

PUBLIC HEARING – MONDAY, JANUARY 26, 2009

A Public Hearing was held in the City Council Chambers, 401 Market Street, Zanesville, Ohio at 6:40 p.m., to hear a request by the Zanesville-Muskingum County Port Authority to dedicate a roadway known as Autumn Drive in the City of Zanesville.

Council members present were: Mr. Kilpatrick, Mr. Mc Peek, Mr. Vincent, Mr. Phillips, Mr. Zakany, Mrs. Gentry, Mr. Tarbert, Mr. Dittmar, Mrs. Norman, and Mr. Hennessey.

The Clerk had proof of advertising.

Pat Denbow – Planning and Zoning Administrator – This is a request by the Zanesville-Muskingum County Port Authority to dedicate 541.46’ right-of-way known as Autumn Drive. The road turns left off of NorthPointe Drive and terminates at Harrington Drive and an entrance to Autumn Health Care.

The Planning Commission approved the request to dedicate this road, contingent on the southern curve at NorthPointe be complete to Public Service standards.

Hearing closed at 6:45 p.m.

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Joan L. Ziemer  
Clerk of Council

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Ralph D. Hennessey  
President of Council

PUBLIC HEARING – MONDAY, JANUARY 26, 2009

A Public Hearing was held in the City Council Chambers, 401 Market Street, Zanesville, Ohio at 6:50 p.m., to hear a request by the Muskingum Valley Vineyard Church for a Zone Change from I-1 (Industrial) to C-4 (Highway Commercial) at 239 Weller Avenue.

Council members present were: Mr. Kilpatrick, Mr. Mc Peek, Mr. Vincent, Mr. Phillips, Mr. Zakany, Mrs. Gentry, Mr. Tarbert, Mr. Dittmar, Mrs. Norman, and Mr. Hennessey.

The Clerk had proof of advertising.

Pat Denbow – Planning and Zoning Administrator – This is a request by the Muskingum Valley Vineyard Church to rezone one parcel in the City from I-1 (Industrial) to C-4 (Highway Commercial). This is the former Weller Pottery Building located in the lower Putnam area. They want to revamp this building into their church. This rezone is necessary - a church is not permitted for conditional use in an industrial zone. The property is bordered to the east and the south with C-4 zoning, already. A C-4 would be a natural change due to neighboring property being recently redeveloped into a shopping center.

Hearing closed at 7:55 p.m.

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Joan L. Ziemer  
Clerk of Council

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Ralph D. Hennessey  
President of Council

CITY COUNCIL MEETING – MONDAY, JANUARY 26, 2009

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, January 26, 2009 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

Mr. Hennessey led those present in the Lord's Prayer and the Pledge of Allegiance to the Flag.

The following members of Council answered Roll Call: Mr. Kilpatrick, Mr. Mc Peek, Mr. Vincent, Mr. Phillips, Mr. Zakany, Mrs. Gentry, Mr. Tarbert, Mr. Dittmar, Mrs. Norman, and Mr. Hennessey.

APPROVAL OF MINUTES

Mr. Zakany moved to dispense with the reading and approve the minutes of the Regular Meeting of January 12, 2009, seconded by Mr. Tarbert. Motion carried.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Communication from Michael A. Sims – Director of Public Service  
RE: City Cemeteries 4<sup>th</sup> Quarter Report (2008)

Mr. Kilpatrick moved to receive, seconded by Mr. Zakany. Motion carried.

PROPOSED ORDINANCES

Mr. Phillips moved to replace Ordinance No. 09-17, that we received in our packet with the Ordinance 09-17, that we received this evening, seconded by Mr. Vincent. Motion carried.

Ordinance No. 09-09 – Introduced by Council – An ordinance to dedicate a 541.46' right-of-way known as Autumn Drive.

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

Ordinance No. 09-10 – Introduced by Council – An ordinance to amend and revise the zoning map and make permanent zoning in the City of Zanesville, Ohio as herein provided.

