

PUBLIC HEARING – MONDAY JUNE 28, 2010

A Public Hearing was held at 6:50 p.m., Monday, June 28, 2010 in the City Council Chambers, 401 Market Street, Zanesville, Ohio to hear a request by Earl Davis, Sr. to rezone 495 Wayne Avenue from RM-1 Low-Density Multi-Family Residential to C-2 Community and regional Commercial District.

Council members present were: Mrs. Norman, Mr. Kilpatrick, Mr. Hutcheson, Mr. Roberts, Mr. Tilton, Mr. Zakany, Mr. Baker, Mr. Tarbert, Mrs. Gentry, and Mr. Vincent.

Mr. Denbow: This is a request by Earl Davis, Sr. to rezone 495 Wayne Avenue from RM-1 Low-Density Multi-Family Residential to C-2 Community and regional Commercial District. The property is located on the west side of Wayne Avenue (SR60). Wayne Avenue consists of a mixture of residential homes and businesses. The Muskingum County Auditor’s Office describes the current land use as a vacant-commercial lot. The properties located directly across the street from this property are zoned C-2. It is unknown if this lot was ever used for residential purposes. From a planning perspective, this property seems more viable as a commercial lot than a residential lot as evident by the past commercial use and unknown residential us. The staff has no objections to this request and the Planning Commission voted to recommend the rezoning to Council.

Mr. Zakany: The area to be rezoned is that just one block, a half a block, or is it two or three blocks? I am questioning “spot zoning”.

Mr. Denbow: This is just one parcel. There is C-2 located directly across the street from it.

Mr. Zakany: Then you would say it was two blocks?

Mr. Denbow: There is no real block there. It is just one parcel on Wayne Avenue. It would not be “spot zoning” because there is C-2 directly across the street.

Mr. Baker: What were the prior businesses that were in that vacant lot.

Mr. Denbow: The prior business that I am aware of was a convenience store.

Mr. Kilpatrick: Are you aware of any immediate plans for reconstruction on the property?

Mr. Denbow: What I understand it is to be a convenience store and drive through. The applicant has not submitted any plans yet.

Hearing closed at 6:56 p.m.

Vicki L. Figgins
Clerk of Council

Daniel M. Vincent
President of Council

CITY COUNCIL MEETING – MONDAY, JUNE 28, 2010

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, June 28, 2010 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 June 14, 2010, seconded Mr. Tilton. Motion carried.

COMMUNICATONS, REPORTS, AND RESOLUTIONS

None

PROPOSED ORDINANCES

Mr. Tilton moved that we remove Ordinance No. 10-52 from the agenda, seconded by Mr. Roberts. Motion carried.

Ordinance 10-51 – An ordinance to amend the revised zoning map and make permanent zoning in the City of Zanesville, Ohio as herein provided.

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

Mr. Zakany: First we were speaking on the land there on McIntire Avenue.

Mr. Vincent: Sir, this is regarding Wayne Avenue.

Mr. Zakany: Wayne Avenue. No comment.

Petition from Michael Wyatt – 1158 Selsam Street

Mr. Wyatt: Mr. Zakany and I must be on the same page because I wanted to talk about the “Y”. Did I do something wrong with that?

Mr. Vincent: You have Ordinance No. 10-51 to speak about which is the Wayne Avenue property. Would you like me the switch this?

Mr. Wyatt: I would like to move to the “Y” if you would. Thank you.

Mr. Vincent: Mr. Darrin Tigner, did you want to speak on 10-51 or?

Mr. Tigner: The other one, please.

Mr. Vincent: Okay. Anything else from Council?

Motion carried.

Ordinance No. 10-53 – An ordinance authorizing the proper City official to advertise for bids for materials to overlay various alleys in the City and to enter into a professional contract with the lowest and best bidder and the Transportation Improvement District.

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

Motion carried.

Mr. Tarbert Abstained

ORDINANCES FOR ACTION

Ordinance No. 10-43 – An ordinance to amend and revise the zoning map and make permanent zoning in the City of Zanesville, Ohio as herein provided.

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

Mr. Vincent: Discussion from Council? Hearing none we will go to petitions. We are at the McIntire petitions.

Mr. Zakany: We will talk about it later on – talk about it now. The area that we will talk about on McIntire that is open and not to be used as a commercial and also we would not want to spot zoning in that particular area small businesses in that area have been there before zoning, before zoning. Also, things I am going to mention high density in that area I am talking about Converse those streets around there as I can point out on this map here with that Finley, McIntire, Forest,

those areas are enhanced by this good looking area could be a benefit to Zanesville. A green area. Also the area on this information that a Council man should have some kind of suggestion for business as part of our duties. And there are areas in Zanesville on Maple Avenue one is toward north there, tractor place there is land there open. Also I am going to mention McIntire the street itself compared to Lee Street. McIntire when you come off of Blue Avenue goes down McIntire you are looking at a hill, you go down over a hill, and then you come to level land. That street's 45 feet wide. It has residents on both sides but the residents in that neighborhood and some of the small businesses fall back into zoning after three years. Also looking at I have to mention that there is Lee Street. As you come out of Newark Road which was just done by the state. It meets all state requirements...

Mr. Vincent: Mr. Zakany, no disrespect, if we could stick to McIntire property, this gentleman owns the property and this is about zoning.

Mr. Zakany: Council members should have suggestions where to put a business. Look at Lee Street, it's flat, 45 feet same as McIntire it is a little over half mile and I mention this because that is an area for someone to put this business that he is talking about on McIntire.

Mr. Vincent: Thank you, Mr. Zakany.

Mr. Roberts: I have heard from several different people about spot zoning. There is no clear definition as it what sport zoning is. It is usually the zone of an individual parcel when no abutting land is in that same classified zone. This does not fall under the classification what so ever for spot zoning. Directly across the street from it is C2, the property is seeking to be rezoned C2. There is approximately 30 – 35 acres of C2 that run up McIntire and both north and south on Linden.

Petition from Michael Wyatt – 1158 Selsam Street

Mr. Vincent: We have quite a few petitioners, three minutes time limit, if Council would like them to continue speaking we will need a motion to waive the three minute rule, a second, and vote on by Council to support that.

Mr. Wyatt: Thank you again for letting me address Council. I attended the town meeting that Council man Hutchman (Hutcheson) put on and there was Mrs. Gentry, Kilpatrick, and Mr. Dodson was in attendance also. I guess my greatest concern on the "Y" is not pool but the fact of the law. Council represented the people in their wards the first time they voted for it. The majority of the people said no. I don't understand why this even got to this point. A question comes to my mind, why would somebody buy a residential piece of property do all the work on it, get all the plans drawn up and have all the people setting on the side to do the work. I don't know. That is questionable in my mind. Do they know something I don't know? Is this a walk through? I don't know. The citizens here and the Council are lacking compassion for the people. I remember a time when I was – went to the park and it was a peaceful place it was probably one of the best parks Zanesville had to offer. So, I just wanted to give you my opinion, I asked you to oppose this thing and get on with our business. Thank you, sir. Any questions?

Mr. Vincent: Thank you, Mr. Wyatt. Any questions from Council?

Petition from Darren B. Tigner – 728 Caldwell Street – I own a small business.

Mr. Tigner: I wanted to basically speak on behalf of a generation that you guys don't see in the room very often. Generation of my age that are the 25 to 40 year old folks, unfortunately due to family commitments, do to other things they can't be here. So I kind of wanted to speak on their behalf this evening. All we want to say and plead with you to look at progress and really embrace the small businesses here in Zanesville. We have a numerous amount of small businesses that do an amazing job and Mr. Dodson happens to be one of those businesses. If you look back through the centuries businesses tend to flock to where transit areas, such as Interstate 70, such as Maple Avenue, such as Zane Grey, such as the Oregon Trail, that tends to be where business want to be.

