

CITY COUNCIL MEETING – MONDAY, JUNE 8, 2009

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, June 8, 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. Mc Peek, Mr. Vincent, Mr. Tilton, Mr. Zakany, Mrs. Gentry, Mr. Tarbert, Mr. Dittmar, Mrs. Norman, Mr. Kilpatrick, and Mr. Hennessey.

APPROVAL OF MINUTES

Mr. Zakany moved to dispense with the reading and approve the minutes of the Regular Meeting of May 26, 2009, seconded by Mr. Tilton. Motion carried.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Communication from Howard S. Zwelling – Mayor – Subject: Board Appointment

Design Review Board – I am hereby recommending the appointment of Jeff Tilton to serve as a member of the Design Review Board for the duration of his term on City Council.

Mr. Vincent moved to receive and concur, seconded by Mr. Tarbert. Motion carried.

PROPOSED ORDINANCES

Mr. Tilton moved to add Ordinance 09-68 as Item 6-A, seconded by Mr. Vincent. Motion carried.

Ordinance No. 09-63 – Introduced by Council – Amending Ordinance No. 97-127, as amended, which authorized a maximum schedule of positions.

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

Mr. Vincent – I think this is something that should have been done years ago. I am looking forward to having a third crew for additional maintenance and also do preventive work on water lines. Anything you want to add to this?

Mr. Sims – We have been looking at this for several years. The person that has been upgraded into this position has been acting as a vehicle operator for almost the last full year. Until this contract there was a pay inequity, he didn't earn the same salary that a true operator earned. It is going to add an operator position; delete the maintenance position that he currently holds. That will give us three full crews; two for main line work and that would leave the third crew for routine breaks. What we are talking is a difference of about \$2,400 a year to go from maintenance position to this operator's position.

Motion carried.

Ordinance No. 09-64 – Introduced by Council – Amending appropriation Ordinance No. 09-29 and declaring an emergency.

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

R.C. to waive
9 Ayes – 0 Nays

Motion carried

Mr. Zakany moved for passage, seconded by Mr. Mc Peek.

R.C. for passage
9 Ayes – 0 Nays

Motion carried

Ordinance No. 09-65 – Introduced by Council – Authorizing the proper City official to expend funds to improve interskate skateboard park, to seek bids and enter into contracts where required, and declaring an emergency.

Mr. Zakany moved to waive, dies to lack of second

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

Petition from: Rick Wisecarver, 1429 Linden Avenue

Mr. Wisecarver - Handed out a chart for the City's Income Tax Revenues collected by the City of Zanesville 1983 – May 2009. I was watching the news and the Federal Government has taken in the first four months of the year \$138,000,000 less in income tax revenue then, they did last year. I called Mr. Raines and got all the income tax revenue from 1980 up to the present time. In 2008 is the peak point and 2009 it dropped significantly. There was approximately 12 ½ % drop in income tax revenues for the first five months of the year compared to last year. The reason I am speaking on the skatepark is not because of the skatepark. I think we are spending very responsibly and we are asking children and grandchildren to pick up the tab for things they have nothing to do with. I estimate the City will only collect around \$12,850,000 this year in income taxes. That's 1.85 million dollars less than the projected \$14,710,000.

Mayor Zwelling – Did you talk to Dale about this?

Mr. Wisecarver – Yes.

Mayor – Did he tell you how I propose to finance this? We are not asking for this to come out of next year's budget.

Mr. Raines – It is not surprising that the income tax is lower than last year. You need to be careful how you make these projections; May was a terrible month, typically when we have a terrible month, like we had in May, the following month is higher.

Petition from: Robert Riggins, 820 Jersey Ridge Rd.

Mr. Riggins – I have been a skateboarder for approximately eight years. I have been through this with the skate park a couple of times and right now the skate park is in recession. It would be a big loss for all of us and I understand the original package was a three pack ordinance with Secrest Auditorium and Gant Stadium. I just want to touch base with some of the things I said the last time. We are in the international magazine, the traveling skateboarders need to eat; they need motels. The youth around here take skate boarding serious; the older guys kind of mentor them and teach them. There are no camps or classes for them. It's a multi-million dollar industry and we are looking for sponsors. It is a way to get out and enjoy yourself and not get into trouble.

Mr. Vincent – You talk about going out in parking lots and businesses and I know that has caused damage to walls, steps and hand rails, etc. Is this attractive enough that you think it is making a difference and people are interested enough in the skate board park and want to come back and not going out and using the hand rails and stuff?

Mr. Riggins – Absolutely, with the proper ramps, all we are looking for are spots like they have across the nation. With the park, we stay off the streets; we have variety with boxes, rails, stairs, pits, etc. It is not that costly, it's just that they need to keep up the maintenance on it.

Mr. Tarbert – Have you guys looked at the plans; that were drawn up?

Mr. Riggins – I have not seen any blueprints but I am anxious to see them.