Mr. Vincent moved for first reading, seconded by Mr. Phillips. Motion carried.

Ordinance No. 09-11 – Introduced by Council – Authorizing the proper City official to enter into a labor agreement with Local #88, International Association of Fire Fighters, establishing terms and conditions of employment, and declaring an emergency.

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

R.C. to waive  
8 Ayes – 0 Nays  
1 Abstention – Mr. Vincent                      Motion carried

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

R.C. for passage  
8 Ayes – 0 Nays  
1 Abstention – Mr. Vincent                      Motion carried

Ordinance No. 09-12 – An ordinance authorizing the proper City official to advertise for bids and enter into a contract for the purchase of materials for the Abington Avenue and Ridge Avenue water line improvements under the City's CDBG Formula 2008 Grant.

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

Mr. Kilpatrick – The dollar amount in Section Two – is that the total project cost or is that our share only?

Mrs. Clapper – This is the total cost for the appurtenances and the backfill materials. The engineering and the installation are in-kind service by the City, but that should cover those projects in total funded \$140,800 by the Grant.

Motion carried.

Ordinance No. 09-13 – Introduced by Council – An ordinance authorizing the proper City official to advertise for bids and enter into a professional contract for the purchase of fire hydrants, replacement parts, and main water valves for the Water Maintenance Division.

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

Mr. Vincent – I know we like to stick with equipment we've used before, so we have similar parts and are familiar with them. Do we still check and do comparisons to see if we are in range for a good deal on these parts?

Mr. Sims – It's going to be an open bid, so all we are doing is specifying the standards. There could be different manufacturers as long as they can meet those standards equivalent to this. The difference would be in the stems; the stainless steel stems versus standard steel or brass stem. We found over the years that the stainless steel holds up better.

Motion carried.

Ordinance No. 09-14 – Introduced by Council – Authorizing the proper City official to provide funds to the Zanesville-Muskingum County Port Authority for organizational, promotional and operational expenses.

Mr. Vincent moved for first reading, seconded by Mr. Zakany. Motion carried. Mr. Tarbert abstains.

Ordinance No. 09-15 – An ordinance authorizing the proper City official to advertise for bids and enter into a professional contract for the 2009 Citywide Overlays.

Mr. Zakany moved for first reading, seconded by Mr. Tarbert. Motion carried.

Ordinance No. 09-16 – An ordinance authorizing the proper City official to advertise for bids and enter into a professional contract for paving of Pine Street.

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

Mr. Zakany – The last time that they did it the job was so poor; I know the Service Director would not sign off on it. It must have been an out of town company that did that black topping. It is not that old.

Mr. Sims – To my knowledge, that was done about ten years ago, just before I came to the City. I am aware of that; it was done very late in the year. From what I understand borderline closing of the asphalt plants and it was shipped from an extremely long distance; between Newark and Columbus, if I recall. It was a poor job because of the temperature of the asphalt when they placed it. I wanted to get ahead of the game and get the bids out early because even though we won't be authorized by the previous ordinance, by the Public Works Commission until after July 12 – the sooner we can get the bids together, the sooner we can get on the schedule with the contractor because they are starting to formulate their schedules now.

Mr. Kilpatrick – The dollar amount of these two last ordinances; are those consistent with what you had in mind for the 2009 budget?

Mr. Sims – They are taking in consideration the cost of this years bids.

Mr. Vincent – Do we need to move this ordinance along?

Mr. Sims – Not really because there will also be an ordinance following from Community Development coming next meeting. We would like to coordinate all the actual bids together so the bidder will be able to see what the entire scope of all the projects are and the more we can lump together the better the price will be.

Motion carried.

Ordinance No. 09-17 – Introduced by Council – An ordinance authorizing the City Auditor’s office to pay the invoices of various departments using 2009 money for 2008 invoices and declaring an emergency.