I think is makes sense as a City that we embrace progress and move to allow Mr. Dodson to move there. Again small businesses may be small in nature but in fact employ the majority of Americans. I would argue even further here in Ohio it is exactly small business that is pushing to get back through this recession and is going to be embracing these small businesses and

helping them grow that is going to allow the City to get back to where it needs to be. From our perspective I have a lot of friends that had to move out of this area because they didn't have any work. They wanted to be home, they wanted around the neighbors they grew up and they wanted to be around their parents to watch their grandkids grow but unfortunately moved away to other cities because they needed a job. What I am saying is that we as a City need to revitalize small business in Zanesville embrace it. If we are not able to bring in the big companies that we all want we need to have small business owners ones that are responsible like Mr. Dodson that are behind their employees that pay benefits and that do things the right way. Mr. Dodson has come to Council and has not gone on and done a bunch of things that we see other business owners do he is doing things the right way. Thank you.

Mr. Zakany: I have a question for you. Would you buy a property now on McIntire Avenue?

Mr. Tigner: As a business?

Mr. Zakany: No, no to live in as a resident.

Mr. Tigner: No, but I will tell you as a business I would love to if you put Mr. Dodson business in there because there is going to be a lot of traffic coming through that area and that is the thing we need.

Mr. Zakany: That is exactly. That is a residence area and what he wants to put there that we have business areas, that is a residence area should be separate, it should not, and should not mess up a resident because one business wants to go in there. He doesn't care about nobody wants to buy properties there; they will go down in value that is what this zoning is all about today.

Mr. Tigner: It would go down in value because there would be more people coming to that area?

Mr. Zakany: No, no, because people don't want a residence they don't want to be next door to a business.

Mr. Tigner: Unfortunately Mr. Zakany if there are no jobs there will be no residences.

Mr. Zakany: We know Mr. Dodson will spend a million dollars there and I can tell you one thing he is going to have to have traffic to pay bank the monthly payment. He is going to have to have trucks and he is going to have to have lawn mowers out there. Now, go ahead and buy a house on McIntire.

Mr. Tigner: Well, Mr. Zakany, again I would like to have a lot more of my friends move home and buy houses in Zanesville, Ohio. Unfortunately they need jobs in order to do that and I think the City needs to embrace a trend and if Zanesville City Zoning says it's our economic trend. I don't think I have seen an economic trend in Zanesville for quite some time. I think it is time we embrace as City Council and start to help create jobs and help to bring economic stimulus back into this area. I don't think that the few, again you talk about progress and concerns, I heard that 70 was bad progress for Zanesville because it came through and destroyed McIntire Park. I would also argue that 70 is what helps keep this community alive with the jobs that it provides.

Mr. Zakany: I will mention one thing, I don't know if you noticed, but other cities had the same difficult as Zanesville financially and not just in Ohio other parts of the United States. Of course this Council has support Avon for jobs, Auto Zone, Wendy's Bakery. I mean we spend money so they could develop and we didn't hurt any neighborhoods and anybody wanted to move out of the neighborhood or sell their property at a loss. And this is what is going to happen; people are going to sell their property at a loss.

Mr. Tigner: They will sell their property for a loss because there is going to be a business next to another business district?

Mr. Zakany: No, those businesses there have been grandfathered in. Those businesses there are small business and this is another business that is going to deteriorate and you won't buy a house on McIntire and you will buy it somewhere else.

Mr. Tigner: I agree with you, I think there is some issues there but I do also agree that in fact across the road is not changing from C2 because they are currently zoned C2. And again creating a district that is already within zoning, to create an area where there is to be jobs and you mentioned some other employers in town, Mr. Dodson's organization average wage is quite a bit higher.

Mr. Vincent: (gavel rap) Please. Mr. Zakany hold on a just moment. Please allow Mr. Tigner to complete what he is saying and sir if you could wrap it up shortly. Everyone was talking and carrying on, people can't hear, our Clerk of Council has trouble taking minutes, lets be fair to each other. I will do my best to keep this fair, it my job, as long as there are questions I will allow it to be answered, but we need to keep things moving. Mr. Zakany, do you have anything else or Mr. Tignor?

Mr. Zakany: With this change to C2 why don't we do the whole street of McIntire, not have spot zoning. In the past and I was on the planning commission we took Linden Avenue and made it business and we said we don't want business to go back on the second street and put business in there. We put Linden Avenue for business and we didn't go into neighborhoods. That was the story of Linden Avenue and if you drive up and down Linden Avenue you can see it. Again if you are going to mess McIntire looks like you need to zone the whole thing for business.

Mr. Tigner: Mr. Vincent, I just want to finish up real quick.

Mr. Vincent: The rapping of the gavel was just because everyone was speaking. Nothing to do with what you were saying at the time, I just couldn't hear. To much going on.

Mr. Tigner: Only thing I would really to say is that again I think the city's job is to help the City grow appropriately. To Mr. Zakany's question zoning way back when? Obviously the City is changing as a whole. This is a transit area 70 would not be the size of way back when the only thing I would ask is that the City realizes the growth and potential of that area. And Mr. Dodson represents bring growth and jobs to the area. Thank you.

Petition Martha Sullivan – 643 Locust Avenue

Mrs. Sullivan: There is one item I think is very important that needs to be brought out and it is kind of with a heavy heart that I do this, but I think the people of Zanesville need to know what I have to say. Tonight first term Council man Andy Roberts and Jeff Tilton have brought the McIntire property rezoning issue before this Council for another vote. A question immediately comes to my mind why did these two Council men initiate and sponsor legislation to benefit the local businessman? Last year City Council voted not to rezone the "Y" property on McIntire Avenue. After the Council's decision Ryan Dodson, who wanted to purchase the property for the commercial use of locating his American Pride Power Equipment business, at the site, that he would wait until new people were elected to City Council. Hoping new Council members in favor of the rezoning would be elected he would then try again to get the residential zoned property rezoned to commercial. Mr. Dodson didn't need to bring the issue back to City Council because Council men Andy Roberts and Jeff Tilton sponsored this process for him. On August 6, 2009 Mr. Dodson purchased the property even though it is still zoned residential. In October of 2009 prior to the November 2009 general election with prior coordination from five City Council candidates Mr. Dodson used the sign at his business to campaign for their elections. He also ran campaign advertisements on WHIZ television in support of the same candidates. Broadcast contributions by corporation in support of candidates is in violation of, but not limited to, Ohio Revised Code 3599.03 and Ohio Revised Code 3517.10111. Ryan Dodson as an individual or as his company American Pride has not filed an Ohio campaign finance report with the Muskingum County Board of Elections for the money spent supporting the City Council candidates. This is a violation to Ohio Revised Code 3517.01. In November 2009 general election two of the five candidates who Mr. Dodson sponsored in the political advertisements were elected by the people of Zanesville to City Council. Andrew Roberts and Jeff Tilton are these Council members. On the Ohio Campaign Finance Reports filed at the Muskingum County Board of Elections by the five candidates including Andrew Roberts and Jeff Tilton there is no contribution report for the advertisement provided to them by Mr. Dodson and his corporation. This is a violation of Ohio Revised Code 3517.01. Whoever violates these divisions of election's laws shall be fined not less than \$500 nor more than \$5,000 or imprisonment for one year or both. On May 12, 2010 an official complaint was filed against Mr.

