

Mr. Sims – Yes, for the design, and we are going to have to hold off on the Phase 4, simply to get into next years budget for the sewer department. This is about all we could scrape up, this late in the year.

Motion carried.

Ordinance No. 09-84 – An ordinance authorizing the proper City official to pay a final invoice to the Ohio Department of Transportation for the rehabilitation of the State Street Bridge Project, and declaring an emergency.

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

R.C. to waive
8 Ayes – 0 Nays

Motion carried

Mr. Vincent moved for passage, seconded by Mrs. Gentry.

Petition from: Randy Case, 916 Vine Street, Zanesville, Ohio

Mr. Case – I seem to recall and I know, we have gotten money that was originally suppose to pay at least part of this loan back, but we have been told it can't be used for that and there is more work to be done on the bridge. I recall and I talked to a couple other Council members that when this loan was originally asked for the question was brought up by one of the Council members to Mr. Sims was, you have already come back for more engineering money, are you going to come back after this for more money? Is this all the work that needs to be done on the bridge? Mr. Sims said, yes. Now, we are going to pay this off, we have money that was given to us by the Federal Government and now we are told, we can't use to pay back the loan but we have more work to do underneath the bridge. I don't understand it.

Mr. Sims – We got into far more overruns, then we ever expected. The grant that the previous Development Director applied for was intended or what our intentions were was to pay down this debt. The way the grant came through a year and a half later; O.D.O.T. is managing the money, they are saying, that we can't, it's federal money, it's going to be handled the way they handle all their other grants. You can never spend federal money on a project that is already under construction. That is just their guidelines. The money that we borrowed, we thought it would finish the bridge; it finished everything except some of the underneath arch work that is mostly cosmetic, however does still need done. That grant, that we did receive will pay approximately 85% of the cost of that project. I think we got \$437,000, the project cost is estimated at \$600,000. That will give us a completed project, but the grant is still available for use for the finish work under the bridge.

Mr. Case – But when the question was brought up, you specifically said this would complete all the work, including the underside work. If the City pays engineers to look these things over and give us the cost on them, etc. The citizens are just getting stuck, and stuck, and stuck. This bridge is costing us more than what it would cost to build a new bridge.

Mr. Sims – Absolutely not, a new bridge in 2003 was over \$3,000,000.

Mr. Case – When the money from the engineering came up; you said, if we had known that we were going to get into all of this, it would have been more feasible to put in a whole new square box bridge.

Mr. Sims – Hind sight is always 20-20. We were given three recommendations from the engineering firm on how to approach it; one was a face lift, one was a complete deck reconstruction, and the other was a complete bridge reconstruction. I picked the middle of the three simply because of the City's budget. We got into things that even the engineers could not have foreseen. You claim construction background work and you would know what we got into, when the decking was taken off. When it went to force account labor, every piece of rebar we picked up, every piece of rebar they bend, every

ounce of concrete they spread, is charged with a different rate than it is under a lump sum bid. This is how it fell out, this is the total.

Mr. Case – But we still didn't get the rest of the work done.

Mr. Sims – We have a grant to take care of almost all of it.

Mr. Case – Almost all of it. I don't know, this project just seems to get a little bit out of hand.

Mr. Zakany – Mr. Sims, I understand that some of those piers, they had to go down a lot further – 3' – 4'?

Mr. Sims – No, the piers are in excess of 20 feet. There is nothing wrong with the piers or the structure the bridge is sitting on; it is simply arch structure that had longitudinal cracks, that we did not even realize were there until the entire decking was taken off of the bridge. Those were structural cracks, that could not be cosmetically repaired, and that is why we got into the mess that we got in to. I didn't know what the end result was going to be until we got this invoice.

Mr. Dittmar – How much has that bridge cost us, so far?

Mr. Sims – We are at a little over \$2,000,000 in it; the original was \$1.9, we are at \$2.7; \$527,000 over run. Wish I had taken out the bridge and put another one in but then I would be fighting with Council and members of the audience on putting a \$6,000,000 bridge in. It is as good as we can do it; it ought to last another 40 years.