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

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

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

Petition from: Carl Robinson, 817 Maple Avenue, Zanesville, Ohio

Mr. Robinson said this was the same thing we had at the beginning of 2008 – he wanted to know if this was going to become an annual habit of using new money to pay old bills.

Mrs. Moyer – I usually have typically two ordinances – one in January and one in February. I think this will be the only one we have this year.

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

#### ORDINANCES FOR ACTION

Ordinance No. 09-03 – Introduced by Council – Authorizing the proper City official to purchase electrical components for a street lighting energy reduction project.

Mr. Vincent moved for second reading, seconded by Mr. Zakany. Motion carried.

Ordinance No. 09-04 – Introduced by Council – An ordinance authorizing the proper City official to advertise for bids and enter into a professional contract for concession services for the Parks Division.

Mr. Zakany moved for second reading, seconded by Mr. Tarbert. Motion carried.

Ordinance No. 09-05 – Introduced by Council – An ordinance authorizing the proper City official to advertise for bids and enter into a contract for the leasing of uniforms for Public Service Department A.F.S.C.M.E. Employees.

Mr. Zakany moved for second reading, seconded by Mr. Kilpatrick. Motion carried.

Ordinance No. 09-06 – An ordinance enacted by the City of Zanesville of Muskingum County, Ohio for resurfacing and related work to Pine Street.

Mr. Zakany moved for second reading, seconded by Mr. Mc Peek. Motion carried.

Ordinance No. 08-124 – Introduced by Council – An ordinance authorizing the proper City official to expend Revolving Loan Funds.

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

R.C. for passage  
9 Ayes – 0 Nays

Motion carried

Ordinance No. 08-126 – 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. Zakany moved for third reading and passage, seconded by Mr. Tarbert.

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

Mr. Case – Is this being required by the State?

Mr. Sims – Yes, the EPA has requested that we get a plan in place because we don't have anything currently to cover that; other than in Chapter 923.11C indicates the total amount of discharge that we will allow be any entity, into our sewer system. The County is going to do the inspections for the City on this to make sure they are in compliance; if they are not in compliance then he will let them know. There was questions about the sizing and what it might cost in case we might have to have a challenge on our hands if someone has a very small establishment didn't feel it was right to have to put a 1,000 gal. tank and didn't have the area to put a 1,000 gal. tank in; we did modify the amendment to indicate that it's a 1,000 gal. minimum or a size determined by a professional engineer. I spoke with Dave Stewart from Wilbur Smith and Associates who represents a nationwide company out of Columbus. Discussed this with him and he said for this type of application a small deli or pizza shop, where it is not a chain; you would not expect those services to go beyond \$500.00. He said probably in the realm of \$200 to \$300, they only have a couple of hours work in it.

Mr. Tarbert – In Section 923.28 b-3 – Food Service Establishments – is this direct language for the EPA or is this something that you drafted with the Law Director? What I am getting at is – if you say those establishments engaged in activities of preparing – to me that can also be construed if I have a home day care that I have five kids in there – can we put the words establishments primarily engaged in – you have somebody who is watching six kids and they are making lunch for those kids, saying she is engaged in activity of preparing food or making food available for consumption – unless that is part of what you are trying to target, as well.

Mr. Sims – I have to ask you a question back – would that not be considered a commercial establishment if that's the situation? The FSE is an EPA term – this was handed to us from discussions with the EPA and part of the plumbing code and discussions with the plumbing inspector.

Mr. Tarbert – I don't want this to potentially target businesses that we were not trying to get at.

Mr. Sims – I don't have a good answer for you.

Mr. Tarbert – You and the Law Director's office are in charge of enforcing this?

Mr. Sims – The Law Director would only be pulled into play if we had a situation where we were not getting response. This is the Health Inspector doing the inspections, reporting to the City. The Health Department has some play in it but the City has the final say but we still need guidelines of our own.

Mr. Hennessey – Mr. Tarbert, this doesn't appear to be something that needs to be rushed through; I suggest a two week tabling until the next meeting. I think you have a valid point.