Dodson as an individual in American Pride Power Equipment Company with the Ohio Election Commission for investigation of these election violations.

Mr. Vincent: Mrs. Sullivan times up. Would Council like to make a motion?

Mr. Baker moved to suspend the three minute rule, seconded by Mr. Hutcheson. Motion carried

Mrs. Sullivan: In light of this information which appears to be a conflict of interest and impending investigation of these Ohio Revised Code election law violations. I am asking Andrew Roberts and Jeff Tilton to abstain from voting on this proposed ordinance. If they do not willing withdraw I am asking Council to make a motion requiring them to do so. Thank you, that is all I have.

Mr. Roberts: Martha, I am not going to attack in any way. I never asked Mr. Dodson to do anything for me. I believe what

Mrs. Sullivan: Did you have prior knowledge?

Mr. Roberts: Prior knowledge of what?

Mrs. Sullivan: Of the TV commercial?

Mr. Roberts: I don't believe so. I saw it on TV one night.

Mrs. Sullivan: Well I do know that Mr. Tilton did have prior knowledge because he said in one of our Democratic meetings that he knew about it. He was bragging.....

Mr. Tilton: Whoa, whoa!

Mr. Roberts: Maybe I don't want to get into this right now but I have had other people infer that I have been bought. It hurts, it really does Martha, it really does. I have never been bought. I want everyone in this (blank) room to understand that right now. And I know (blank) well that Jeff has never been bought either. I sat here last year and watched him trying to get this rezoned and I didn't hear any good reasoning. Factual reasoning. I heard a lot of emotion and I admit it was good emotion, but I sat through all the proceedings and I listened to it and I understand.

Mrs. Sullivan: But the fact of this is a violation of the election laws is what I'm

Mr. Roberts: How am I supposed to control him? It is my responsibility to go to him.....

Mrs. Sullivan: Well, you never made an in-kind contribution on your campaign finances.

Mr. Roberts: Did it say "Paid for by Andrew Roberts" for Zanesville City Council at the bottom of it? I don't know if he put a disclaimer on it. Nothing from my campaign was ever done through Mr. Dodson.

Mrs. Sullivan: Nothing. He never advertised for you to be a Council person?

Mr. Roberts: He did advertise for me Martha, that is what I am asking, how am I supposed to control him?

Mrs. Sullivan: Well, I think that it would be your business to handle that situation if you were not in agreement with it.

Mr. Roberts: So a TV commercial shows up on TV and I am supposed to do what? (Two people talking at the same time.)

Mrs. Sullivan: Did you have prior knowledge of any support by Mr. Dodson?

Mr. Roberts: He knew from the paper when I told the paper that I was for it.

Mrs. Sullivan: That is something the election commission would be interested in hearing.

Mr. Vincent: Let's get back to what's a hand as far as rezoning. The office you work for, doesn't it regulate all this?

Mr. Roberts: I apologize.

Mrs. Sullivan: Pardon?

Mr. Vincent: The office you work for, doesn't it regulate all this?

Mrs. Sullivan: Doesn't what?

Mr. Vincent: Doesn't the office you work for regulate this?

Mrs. Sullivan: This is the Ohio Revised Code.

Mr. Vincent: But who looks into these issues?

Mrs. Sullivan: The Ohio's Election Commission and that is where the investigation is right now.

Mr. Vincent: Anything else from Council? Questions? Mr. Tilton do you want to say something?

Mr. Tilton: No.

Mr. Vincent: Thank you Mrs. Sullivan.

Mrs. Sullivan: Thank you.

Petition from Tom Sullivan – 643 Locust Avenue

Mr. Sullivan: Members of Council, Mayor, City officials, ladies, and gentlemen my name is Tom Sullivan. I live a 643 Locust Avenue. I am a resident of the 6th Ward. Thank you for giving me this opportunity to express my opinions on keeping the property at 700 McIntire Avenue as it is currently zoned. I offer the following facts not to be argumentative, but to support the people of the 4th Ward and their desire to develop this land into something that will benefit all the citizens of Zanesville. First of all, Mr. Dodson has posted political statement on the America Pride sign as was just mentioned. In addition to that he misconstrued healthcare reform as socialism on that same sign and I asked the candidates if this was a blatant attempt on his part to stack-the-beck to get what he wants in his self interest. We do not think it is the responsibility of such comments being posted and being read by travelers passing through Zanesville on Interstate 70 should that be the case. Point two, the Zanesville's Chamber of Commerce mailed letters and made phone call to City Council members asking them to "skirt" the law by voting in favor of commercial zoning for the property at 700 McIntire Avenue. Even though the law clearly states that the property does not meet the four requirements to be zoned commercial which are: proposed use is compatible with existing uses, it is not; the proposed use is supported by a trend of development, there is none; proposed use is in harmony with existing uses, it is not; the use to promotes the public interest and not the applicant's personal interest, it does not. Also the chamber who never applied until recent discussions about the 3% bed tax to fund a pool at that site now are interested in getting apiece of that action. They want this voted down so that they can go in there and grab this 3% bed tax for their own use whether it be the for their, you know for their salaries or whatever reason. I would think that the Chamber of Commerce would be for the pool initiative so that it would be a great interest attracting new businesses to the area. Last year when the zoning issue was before City Council several times during the meetings the president of Council, Mr. Hennessey stated we are here to decide a zoning issue not a business issue should it be commercial or should it be residential that is what we have to decide and I understand what you're saying but it is not what Council is here to decide. We are not deciding if American Pride is moving there, we're deciding if we are going to rezone it.

Mr. Vincent: Mr. Sullivan, excuse me. Are you about done or do I need to have a motion?

Mr. Sullivan: I'm about done.

Mr. Baker moved to suspend the three minute rule, seconded by Mr. Hutcheson. Motion carried.

Mr. Sullivan: Subsequently, Mr. Dodson has said if the property was not rezoned commercial he would build HUD housing on it. On April 21, 2009 the Times Recorder quoted Mr. Dodson as saying that his intention is to purchase the property, assess the condition of the building, and possibly rent some of the space to other businesses or he would use it as office space. With the rest of the property, Dodson said that he expects to exceed a million dollars in development with a local bank making a loan and hiring local contractors to revamp the property. Mr. Dodson said he is even considering the idea of donating a parcel of property back to the City to be used as a community garden. His further attempts to sway the legislative body by purchasing that property leveling what was on it and leaving in its place an unsightly vacant lot. In closing, I ask a question, as it was brought up by another person, why in the name of good sense would anybody buy the property, hire a contractor, and hire an architect, when he knows it's not zoned for that purpose. Is this coercion? Or is it another behind closed doors assurance that the zoning, rezoning is a done deal? In closing I ask the members of Council to do some real soul searching before making your final decision and listen to the words of President Woodrow Wilson, "Only free peoples can hold the purpose and there are steady to a common end and prefer the interest of mankind to any narrow interest of their own". Thank you.

Mr. Vincent: Mr. Sullivan, thank you.

