the Post Office, on the north side.

Mr. Vincent: I assume this is to help traffic flowing when people are waiting to turn left to go in to drop off mail and they can get around the cars that are turning left into the business.

Mr. Brandford: You can't see coming out and a driveway there. Seems like a lot of the cars when they come out of there instead of going east they turn left. I have talked to the officials at the post office about this because I think they have most of the employees that park there and they are going to find some place for them to park.

Motion carried.

PRIVATE PETITIONS AND COMMUNICATIONS

None

MISCELLANEOUS AND UNFINISHED BUSINESS

Mr. Tarbert: There will be a Public Service Committee meeting Wednesday, May 5th at 3:30 p.m. in the first floor conference room to discuss volunteers at the City parks and a pot hole claim procedure.

The second issue I have is that I have received a lot of complaints about the downtown parking. Do we not have a meter person anymore?

Mr. Brandford: No, we don't.

Mr. Tarbert: It seems that would be a position that would pay for itself. I have had a lot of people volunteer to take a 50% cut on the tickets they write. We have a lot of county employees and sheriff deputies parking downtown. There is not a lot of space for patrons to park and I am getting a lot of complaints.

Mr. Brandford: I just talked to someone on that very issue.

Mr. Tarbert: You do not have a meter person anymore because the position wasn't paying for itself or that person just retired and you didn't hire someone.

Mr. Brandford: This position wasn't paying for itself and we started looking for budget cuts that is just one of the ones we just didn't fill when we had someone retire.

Mr. Tarbert: That just seems that would be a direct revenue generating position. Could we look into the numbers on it again?

Mr. Brandford: I will look into it.

Mayor Zwelling: The Women of Achievement Banquet was this week and our own Connie Quarles was given a prestigious award and I was proud of her. Earth Day was Saturday at Zane Landing and several councilmen did go to that. I went there and there were some very interesting booths on saving energy and the city goes right along with that movement because the city lights on all of our city owned loops now have the Light Master on them and it saves 90,000 tons of carbon from being emitted into the atmosphere annually. Arbor Day is this Thursday; a tree will be planted at Putnam Hill Park at 10:00 a.m. for anyone that can make it. Thursday Music Club had a fantastic concert at Secrest. I heard a 92 year old piano player that played marvelously. A second grader, two third graders, and a fourth grader played piano and one a violin, unbelievable how good they were. They all donated their time for the free concert. Next Monday the Army Field Band and Soldiers Chorus will be at Secrest and we expect every seat to be occupied. I have tickets. Tickets are available at Secrest. It's a free concert, but we would like for everybody to have a ticket because should we need to turn people away the ones that have tickets will be admitted. The tickets are in the mayor's office and at Secrest. Also coming on June 25th is the Ohio National Guard Band. It will be an excellent free concert. On Veteran's Day in addition to the parade, the U. S. Navy Jazz Band, The Commodores, will put on a free concert at Secrest. May 14th and 15th will be the Flags of Honor at Zane Landing honoring Ohioans who were killed in action in Iraq and Afghanistan. Many recitals are scheduled for Secrest coming up. I met with Police Chief Lambes and Public Safety Director Brandford today I also met with the Fire Chief and Mr. Brandford. At 1:30 p.m. tomorrow part of the Prom Promise from Zanesville High School will be a mock accident in the church lot across from the high school. This is a very sobering experience for the kids. That is all I have.

Mr. Vincent: Just to clarify, the free concert next Monday, they can go to Secrest or the Mayor's office for tickets.

Mr. Tilton moved to adjourn, seconded by Mr. Zakany.

Motion carried.

Meeting adjourned at 7:40 p.m.