R.C. for passage
8 Ayes – 0 Nays

Motion carried

ORDINANCES FOR ACTION

Mr. Tilton moved to replace the attachments for Ordinance 09-72; that we received this evening, seconded by Mr. Vincent. Motion carried.

Ordinance No. 09-72 – Introduced by Council – An ordinance authorizing the proper City official to incorporate the new Section 923.28 into the City of Zanesville Codified Ordinances Chapter 923, Sewer Use Regulations.

Mr. Tilton moved to table the ordinance for two weeks, since the information was just received this evening, and I would like for the Council members to have time to read through it and make sure this is what we want before we vote on it, seconded by Mr. Dittmar.

Mr. Vincent – I know this is out of order Mr. Hillis, I know it has been tabled and you are not suppose to have discussion after that, but can we get some information here to take with us? I didn't know if you or Mr. Sims wanted to explain some stuff as far as the wording.

Mr. Hillis - Technically, the person that moved to table is going to need to remove their motion to table.

Mr. Tilton moved to remove his tabling motion, Mr. Dittmar removed his second.

Mr. Tilton moved to put it on the floor, seconded by Mr. Vincent. Motion carried.

Mr. Hillis – I attended the meeting and the changes that I have made to this are: B-1 Action Level was taken out. B-6 Service Provider was removed. B-5 – Minimum Design Capability was removed. Under Definitions – (e) Food Service Establishments was redefined. There was discussion at the meeting about the definition of a retail food establishment in the O.R.C., instead of leaving that in there, I compared the definition that they had to the definition that I came up with and quite frankly, my definition was

better than the one they had. The definition that they had was only for retail food establishments which meant an establishment that actually prepared food and sold it retail to the public; that would take out of this definition: hospitals, school cafeterias, large institutions that have large cafeterias and prepare food that could fall into the sewer system. Obviously, it was our intent at the meeting to include all of those, at least my definition would include anything that is in the O.R.C. clearly fits within my definition, however also my definition would include commercial kitchens, hospitals, schools, nursing homes, prisons, correction facility, or other similar institutes, or any other facility that discharges FOG. In addition, I included any facility that discharges FOG above the limits set forth in Section 923.11- (c) of Zanesville's Codified Ordinances. Finally, I did add a sentence of my own where I specifically stated that a Food Service Establishment does not include a personal residence and does not include a home based day care which serves meals to less than five unrelated individuals each day. The reason for that number is, my understanding that when a day care is licensed, the home based day care defined as a day care that has less than five unrelated individuals. So, I included that definition because it appeared Mr. Tarbert's initial complaint was, he didn't want to force people who had home day cares into putting in grease interceptors. That's why I put that in the definition to exclude them.

The next change, I made was paragraph (c), Grease Interceptor Installation for New Establishments – I took out the requirement, that all new businesses put in a 1,000 gallon grease interceptor. I stated that any FSE that starts doing business after the effective date of this has to install an appropriate grease interceptor that is determined by a qualified professional engineer and will have to be approved by the Zanesville Muskingum County Health Department Plumbing Inspector as well as the Zanesville Public Service Director during the plan review process. The reason for that under the Ohio Plumbing Code, there are charts and formulas that a professional engineer can use, so that if I go to a professional engineer and say, I want to start a restaurant, I would tell him what I am going to serve, based upon that if I perform under the plumbing code and the plumbing code will set forth exactly how big of a grease interceptor I may need. Obviously, if I am serving fried chicken and french fries and those kind of things, I am going to be putting grease into the system and I am going to need a large interceptor, whereas a business such as a deli slicing lunch meat, putting it on a sandwich and not frying anything or cooking anything; isn't going to be putting FOG into the sewer system. That is the reason the engineer would have to tell them what size of interceptor, they need. It wouldn't be fair to require every single business to put in a 1,000 gallon interceptor, when they might not be putting any grease in the sewer system.