Petition from Doug Baker – 1004 Sunset Avenue

Mr. Baker: This house (pointing to a picture) right here on this map, right there, this map from 1867 or so. As you can see McIntire Park is laid out very nicely then. When the freeway came through back in the 60s we all hoped it would be a boon to the community. We thought this was going to be great. Everybody was behind Ike and interstate highways as a matter of defense. And it was hoped that it would add traffic would boom the downtown. We soon found out that it wasn't. It split up downtown. We ended up with the urban renewal shoving the poverty stricken side of the freeway up the hill with no improvement for it. Land set vacant and unused for a long time. That aside and more to the point, I did some research this past week. I hadn't seen that anybody had done it, looking of the deed history on property. In fact there was never a deed originally written on property. The John McIntire Estate drew out the plans for that. The villagers of West Zanesville applied to the county commissioners for incorporation. The county commissioners applied that plat map which has the park laid out on it and all the lots that those people owned and said (there were only two commissioners at the time) it is now West Zanesville. A year and a half later it was annexed by the City of Zanesville. So when the City of Zanesville sold the property they provided a "Quit Claim" for the property which is to say "We know what other claims that might be against this property, but we hereby give over all our claims on the property". Because the YMCA kept it for 40 years they have what is called by the law a "Marketable Title". I found it interesting that it was almost exactly 40 years later that they sold the land. Again more to the point, I have a map of Zanesville here and I drew a nice little blue line here down the rivers so that we have three main delta areas. We have the downtown delta, we have the Putnam delta, and we have the northwest delta. What's happened when they cut John McIntire Park out we lost the only green areas the only large park we had in the northwest part of town. We still have Putnam Hill Park, we have Zane's Landing Park, we have Riverside Park on the downtown delta and we still have, I'm sorry, Putnam Landing, Putnam Hill Park, the downtown delta is the Zane Landing delta, Putnam Landing, and Putnam Hill Park. But for recreational purposes on the northwest side I have to get in my car and drive out to OUZ or I get in my car and drive downtown, or I get in my car drive up to Bethesda to get a mile's worth of exercising. There were two three acre lots left over plus the little strip on the other side of the freeway when they cut up the John McIntire Park. We weren't crazy about it, but it was progress and at the moment, I was just a kid at the time.

Mr. Vincent: Excuse me Mr. Baker. Time is up. Anyone like to make a motion to extend this?

Mr. Zakany moved to suspend the three minute rule, seconded by Mr. Baker. Motion carried.

Mr. Baker: Thank you. At any rate, we don't have that green area in the northwest delta anymore. That being said I also took another look at where the tractor and lawn mower companies are. Now if you notice when Wendy's builds a new restaurant they build it close to a McDonald's. It's good business sense to build near your competition. When the Home Depot came to town did they build downtown? No. Did they build in any of the areas available for development right now? No, they built across the street from Lowe's their biggest competitor.

Who built across the street from that was Tractor Supply. Who built up the road from there, Fenton? And where is the other tractor place, well let's see, one Kubota place out on 146 right there which is down at the other end of the same road. Other than that the only other tractor and mower place that I can think of is one that has been there like 50 years down by the Veterans Memorial, Muskingum Tractor. So I, again have nothing against Mr. Dodson. Don't know him from Adam. My Godson says he's a great guy. I have nothing against small business, I'm all for it. Development, small business in our area. We need the jobs, we need people to stay here and raise kids. But I don't see the logic behind this; I don't see the sense behind this. That area that three acre area stayed in a "park like" situation as long as the Y had it. Just like the Boy Scouts kept their area like a park-like situation. Everything else on that street is residential except for the three houses that were caught in the crotch of the on and off ramps and obviously nobody wanted to live there and that is why they went commercial. Nobody wanted to live between the sirens going back and forth from the freeway to the emergency rooms. So that is why those places are commercial. That's when they turned commercial. An interesting note – after the mapping out of the McIntire Park also three lots were sold by the John McIntire administrators. The lot going to my friend Doug Bailey grew up in which is on the corner of Peter's Alley because the end was Peter's Alley there. The Toms Ice Cream Bowl property and the Barrett land right there, there are two little house there. So they weren't done selling per se they just stopped paying attention, I don't know whether or what happened to the trust at that point. At any rate, I just want – I don't really want to sway anybody's opinions but I want to say that we should keep the area green. I would sicken when the three large trees were cut down. I think we could us a nice community garden there with a nice walkway like Bethesda has and one last note, I have been asked by several people since they knew I was coming here to talk tonight, to mention that the YMCA paid \$8,600 for the property and there was a three year span that they were suppose to or we were to buy it back from them for \$8,600. Well we let them get away with that three years and we didn't buy it back from them but what happened was somewhere along the line we gave them \$250,000 more to build a pool. And several people told me "Fine if they wanted to, if the YMCA wanted to sell that property to somebody else then they should be giving the City back the money that the City donated for the pool. I don't know the details of that. One last thing, I spoke also with, I believe one of your architects involved in the schools and we were talking about building of the schools and they were trying to locate the north campus before they decided to incorporate in with McIntire and I mentioned that the person what about Maple Hill Park which is the only green park left on the north side by the way. Maple Hill Park is basically a shelter house and parking lot and a ravine, there is nothing there. No playground equipment it is a worthless piece of property and they needed seven to ten acres or something like that for the north school. I said what about for the north school? He said oh no, no you don't know the rules. Once a park always a park it's in the law somewhere. Now I don't know where in the law it is suppose to be whether it is a City ordinance, I do know it's not on a deed restriction. Speaking of deed restrictions, I don't know what Mr. Dodson was referring to last week when he said that the Y was not going to let him sell to someone to build a pool there, but I have seen the deed and there is no deed restriction on it saying that no pool can be built on this property. So it has to be some other kind of contract because it is not on the deed restrictions.

Mr. Tarbert: Mr. Baker you lost me for a second there, you said that any properties surrounded by on ramps and off ramps should be commercial. Yes you did. You said sirens and nobody would ever build a residence there.

Mr. Baker: No, I said nobody wanted to live in those residences that were there because they couldn't sell the houses. Nobody wanted to live there.

Mr. Tarbert: So it shouldn't be residential?

Mr. Baker: Those three houses, which are right between the on ramp from Commissioner Street and the off ramp, and I mean their back yard was turned into a V; it's a little wedge there. There was no place to raise kids. I understand that was why, and it was grandfathered in also before zone as I understood. When you talked about the visibility factor of I-70. I have a question a plan I saw in the newspaper last week which has the semi backed up at the loading dock facing the freeway. How is that making use of that visibility from the freeway? I would think that you would want your tractors lined up along the on ramp, the off ramp, and I-70 as a showroom. That is not what the plans are set out to do. I am not so sure that any of you are interested in this lawn mower company succeeding in that area so much as they are getting the zoning changed. So after if folds up or whatever happens to it they can add a little strip mall in there. I don't think

that is right. I don't think we need a strip mall down there. If you look down McIntire Avenue all the other commercial enterprises on that ground and the three little places, one is a health food, vitamin store, tanning salon or something like that I mean these are tiny little Mom and Pop shops more like small businesses.

Mr. Vincent: Mr. Baker did you get your question answered?

Mr. Zakany: I have one comment. There is a lawn mower place on West Main, I see them, since I go to Columbus, I see them displayed there in a lot that is green grass, and I imagine them demonstrating them there. I know they work, repair work because they repaired my snow blower so I know they do that type of work. There is a lot of land on West Main there.

Mr. Vincent: Mr. Zakany, do you have a question for Mr. Baker?

Mr. Zakany: No.

Mr. Vincent: Any additional questions from Council? Thank you sir. One thing to add, you talked about the deed restrictions and just to be of help here. It talks about "The purchaser agrees there will be no fee based recreation operation conducted on the property. This restriction shall be incorporated into the deed for the real estate". Basically that is what it says.

Mr. Baker: Is that in the contract of sale? That is not on the deed registered at the court house that I saw.

Mr. Vincent: I can show it to you afterwards if you would like to see it.

