

CITY COUNCIL MEETING – MONDAY, MARCH 8, 2010

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, March 8, 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. Hutcheson, Mr. Roberts, Mr. Tilton, Mr. Zakany, Mr. Baker, Mr. Tarbert, Mrs. Gentry, and Mr. Vincent.

Mr. Tilton moved to excuse Mr. Kilpatrick, seconded by Mr. Baker.

Motion carried.

APPROVAL OF MINUTES

Mr. Zakany moved to accept the minutes of the Regular Meeting of February 22, 2010, seconded by Mr. Tarbert.

Motion carried.

Mr. Tilton moved to go into Executive Session to discuss pending litigation and personnel matters, seconded by Mr. Hutcheson.

R. C. on motion.
8 Ayes – 0 Nays

Motion carried.

Mr. Tilton moved to come out of Executive Session, seconded by Mr. Hutcheson.

R. C. on motion
8 Ayes – 0 Nays

Motion carried

COMMUNICATION, REPORTS, AND RESOLUTIONS

Mr. Tilton moved to put Resolution No. 10-21 on the agenda as item 1A, seconded by Mr. Zakany.

Motion carried.
1 Abstention - Mr. Tarbert

Resolution No. 10-21 – Introduced by Council – A resolution authorizing entering into a settlement agreement to resolve pending litigation and declaring an emergency.

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

R. C. to waive
3-Ayes – 4 Nays
1 Abstention - Mr. Tarbert

Motion defeated.

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

Motion carried
1 Abstention - Mr. Tarbert

PROPOSED ORDINANCES

Ordinance No. 10-18 – Introduced by Council - An ordinance authorizing the proper City official to advertise for bids and enter into contracts for the resurfacing of one roadway and two parking lots at Zane’s Landing Park; three unnamed alleys in the Brighton neighborhood; and one unnamed alley in the Putnam neighborhood under the City’s CDBG Formula 2009 Grant, and declaring an emergency.

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

R. C. to waive
8 Ayes – 0 Nays
Motion carried

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

Petition from Michael Wyatt – 1158 Selsam Street

Mr. Wyatt: Do you have the money to pay for it? Is it in the bank?

Mrs. Clapper: The funding is coming from the Formula Grant for the 2009 fiscal year. The estimate of \$94,800 should cover this project and it is all coming from the grant.

R. C. for passage
8 Ayes – 0 Nays
Motion carried.

Ordinance No. 10-19 – Introduced by Council- An ordinance authorizing the proper City official to enter into a lease with AK Steel Company.

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

Motion carried.

Ordinance No. 10-20 – Introduced by Council - An ordinance amending Chapter 1347 of the Codified Ordinances of Zanesville.

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

Mr. Zakany: Some properties in the City are doing fine and then they become flooded, we have had that in the southern part of the City. Several properties flooded and damaged. Is it the City's responsibility?

Mr. Sims: We addressed that problem a couple years ago with an \$800,000 project that ran from behind the Go Kleen Car Wash to behind Putnam Transfer. We have not had any complaints or major rain events. This ordinance is designed to protect residents like the ones that were damaged in that flood. Without City Council passing this ordinance no one in the City will be eligible to purchase flood insurance. This was developed by FEMA and it recently remapped the flood pool for the entire county. All municipalities and villages in the county are required to pass this ordinance in order for the citizens to be able to buy flood insurance to protect their property.

Mr. Vincent: Who is the flood plan administrator? Is that the City engineer?

Mr. Sims: Yes, it could be the Public Service Director or the City Engineer. The engineer is the one that will be developing the permits, so he was willing to accept that responsibility.

Mr. Vincent: When the permit is needed, is it just within these certain areas or boundaries?

Mr. Sims: Anything within the 100 year flood pool. What they look at is the level of the base floor elevation.

Mr. Vincent: Where is an easiest place for citizen to find out this information?

Mr. Sims: The final mapping will not be done until July 6th, but they want the ordinance approved and to them by the end of June. We do have a draft map that we can share with anyone. This is a benefit to the community.