Mr. Tarbert moved to table for two weeks, seconded by Mr. Vincent.

R.C. to table  
9 Ayes – 0 Nays

Motion carried

## TRAFFIC ORDERS

Traffic Order 09-01 – There is hereby established a No Parking Anytime Zone on the east side of Warwick Avenue from Blandy Avenue to Mound Street.

Mr. Dittmar moved to receive, seconded by Mr. Zakany. Motion carried.

## PRIVATE PETITIONS AND COMMUNICATIONS

Petition from: Michael Wyatt, 1158 Selsam Street, Zanesville

Mr. Wyatt said that he had a problem with the way we handle our police department. He thanked Mr. Dittmar for his introduction to the problem of misuse of city vehicles. He also said that he had been told that City Council would not be televised on public TV any longer.

Petition from: Randy Case, 916 Vine Street, Zanesville

Mr. Case said that he heard a rumor that was going around town; the Mayor, Mr. Brandford, the Chief of Police and our Police Department was doing everything they could to keep from having neighborhood watches. He said that he knew this was not true because he spoke with Mr. Brandford.

Petition from: Carl Robinson, 817 Maple Avenue, Zanesville, Ohio

Mr. Robinson asked if there was any way we could get \$500 from any fund in order to put the City Council meeting back on Time Warner Cable.

Mr. Tarbert – Why is it no longer free.

Mr. Raines – We use to have a franchise with Time Warner, the State passed a law and says you can't have a franchise. The State controls that now and you don't have a franchise any longer.

Mr. Robinson said that he has come to Council on several occasions and asked them to discipline their selves and not mistreat the citizens of Zanesville; the three minute time limit in speaking and cutting people off and just ignoring people. He said that he had been in contact with Sheriff Matt Lutz; and has filed federal felony charges on several city officials and will be doing it later on this week.

## MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Zwelling – I want to thank Mr. Dittmar on his research on the cars that some employees drive and would invite your input because we have been trying to figure this out for some time. I sent out a memo about three weeks ago to all who drive home city cars and told them that they are not to use city cars for personal use. If they are driving the city car and they need to stop at the store on the way home, I expect them to do that. Once the car hits the driveway, it should stay there till the next day. If there is any misuse documented, they may lose their privilege. We have had very few complaints about misuse. We have difficulty putting that number on what the cost is, so we would invite your input to help us put a number on it.

I believe everybody received a schedule of what is going on at Secrest – on January 29, the world-famous Dublin Philharmonic Orchestra will perform at 7:00. This is a Zanesville Concert series.

February 11 at 7:00 is Black Journey, a musical history of 200 years of African American heritage. Presented by American Family Theater.

The Best of Zanesville, a variety of unique and diverse entertainment, will be February 14 at 7:30.

The 26<sup>th</sup> of February, the National Acrobats of China, presented by the Zanesville Concert Association. All of those are going to happen in the very near future at Secrest. We will keep everybody informed on a monthly basis.

I was asked by Ohio Department of Transportation to serve on Ohio's 21<sup>st</sup> Century Transportation Priorities Task Force. I have the report and it is available in my office if anybody wants to see it. It is interesting how rail is to come into the picture in the near future as a means of transportation.

I have always been a stickler for citizens in this community keeping physically fit, with proper food, diet and exercise. There are two gentlemen in the audience; they have a great plan to help Zanesville bring itself into better fitness. They have traveled around the country. They have learned from famous entertainers and they are going to bring some of their expertise to Zanesville and they are going to have a big entertaining show at Secrest. They will be meeting Wednesday or Thursday night, they will announce it.

Mr. Vincent – Mayor, as far as the County, you may want to check to see how they handled their situation with employees driving cars home. Part of the solution was that each county vehicle needed to be marked and they did some sort of charge system.

Mr. Zakany moved to adjourn, seconded by Mr. Tarbert. Motion carried.

Meeting adjourned at 7:45 p.m.