Petition from Troy Kenily – 1016 Culbertson Avenue

Mr. Kenily: I was here last year when we went through all this. I am not going to rehash all that stuff we talked about. What I am concerned is this is the planning commission's recommendation to Council when they recommended for Council to look at it to vote for rezoning. I read the whole thing. And Mr. Bryant who was the chairman on there, he went through the criteria. Right in there. First thing he did. When you read the whole thing criteria is not discussed at all. Not once. All it did was listen to the residents, Mr. and Mrs. Dodson, the record was taken and they did not discuss it once what the criteria was. Not once. Now Mr. Sims did though, if it met the criteria then we need to send it on to Council let them do a hearing, let them do it. They actually did not discuss criteria. Now Mr. Sullivan just told you what the criteria was I don't think it meets that at all. I think the planning commission did you a big disservice, that's their job, in fact in our own Ordinance 117.03 it says right here – The Planning Commission shall transmit to Council written findings of fact that all the conditions below apply to the application. They didn't say anything. Is there a rubber stamp that says: We recommend it? There's nothing, there's no anything in fact. Nothin'. They left it to you guys to make this decision, you should send it back and say "Listen, do your job get facts write it down, then send it to us to look at" because I don't think the conditions are correct. Second thing I want to talk about – I know it's not official yet – but there is a ballot initiative, Mr. Tarbert said last year that we hadn't done anything and I will tell you why we didn't do anything, in 2005 when the mayor was thinking about trying to get that property and he met with us three times. Now there was a Y board member at Mr. Hutcheson's meeting the other evening claiming they wanted to give it to the mayor. Now I don't believe the Y would give anything they might have wanted money for it, but when we met with the mayor he was very plain, well we're not sure what the Y's doing. I think that was the Y's pool that the property was never for sale. They had what they wanted. They did not want pool competition. I guess that is exactly they wanted. I believe the mayor before I believe the Y Board. Anybody who would put a deed restriction on something like that obviously knows where they are coming from. They don't want any pool competition. I think that is just terrible. I want to make sure you understand, we went out and did something. The group went out and got thirteen hundred signatures which are being counted right now at the Board of Elections. That is 20% of the electorate that are saying that we want a community pool and we would like to have it there. First, we need to send it back to these guys and let them do their job, do the finding of the facts, second thing I think you should wait and see what goes on the ballot this year. Thank you very much.

Mr. Vincent: Thank you Mr. Kenily. Any questions from Council?

Mr. Tarbert: If the ballot issue is successful, let's assume that Mr. Dodson is willing to just give the City the property to put the pool there because we don't own it and it is kind of hard to put a pool somewhere on property that we don't own. But even if he does that out of the goodness of his heart, that property still has to be zoned commercial, correct to put a pool there? Mr. Sims?

Mr. Sims: Yes.

Mr. Tarbert: Thank you.

Mr. Vincent: Anything else from Council? Before we go on to the next petitioner I have to apologize, someone gave this to me before Council and I was to give it to someone, can you remind me who I was to give this to? Mr. Wyatt? Give it to Mr. Tilton? Okay.

Petition from Brian King – Lepi Enterprises Inc. – 630 G. W. Morse Street

Mr. King: Good evening. Thank you members of Council for allowing me time to speak. My name is Brain King and I work for Lepi Enterprises Inc. in Zanesville located on G. W. Morse Street. We are here obviously in favor of the petition. We are selected (potential) general contractor to build this building if the zoning ends up passing. I am mostly appointed to discuss the construction, budget, and what the immediate impacts would be that will add to the Zanesville City tax coffers. Impacts to the economy will all be good and with construction I would look like on the site, if the members have any questions. As we said in Mr. Hutcheson's public hearing the other night, the potential budget preliminary right now is around \$900,000. Standard new construction is about half of that budget will probably be wages and all that would be here in the City of Zanesville and tax dollars would all be immediately paid in through payroll taxes. The 1.9% comes into the neighborhood of \$8,000 to \$9,000. Again most if not all those contractors, sub-contractors, and vendors we will use on the job (we got a commitment from to Mr. Dodson) that they will be all local businesses. Businesses that are located right here in Zanesville or in the immediate area of Muskingum County. So the impact on those businesses that will also pay taxes will be immediate. We don't get that type of commitment from just anybody. Most want to save a buck where they can. If you want an indication of Mr. Dodson's sincerity, that is a good one to start with.

As far as the construction itself, it will be a beautiful building. It will be a beautiful site. We are trying to keep the feel of the green space as much as possible. As far as the trucks being parked on the back side of it, the building is designed so that it has fronts from all sides and obviously the purpose is to get exposure on the I-70 side. That is about all I have as far as that goes. If anyone has any questions.

Mr. Vincent: Questions from Council?

Mr. Zakany: Looking at this area probably I'm assuming that you are not from Zanesville.

Mr. King: No sir, I'm from Dresden but I do work in Zanesville. I have the benefit of driving by that every day.

Mr. Zakany: You are somewhat familiar with Zanesville. Have you looked at any other area in Zanesville besides McIntire?

Mr. King: Sir, I would not presume where Mr. Dodson would want to locate his business(Mr. Zakany started talking at the same time as Mr. King.) I would say in all respect sir, the other places that you mentioned compared to the I-70 visibility of that property, there is no comparison. That property, I don't honestly see what other purpose there could be for that property. We have already listened to someone in opposition say that no would live there. I would be willing to bet you that we could advertise homes for half price and no one would buy it.

Mr. Zakany: That particular area when it was swimming pool, tennis court, the state patrol had a lot of problems with that. I happened to be vice chairman of that board and they kept adjusting the lights because the lights were shinning on the highway bothering the drivers and it took quite some time before they were satisfied. The lights were annoying. Safety hazard.

Mr. King: I don't believe there are any plans in our plans that will have bright lights that shine onto the Interstate like there were before. More than likely those would come down. As far as it being a pool or a recreational area last time I checked those cost money to build and operate. I live in Dresden, as I said, and those people have probably a premier pool in this area in Muskingum County that was given to them. And they struggle every year to try and operate it.

Mr. Vincent: Anything else from Council? Mr. Zakany?

Mr. Zakany: No, I'll save it for Mr. Dodson.

Mr. Vincent: Thank you, Mr. King.

Petition from Brian Addis – Architects' LLC - 3808 James Court

Mr. Addis: I am Ryan Dodson's friend and his architect as well. I am also a past president of the Design Review Board which oversees all the historic overlay districts – McIntire, Brighton, and Putnam, all three. I can assure you this is not within the McIntire Historic District. Mr. Zakany, you asked a question, why does he want it there as opposed to some other location, I can give you 60,000 reasons and that would be the traffic count on Interstate 70. It is the same 60,000 reasons why building a house on that property would be a very bad idea. So want to stick to the facts and the facts are we are asking you to rezone this from residential to C2. The Interstate around the property as well as the traffic count is the reason you should do that. So I will leave it at that and see if there are any questions.

Mr. Vincent: Thank you. Any questions from Council? Mr. Tarbert.

Mr. Tarbert: Again we are getting into personalities and philosophies versus business versus neighborhoods but Brian point out, if you would walk over this map? This is where it comes down to for me. Show me where the Y property is and the property we are talking about

Mr. Addis: This is the property. (Mr. Addis is pointing to the map) This is the off ramp to Maple Avenue and this is the on ramp to Interstate 70. This is Interstate 70 west bound and east bound.