Motion carried.

ORDINANCES FOR ACTION

Ordinance No. 10-16 – Introduced by Council – An ordinance authorizing the proper City official to sell unneeded equipment from the Wastewater Treatment Plant to the entity submitting the best and highest quote for purchase.

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

Motion carried

Ordinance No. 09-115 – Introduced by Council - amending Ordinance No. 00-16, which adopted a classification plan for City employees, amending Ordinance No. 97-127, which authorized a maximum schedule of positions; amending Ordinance No. 09-37, which established pay, benefit, and employment policies for unaffiliated employees, and declaring an emergency.

Mr. Zakany moved for third reading, no second.

Motion defeated for lack of a second.

Mr. Zakany moved to table, no second

Motion defeated.

Ordinance No. 10-12 – Introduced by Council – authorizing the proper City official to enter into a labor agreement with the Fraternal Order of Police/Ohio Labor Council, Inc. (Corrections Unit), establishing terms and conditions of employment, and declaring an emergency.

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

Mr. Tarbert: I understand the situation behind this agreement and it does not affect a lot of people. My wish is when we start to negotiate these contracts in the future that we look at a two year agreement. It becomes too difficult to negotiate or predict where the City's economy will be three years out. Who was involved in this negotiation?

Mr. Raines: From the City's side? The Mayor, police chief and me. Also the captain of the jail.

Mr. Tarbert: Why were the Law Director and Safety Director not involved in a contract negotiation that binds the City?

Mr. Raines: The Law Director has been involved in the past with negotiations. The Safety Director has not been involved in any negotiations.

Mr. Tarbert: Mr. Hillis, why were you not involved in the negotiations?

Mr. Hillis: In the past I have been invited to take part in the negotiations, but this time I was not.

Mr. Tarbert: As we negotiate these in the future I would like to see two year agreements and I would like to have the Safety Director and Law Director involved in the negotiations.

Mr. Baker: If we could figure out, on the two year negotiations when they come up for contractual renewal, to get Police, Fire, and AFSCME on staggered years so we can concentrate on one and make sure the rate of increase is fair for each one.

Petition from Randy Case – 916 Vine Street

Mr. Case: I don't feel these employees deserve a raise with the current financial situation. It looks pretty silly for the City to be giving out raises and at the same time talking about budget short falls. For the City to do a contract three years ahead of time with no projected budgets amazes me that the City hasn't gotten in trouble before now. One of the days you are going to do one of these contracts and two years later the City is going to be trouble and you are not going to have a projected budget to go "oh yeah, we really shouldn't do this because things are getting worse". The City needs to start doing budgets or two year contracts.

Mr. Vincent: Many, if not all of Council share your concerns as to where the budget will be in the future. And also it is more complex, we need to look at all the details that go along with that and look at the history of binding arbitration. I think Council will make a decision on what they think is best.

R. C. for passage
6 Ayes - 2 Nays

Motion carried.

Ordinance No. 10-13 (amended) – Introduced by Council - an ordinance authorizing the proper City official to amend Ordinance #06-134 concerning the cell phone policy of the City of Zanesville.

Mr. Tarbert moved for third and passage, seconded by Mr. Roberts

R. C. for passage
8 Ayes - 0 Nays

Ordinance No. 10-14 – Introduced by Council – amending Ordinance No. 09-37, which established pay, benefit, and employment policies and procedures for unaffiliated employees in the municipal service.

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

R C. for passage
8 Ayes – 0 Nays

PRIVATE PETITIONS AND COMMUNICATIONS:

Petition from Randy Case – 916 Vine Street

Mr. Case: I brought issue of the carry over in the Police Fund of \$50,000 and I was told that number because they have gotten all the final numbers for the year. There was \$103,065 donated to the canine unit and out of that \$17,156 was used. That would leave a carry over of \$85,908 in the Police Fund. Missing out of that is \$35,908 of money that was donated by the community to be used for this specific purpose and I would like to know where that money is and what it was used for.