Paragraph (d) is added – All existing Food Service Establishments, they don't have to get an engineer, putting in a grease interceptor, they are already in business. However, they do still have to comply with Section 923.11 of our code; this tells them how many parts per million of fluids, they can discharge into our sewer system. If we find out there is a business that is putting in more grease than what they are permitted to in the code, then they are going to be required to do the testing and be put under new businesses and get an engineer to put in an appropriate grease trap. Or if they do a renovation and change the plumbing in the restaurant, at that time they are going to have to talk to an engineer and put in appropriate grease interceptors.

Finally, the only other change that I have made is Paragraph H – this came up from the EPA; they suggested that maybe we want to entertain this idea – this allows the Public Service Director the authority to grant exemptions from these requirements in appropriate cases, so that Mr. Sims be able to comply with requirements, if Mr. Sims determines that it doesn't place a burden on the City's sewer system integrity and that he will have the power to grant them exemption. Mike and I talked about this at the meeting; this is being urged upon us by the EPA and obviously, we need to comply with the EPA and get along with the EPA. There are, however other municipalities, other counties who have done this and I looked at some of them and some of them had 30 page ordinances bringing forth all kinds of requirements on businesses and quite frankly, they have huge departments that deal with just grease and problems with grease. We don't have that and I take the way Council has handled this ordinance up to the present time is that Council wanted the least restrictions possible while meeting the EPA's requirements and I believe

this has done that. The EPA has reviewed this, we've made changes that they thought were necessary, certainly not 30 pages long.

Mr. Tilton even though the questions were answered, tonight, Mr. Tarbert is not here this evening and he has not seen the final draft, therefore I still make my motion that we table for two weeks, seconded by Mr. Vincent.

R.C. to table

7 Ayes – 1 Nay, Mr. Zakany

Motion carried

MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Zwelling – The art festival, this week-end was a very interesting success for Zanesville. Proving again, that this is the cultural center for all of Southeastern Ohio. Artists came from near and far. Our artist colony is up to about 50 artists. Sixty artists participated and a lot of them were from out of town. It was well attended.

I had an occasion to go on a pipe line tour this last week. We went out to the sight where they were welding, bending pipe, putting it in the ground. A very interesting procedure was explained to us. There are about four inspections on each weld; the welders are very carefully chosen. They have far more applicants than there are jobs. They are well paid. The bus passed an area that had already been finished and land reclaimed. I had to think that it was better than it ever was because you couldn't tell anything was done. The pipe liners continue to do an outstanding job in feeding our economy. We are happy to have them and they should be here until the end of the year.

We received notice this week that the mail processing service will stay in Zanesville. I was fearful that it would be pulled to Columbus. There was a meeting, several weeks ago at the Ramada Inn, I participated in it. I didn't think they were listening to us, but I think they were. No jobs will be lost.

Last meeting, Mr. Case brought up why would we get digital radios in the police cruisers when we don't have them back at the headquarters. It is a simple answer; we think everything is going to be digital in a couple of years. Why would we spend that kind of money, six cruisers one year and six cruisers the next year and get analog radios and then have to buy new digital radios. So, this is part of the gearing up and sending unit is part of the plan. It didn't make any sense to not put digital radios in these new cruisers. The next question was, six months has gone by, do we need new policemen and I have made a statement that we would like to get this equipment on the street and wait six months, then analyze the whole situation, what's the crime doing – is it going up, is it going down? How is this equipment working? We have only had all six of them on the streets for about two months. The bidding goes out for the next six, this month. We are not going to have all twelve on the streets until some time next year. Then let's see what that equipment will do.

The Water Department video, that you saw, you see now why I refer to these guys as our heroes because they respond to a break and shut the valves off, so there is no more water coming out.

Mr. Tilton moved to adjourn, seconded by Mr. Mc Peek. Motion carried.

Meeting adjourned at 7:45 p.m.