Mr. Tarbert: I will say this again and I am sure before this vote is done – but all the personalities, business, everything taken out of this, I challenge any Council member if I had just brought that picture to you two years ago, five years ago, yesterday and you didn't know any of this was going on and I said should that parcel right there be residential or commercial. I would like to hear any of you tell me that you would just look at that and say that is a residential piece of property. Because it is not. It is surrounded by Interstates, on ramps, off ramps, and commercial across the street. That is not a residential piece of property.

Mr. Addis: Take a lawn chair and sit in the middle of that property for an afternoon and just see how nice and quiet that piece of property is. You asked why he would want that property as opposed to Lee Street; I have nothing against Lee Street, but sheer visual access and the number of vehicles going around that property. And again I will say it's the same reason why it should not be a residential area.

Mr. Vincent: Thank you. Anything else from Council?

Mr. Zakany: The ramps, they talk about the ramps, as you are coming west and getting off the State Street exit, State and Jackson, you turn left, two and a half blocks you're on McIntire, and it is a tight turn to go down McIntire. I watched the mail trucks and semis try to squeeze through there. But anyway, at State and Jackson a half a block with a traffic light you're at Lee Street which is flat same as with McIntire.

Mr. Tarbert: Mr. Zakany, we are not here to be real estate agents we have had this discussion before... I have a question for you.

Mr. Vincent: Hold on Mr. Tarbert.

Mr. Zakany: He is point out how great this access is to this property is, I was pointing out that there are properties that has comparable access to.

Mr. Tarbert: I have a question for Mr. Zakany. These mail trucks that you see having trouble turning these semi trucks. Where are they headed?

Mr. Zakany: Columbus.

Mr. Tarbert: Where are they coming from?

Mr. Zakany: From McIntire, the post office on McIntire.

Mr. Tarbert: The post office on McIntire?

Mr. Vincent: Anything else from Council? Mr. Addis, you're done, correct?

Mr. Addis: Unless there are any questions about the site plan. Brian King made a very good statement; we fully expect to design this site so that it has four fronts as you can see from the aerial there is not going to be a back door, so it has to have four front doors. In my opinion, who better to manicure and groom a site than someone who owns a lawn care service? I can tell you this much, this site will be immaculate.

Mr. Vincent: Thank you. Mr. Dodson. And those in observance today, if you could keep it down and keep comments until later.

Petition from Ryan Dodson – American Pride – 1006 Maple Avenue

Mr. Dodson: I am Ryan Dodson, President of American Pride, thanks to Council for taking up this issue of rezoning again. I just want to clear up the reasons why we decided to buy the property. And as Brian just mentioned location is the number one reason it is just an outstanding location for businesses to start as the visibility, centrally located in the City for our customer base and for pickup and delivery purposes to North, South, East, or West from that point. We have free pickup and delivery in the winter time so we need to keep that as central as possible in order to give that service. The other reason that we purchased the property after Council refused to rezone it last time was just the incredible amount of support we received from the community. Everybody that came into the store, everybody that I talked to was shocked at the result from Council last time. I understand the people that are against it, the reasons why, but a lot of it has nothing to do with the zoning. We have a lot of support. I got a letter from a member of the McIntire district the other day, and she said, "I just wanted to take a moment that I grew up on Sunset, lived in the McIntire district and I think you and your business would do great things for the neighborhood and for the City of Zanesville". She goes on to say that "I know that zoning is a problem right now, but don't get up without a fight. I just saw you on TV and in the newspaper and I don't want you to think that everyone that lived in our area is against you because we are not. Good luck and thank you for helping our community". That is just one small example of somebody that lives in the McIntire district. Neighbors on both sides of Sandy Gentry are very supportive. We've gotten calls and people come in and I've got (Mr. Dodson held up a number of pages) this is a very conspicuously on our counter and very simply we have not asked on single person to sign this. They see it and they sign it because they care and they support us. It simply say, "If you are in favor of rezoning the former Y property on McIntire to commercial use so that American Pride Power Equipment can build a new store please sign below and date this petition." Today when I made the last copy it was 531. Certainly, you can check the signatures and they are not all residents of the City of Zanesville. I am sure my employees are sick of the daily questions why, why, why won't they let you do this? It seems to make a lot of sense.

Mr. Vincent: Excuse me a second, Mr. Dodson. Time is up.

Mr. Zakany moved to suspend the three minute rule, seconded by Mrs. Norman. Motion carried.

Mr. Dodson: It is only our desire to use the property for what City Council said it should be used for stabilizing the economy, providing employment, and assisting in development of industrial, commercial, and distribution activities. That's what City Council in 1968 said (August 26, 1968). It is the sense of Council that the property is not required by the City for its purposes and that the sale thereof will further the end of promoting the welfare of people of Zanesville. Stabilizing the economy, providing employment, and assisting in development of industrial, commercial, distribution, and research activities. For all intent and purposes this decision was

made by that Council 1968. The fight we are having today is forty years late. I keep hearing about guarantees and back room deals, smell factors and all the other catch phrases that people are using about this. I just like to say that the opposition is stooping very low questioning the integrity and honesty of me and the business. I don't believe it is possible to build a reputation as strong as American Pride has by doing shady business or back room deals, wherever that back room might be. I certainly wouldn't be here fighting for our business if there was come pre arranged deal or paid for votes or any of this. It doesn't exist. After all Monday night is poker night and I would much, much, rather be there.

Connie Norman, your son has worked for American Pride since 1994. When I talked to him last week he said, "I want a new shop." Understandably so, with the greater efficiency the new shop and the good possibility of strong growth of our service business, Chris Norman stands to earn more money. Your vote yes or no would seem to be a conflict of interest. It is not a legal conflict of interest, it's definitely ethical conflict of interest. I believe you should abstain.

Grant Hutcheson, you made a visit to American Pride last fall while you were campaigning for office, you said, "I been doing a ton of door to door and everybody I talked to is for you. I'm behind you 100%." You also told the TR that you supported rezoning. It just so happens that you are campaigning against somebody that opposed the rezoning. This issue was and is important to the City of Zanesville. There can be no question that you owe in least in part your very Council seat to your initial support of rezoning. I made business discussions based in part on your word that you gave to me and your constituents in this community. I sincerely hope that you're a man of your word.

Steve Kilpatrick, the common theme among the hundreds of conversations that I had about this issue over the past year is the surprise of your no vote. I was definitely shocked.

Whether it was a poll by the TR or by simply the daily support of the overwhelming majority of the people of this town, one thing is clear, that the percentage of any favor of rezoning far exceeds 80%. If Council rejects zoning again, my most likely option is to take issue straight to the voters in November 2011. Then we could not build until 2012. Please don't make us wait two more years. American Pride needs the room now. My employees want the opportunity for growth in their positions and better income now. The contractors and local businesses will benefit from this project need the work now. The new employees that we will hire need the jobs now. The image of this City Council, the image of this City I was born and raised in and came back to after college needs healing now. Steve Kilpatrick please don't let me and the vast majority of this town down again. I will just finish up by saying what another customer said to me, "It is a shame that John McIntire himself can't be here tonight and speak to Council because he would be your biggest proponent, he would convey to Council that the only way he got to the point where he could give so much back to the City of Zanesville is by growing successful businesses."

Speaking of giving back, American Pride does so in dozens of ways to several organizations including the Carr Center, Big Brothers, Big Sisters, Zanesville's FOP, St. Thomas St. Nicholas Festival, several other school functions, sports teams, at least twenty fund raisers, just to name a few. We get visits everyday from people that need help. And we rarely say no if they are local. Allowing us to build this new store and grow our business will only enable us to give back in bigger and better ways.