Mr. Raines: If you would look in the police budget in the line item report and look under canine you would find all that money is budgeted.

Mr. Case: Why does it show a \$50,000 carry over from last year for the police department?

Mr. Raines: That is not relevant. The City has in its budget the money that was donated by the citizens and that is all that matters.

Mr. Case: No, what matters is that you are showing that only \$50,000 in the Police Department carryover from last year to this year which means that \$35,000 of that money got used for something else and you replaced it out of this budget. That is not right because that was community donated funds.

Mrs. Moyer: You cannot change the carry over balance of \$50,000; he has it in the revenues.

Mr. Vincent: Can you get with Mr. Raines and Mrs. Moyer afterwards and work on this and if you still feel there is an issue you may come back to Council.

Mr. Tarbert: Is there some form that tracks the Bosco money in and out? Could we prepare a receipts and expenditures for the Bosco account and make it public so that everyone knows the City did not steal Bosco money? Is that possible?

Mr. Moyer: Yes.

Petition from Michael Wyatt – 1158 Selsam Street

Mr. Wyatt: I looked at the budget and it is going down hill. When you have 32 million dollars in debt and you are paying interest that is money we are paying for nothing. This City needs to file bankruptcy. I am not done with it yet, it is a very complex document. I am going to find out if the utility fees have been transferred to the general fund to pay off the debt. Thank you.

MISCELLANEOUS AND UNFINISHED BUSINESS:

Mayor Zwelling: Had a great pageant over the weekend, had a nice crowd, the winner goes to the Miss Ohio Pageant in Mansfield. Zaney Follies coming up on March 19th and 20th. John Kunkel is negotiating with two United States Service Bands that would come to Secrest for free concerts.

Mr. Zakany: I was told that the City Church Softball Team said the cost used to be \$300 and they always came up with the money. Now it is \$600 and there are six churches that are going to drop out of that league because they cannot pay the \$600. One of the best leagues that the people of Zanesville participate in. The \$600 per team is going to kill that league. That has upset me that the fees were raised that much.

Mayor Zwelling: I don't think that is what we did.

Mr. Sims: That was contemplated when we were looking at furloughs and also maybe not having the softball this year because of the field upkeep. We raised the fees \$40.00 and charged each individual \$.50 per game. They have heard a rumor from a couple months back. They need to talk to Jeff Johnson, Acting Cemeteries/Park Superintendent.

Mr. Dubeck: I was approached Friday night by a person that sponsors a softball team. She told me they had a meeting and that the rate went to \$495.00. The umpire's fee was raised from \$15.00 to \$18.00.

Mr. Sims: I think they are getting a lot of mixed signals and a lot of miss information because that is not the case. I will be happy to follow up with a report on what the fee structure is and pass that to Council and league directors.

Mr. Vincent: Does Council have anything else that cannot be handled by telephone?

Mr. Baker: We have four wheeler dirt bikes riding all over the neighborhood and I have been talking with Mr. Brandford about this. Mr. Brandford, you have been very helpful with the whole thing. As far as the law is concerned, these are unlicensed vehicles that are not allowed on public streets within the City limits, it that right?

Mr. Brandford: That is correct.

Mr. Baker: What exactly is going on with the enforcement of this before someone gets killed?

Mr. Brandford: I have talked to the police chief and I have talked to officers about this. One of the things we are going to do is strictly enforce the law that we have on the books.

Mr. Baker: So it is an enforcement problem not really a legislative problem.

Mr. Vincent: Anything else from Council?

Mr. Tarbert: We are going to have a Budget Committee Meeting, Wednesday, March 10th at 3:00 p.m. in the First Floor Conference Room. We will send out notices.

Mr. Vincent: Anything else from Council?

Mr. Tilton moved to adjourn, seconded by Mr. Hutcheson. Motion carried.

Meeting adjourned at 8:48 p.m.