Mrs. Norman: Yes, I would like to ask the Law Director if I am in conflict of voting because my son works for American Pride.

Mr. Hillis: Mrs. Norman, the opinion, I have been asked that opinion numerous times and the last answer I gave to the President of Council is the same answer I have given from day one. Only a Council person, he or her, knows whether or not he or she has a conflict of interest and whether that conflict is or is not a reason for a vote yes or a vote no. It is up to each one of you Council persons when any issue comes before you to decide do I have a conflict of interest and is it my duty recuse to myself. No one can tell you to recuse yourself or force you to recuse yourself. The ethic rules in the State of Ohio are very clear if the duty is upon you each one of you to decide do you have a conflict and if you have a conflict not to vote and to recuse yourself. That has been my position every time I get asked if there is a conflict of interest. Only you know if you have some reason to vote for this or against this personal in nature and it is forcing you to vote in a certain way. I don't know the facts, I don't have any idea who in your family works

there, doesn't work there, what their financial outcome is how that impacts upon you only you know that.

Mrs. Norman: I would think it would be a conflict more so if I was voting with American Pride. I am voting against it. I voted against it and if it appeared unethical or conflict of interest I would be voting for the zoning. That would indirectly help my son one way or another. I don't know if he is getting a raise if this building is built or if he is going to get health insurance, I don't know any of the factors and I feel very comfortable in casting my vote because I think it is very important that I represent the people of Ward Three. And I can assure you that there isn't a conflict in my mind. In talking with the Law Director when this first came about and the questions the TR asked me if I thought it was a conflict of interest I think at that time he told me there is no money involved. I'm not getting any money. I'm not getting paid. My son is getting paid, but that's his job. So I will be voting. I do not feel it is a conflict of interest and I don't care that you are questioning my integrity.

Mr. Dodson: All Council members voted representing their constituents this would be eight to one or 8.9999.0000 to 1.

Mrs. Gentry: Not in my ward. Not in my ward.

Mr. Dodson: Sandy, like I told you the other night you are the one Council member that has cover here. Your ward. If you voted no, if you voted yes, you would have some political liability there is no questions about it. But you can't imagine, like I said hundreds of conversations every day everywhere I go and it's supportive.

Mr. Vincent: Other questions from Council?

Mrs. Gentry: I don't have a question but I would just like to say that you are trying to sell us on something that you have to remember that Council members we take this job very seriously and we have a criteria to meet and if you don't meet that criteria either through the planning board or through us, it has nothing personal with you but some of us our integrity is at stake here and who will follow the law. Thank you very much.

Mr. Vincent: Anything else from Council? Thank you Mr. Dodson. We are on first reading on this and I would like to do a roll call vote.

Mr. Baker: I have one more thing to say, I'm sorry, I thought we would take questions from him. I wasn't around two years ago or a year and a half ago whenever it was to vote yes or no on this I just want to explain where I'm coming from. Mr. Sullivan had referred to the letter that was sent out to all Council members and possibly to the administration from the Chamber of Commerce, whose job is to foster growth, economic prosperity, expansion business, and all that. I would like to say that it didn't really influence me, but it does reflect my mode of thinking on this, fairly well. Let me just read a little bit of this very quickly just to see where I'm coming from and perhaps the chamber. It says: "The support of the chamber board of directors is based on fundamental idea that business expansion and growth must be facilitated and rewarded in a community or it simply not occurs there. Our community cannot afford to be anything but encouraging to business that we are willing to locate and stay here and our public policy needs to match our words in that regard. This is not to say that we must have development at all cost there is a time and place for strict zoning and proper planning. Property uses that are compatible foster additional quality growth and strength property values should be the norm." And I agree completely and whole heartily with that. The question is – Is this compatible with other uses in the area that are established, does it foster additional quality growth, and does it strengthen property values in the area as a whole? Not just for Mr. Dodson or other individuals. I think that meets – I would answer yes on all the above. Which again the four criteria for rezoning a residential to commercial property is up for interpretation as well. So I don't think anybody has the answer to that written in stone, I think that is what we are debating here right now as a legislative body. And so I think that the key words to that are "not only compatible fostering additional quality of growth and strengthen property values" but the previous statement which says "our community can't afford to be anything but encouraging to businesses that are willing to locate and stay here creating a business climate not only for Mr. Dodson but other businesses that look at the I 70 corridor with easy access and high visibility and all of that and other places in town that offer such visibility to lure these businesses to Zanesville, particularly in the economic time and I don't have to remind anybody exactly how tough these economic times are.

So it is not just Mr. Dodson that this will either support or oppose through vote but rather other businesses that look at what we are doing in Zanesville say “Hey, maybe that is where we want to move because Zanesville’s reaching out to us with legislative policy that makes it a little bit more compatible, little bit more possible that our business will expand. That is not to say that the folks on the other side of this disagreement of what we are debating here are necessarily wrong. I mean I am sure that I lived in that area I probably be fighting just as hard as Mrs. Gentry is and I think it is important to understand that there are legitimate disagreements between people with good will who oppose each other without have things get personal or personal slander or saying they are a private deals under the table or any of that. These are just two groups that oppose each other and that is how democracy is supposed to work. On a final note, I have the front page of the Times Recorder from Wednesday, June 23rd of this year and I think this is interesting because below the fold the headline is “City’s Long Range Forecast Gloomy But Sheds Light On Budget Issues Ahead”. Again I don’t have to remind anybody how hard City Council has fought to balance the budget in recent years and in particularly in the last six months. We have all sat through the budget meetings and we have all seen the short comings and all of that. Right below we have “American Pride Plans Hinge on the Zoning Effort”. I think that is kind of interesting because on the one hand we are saying “Gee you know the City economically hurting and people are out of work and that’s really bad for Zanesville”; on the other hand we’re saying well we don’t want Mr. Dodson to move to the particular lot because of this that and the other. I think that is kind of interesting how we want businesses to expand and come to Zanesville and all of that. But on the other hand, “Not in my back yard” sort of mentality. Just understand that this little disagreement is how it is suppose to work and the personal disparaging peoples motives from a personal stand point I think isn’t a good thing and quite beside the point.

Mr. Vincent: Anything else from Council? We are at first reading on the piece of legislation.

Petition from Rick Wisecarver – 1429 Linden Avenue

Mr. Wisecarver: And I have seven bullet statements here:

1. First of all every politician knows this economy is stupid. We all know that. That is the problem right now.
2. Someone made a point that Mr. Dodson had a sign that said something about socialism and healthcare. Under the first amendment he has the right to do so.
3. I myself am a small business owner. Just recently the biggest hurdle I had to get my business open – was the government. And that seems that is his problem as well.
4. China seems has created most of the jobs in Zanesville since the economy has collapsed with the stimulus money and what not. Why can’t a business like American Pride do some development to start a business in the city? I don’t see how there is a problem with that.
5. If you guys do pass the levy for the bed tax to put in a pool, how can the City afford to maintain a pool? Mr. Raines do you want that headache added on to what you already have?
6. Someone made the statement that putting this in here will create a home valve problem. I don’t think anybody is lining up to buy houses as it is. I’m pretty sure most real estate agents went back to selling cars and flipping burgers at this point in time.
7. I would like to ask the people here that spoke out against Mr. Dodson, how many of you guys are unemployed right now? Okay, there is one. This man is trying to provide jobs. A million dollars in jobs. How many people in Zanesville are unemployed? They would love to have these jobs.

I would also like to say that after the last vote I was so disappointed, I called Mr. Dodson myself and apologized for the way it went. I would like to ask my Councilman Steven Kilpatrick when the opportunity comes to vote for small business, to do something right. I appreciate all you guys that voted for it.

Mr. Vincent: Any questions from Council? Thank you. Anything else?

R. C. for first reading

8 Ayes – 1 Nay - Mr. Zakany

Motion carried.

Mr. Vincent: Just to let people know that first and second readings are just more of a formality. Everyone could have voted no, everyone could have voted yes, it still comes back again. The

final vote is what counts. I just wanted to do a roll call vote so people know where everyone stands.

Ordinance No. 10-44 – An ordinance to adopt the proposed Civil Service Rules and regulations and declaring an emergency.

Mr. Tilton moved to waive, seconded by Mr. Tarbert.

R. C. to waive the readings.

9 Ayes – 0 Nays

Motion carried.

Mr. Zakany moved for passage, seconded by Mr. Tarbert.

Mr. Kilpatrick: In the section regarding the promotion of fire fighters, it looks like there extending their fire services time from four years to seven years before fire fighters can be promoted to something higher than the class of fire fighter and I am looking a page 19, by-the-way. I was trying to think of why we would want to put that additional classification into the ability of someone to get promoted. I always like to see more consideration given to performance rather than seniority. This is a Civil Service matter rather than private employer matter and that is the way these things lean, but I don't get it. I don't why we would make it harder for someone to get promoted in the fire department.

Mr. Raines: That has been changed to match the union contract. The contract has it at seven years. Those seven years was done at the proposal of the fire fighters themselves. The Fire fighters proposed that limit and civil service with their rules were changed to match the contract.

Mr. Kilpatrick: Thank you for your answer. I'm not sure I like your answer, but I appreciate someone giving it.

Mr. Vincent: Anything else from Council?

R. C. for passage.

8 Ayes – 1 Nay Mr. Kilpatrick

Motion carried.

Ordinance No. 10-45 – An ordinance allowing a moral claim.

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

Motion carried.

Ordinance No. 10-36 – An ordinance adding Chapter 1355 to the Codified Ordinance of the City of Zanesville.

Mr. Tilton: I talked to Mr. Smith this week and he has some new information about on line information where he can get information about abandon and vacant houses, therefore he wanted to look more into that matter before he brought this ordinance forward. Therefore I would like to make a motion to table this for two weeks.

Mr. Tilton moved to table for two weeks, seconded by Mr. Baker.

Motion carried.

Ordinance No. 10-37 (Amended) – An ordinance allowing a moral claim.

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

Mr. Zakany: Is this the area the City found no hole where this accident happened. I understand this was daytime.

Mr. Vincent: Mrs. Norman you sponsored this can you answer Mr. Zakany?

Mrs. Norman: I'm sorry, what is the question?

Mr. Vincent: The question was, if this was in the daytime?

Mr. Zakany: This is a moral claim and not that much money. I am just pointing out the City found no hole there.

Mrs. Norman: The resident asked to put the claim on. She is not in my ward but I told her I would because it was her right to petition Council. With talking with her, she feels that the City can take the cost better the she can. She feels that she is not able to pay the money due to her financial situation. I know at one time the City would honor a claim if it had been reported and nothing was done with it. She said there were ten people that pulled over after she had hit the hole and they all had damage to their cars and City said they had been out and had filled the hole but whatever they put in there would not stay. She feels like if you know, are aware, that there is a hole and people were going in it, car after car, why didn't they block off the lane. Why didn't they do something in order to prevent other cars from hitting the same hole? If I'm not mistaking, were there about seventy people who hit that hole? The one by Balderson's. There were quite a few cars that did that, so she didn't understand why they didn't do something to prevent other vehicles from hitting that hold and that the City is responsible because they didn't do anything about it after they were notified. They did something, it didn't work, and they continued to let the cars fall in the same pothole. So she is asking for a moral claim. That was her conversation with me.

Mr. Vincent: Does that answer your question, Mr. Zakany?

Mr. Zakany: Yes.

Mr. Vincent: Mr. Sims, I see that this is the one near Balderson's, was this the one that was patched and then it came back out?

Mr. Sims: As I understand from the evening that it opened up there were probably somewhere around a dozen or more cars that hit it that evening before the PD could even dispatch the Street Department personnel. So it was repaired and then before the next morning it was already in disrepair again. That was because of the wet conditions and the cold mix (temporary patch) so we made our best effort to make the repairs, the repairs did not hold up, I think we probably made repairs to that street several times over the next several weeks. On a Daily basis the Street Superintendent would run Maple Avenue looking for potholes. I don't know what else we could have done.

Mr. Vincent: So this is basically weather conditions, the cold mix doesn't hold, they put it in and it comes back out, and putting a cone down to warn people creates more danger? I think that Columbus has a pothole repairer that actually heat it up to be more permanent, but that is a half million dollars. Correct?

Mr. Sims: Yes.

R. C. for passage
0 Ayes – 9 Nays

Mr. Roberts, Mr. Tilton, Mr. Zakany, Mr. Baker, Mr. Tarbert,
Mrs. Gentry, Mrs. Norman, Mr. Kilpatrick, Mr. Hutcheson

Motion defeated.

Ordinance No. 10-40 – Authorizing the proper City official to provide funds to the Zanesville-Muskingum County Port Authority for organizational, promotional, and operational expenses.

Mr. Tilton: I have some information tonight that the Port Authority is having a money flow problem, so therefore I would like to insert the emergency clause into the ordinance. Seconded by Mr. Zakany.

R. C. to insert the emergency clause.
8 Ayes – 0 Nays
Mr. Tarbert - Abstained

Motion carried

Mr. Zakany moved to waive the reading, second by Mr. Kilpatrick.

R. C. to waive

Motion carried

Mr. Zakany: Have those crimes been solved?

Mr. Jones: That's a good question. Any other questions? Thank you.

Mr. Vincent: Thank you Mr. Jones, we appreciate your work here to make Zanesville a safer place. I know you have been working very hard.

MISCELLANEOUS AND UNFINISHED BUSINESS:

Mr. Roberts: I would like to apologize to Council and everyone present here for my statements earlier. I don't take kindly to personal attacks, especially from someone I have known for as long as Ms. Sullivan. I just want to apologize for the way I acted.

Mr. Baker: Following up on what Mr. Jones said as president of the Zanesville Crime Stoppers Watch, we have talked about this a lot before and we need help. We need help from the citizens, community, and City Council. If you would like to get involved, you can get more involved through me or through Mr. Jones would be glad to set you up with more information on our organization. We need everybody's participation and cooperation that we can get in order to get this citizen's group off the ground.

Mr. Vincent: I know a tremendous amount of work has gone into this and the potential is there for good things.

Mayor: I have just one thing. It was a fantastic concert last Friday night at Secrest. We had the army band concert. It was entertaining. It was patriotic. It was a wonderful evening. They got a standing ovation for about fifteen minutes. I just wish I would have seen more Council there that night. I saw Mr. Tilton. It was fantastic.

Mr. Vincent: Anything else from Council? Just one reminder here as far as alley requests for paving, you have until July 2nd to respond to Mr. Sims, correct?

Mr. Baker: Mike, that is just for alleys, right?

Mr. Sims: Yes. We would like to prioritize the list based on what we receive from your constituents.

Mr. Vincent: The goal is to spread this throughout the City to the different wards, correct?

Mr. Sims: Yes, that is the directive.

Mr. Tilton moved to adjourn, second by Mr. Hutcheson.

Motion carried.

Meeting adjourned 9:05 p.m.