Mr. Tarbert – So am I, I would hate for a bunch of suits, like us to design a skate board park. I would think that you guys have a view of the park – is that possible?

Mr. Sims – I have a rolled up set – we are looking at American Ramp Company.

Mr. Riggins – That’s perfect, the Ramp Company is actually better than construction worker’s because when they did Moxahala Park, they got the geometry wrong.

Petition from: Randy Case, 916 Vine Street

Mr. Case – As you know, I am for the skate board park. I was under the impression that we were waiting on this one to find out about the grant. Why aren’t we waiting for the grant?

Mayor Zwelling – I feel that we ought to do the project whether, we get a grant or not. Council when they voted down my ordinance for the auditorium, the stadium and the skate board park; wanted me to bring it back in separate ordinance. They vote them up, they can vote them down, they can amend them, whatever they want with them. We think there is a good chance of getting that grant because Cambridge got it; it was a Nature Works Grant last year, and we think that we can get it this year, we are very confident about it and we don’t have that much coming out of Muskingum County in that category. We won’t know for sure until August and it is a \$68,000 project. It is not real big money and we are talking about over twenty years. So, I think that we ought to do it and if we get the grant, wonderful.

Mr. Tarbert - I agree, that was my understanding, too. My question, is for the next two ordinances which relate to that, what’s the magic about the August note issue? Can we do a September note issue or a December note issue or do we have to do an August note issue. I notice that this and the next two are up for emergency and I don’t know why they are up for emergency.

Mr. Raines – They are up for emergency just to get basically an answer prior to the note issue.

Mr. Tarbert – What’s the magic of the August note issue?

Mr. Raines – That’s when we are rolling over the notes.

Mr. Tarbert – And you can’t do that in September or October?

Mr. Raines – You could issue new notes; our plans are to roll the notes over for nine more months.

Mr. Tarbert – I don’t disagree with you Mayor and I appreciate you pushing this through and thinking that we should do it anyway. To me this is an easy one. If this is being paid for, half of it paid for with grant money, to me this is a no brainer. If it is not being paid for, half by grant money, then it kind of gets lumped in with these other projects, that you have asked for and I think we need to re-evaluate all of this. I thought the understanding was if we get the grant, we are going to do it; if we don’t get the grant, we are either going to have to come back and talk or either do it or don’t do it, at least we will know whether we have the free money or not. I don’t know if I am in favor of this as an emergency, tonight.

Mayor – The emergency clause is about the thirty days at the end. It can go all readings.

Mr. Vincent – I share the same feelings about the grant money but my thoughts are that we could include language based on, if we receive grants.

Motion carried.

Ordinance No. 09-66 – Introduced by Council – Authorizing the proper City official to expend funds on improvements to Gant Municipal Stadium, to seek bids and enter into contracts where required, and declaring an emergency.

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

Mr. Vincent – The thing that concerns me is the field lighting; safety issue. The person that we are putting up there to replace lights. The concession building and the restrooms, that would be nice but what they have is functioning. We are putting Mr. Buck up there to change lights and I think there are some people who wouldn't even go up there.

Mr. Dittmar – I asked, who pays the electric bill and we paid it. I was wondering why that is, they run that and they take the proceeds from that, why are we paying the bills, also? Is it something that we can work out on the next management agreement?

Mayor – They are not making a killing over there, they are scraping and clawing to stay alive. I think we have always paid the utilities; we are lucky to have the Old Timers, I don't think we would have a stadium, like we have. They raised a couple hundred thousand to save the stadium, several years ago. They are just a good partner to have. The safety factor is a good point; I think the safety of the players should be taken into consideration, also.

Mr. Mc Peek – Who pays the utilities at Riverside?

Mr. Sims – The City does. On some special rentals, if they are requesting a night game, they will pay for the electricity.

Mr. Mc Peek – Gant is not just a special issue, it's just like all the other facilities that we have, we foot the utility bills for those, also.

Mr. Sims – I see it as much as a trade off, if we didn't have the Old Timers running the facility, we would have \$35,000 - \$45,000 in another director to manage it.

Mr. Mc Peek – Riverside, the City mows that? Gant, the Old Timers take care of the mowing.

Mr. Sims – We take care of – water, sewer, plumbing, lighting, painting. They give me a yearly summary at the end of each year. They pay us a dividend for some of the signage in the ads, that they get.

Petition from: Randy Case, 916 Vine Street

Mr. Case – I went on the tour and saw how the lighting is and the towers. There are broken conduit connectors for the electrical. Concession stand and restrooms, the City pays for the electric and the water. If they want a new concession and a restroom, then they should kick in and pay their share of it.

Mayor – I believe Mr. Wolfe told us the Old Timers lost \$8,000, last year and they are worried about this year because they have lost Rosecrans for football and the concession stand.

Mr. Zakany – Looking at the stadium, there is a certain amount of costs. Look around at Babe Ruth time; you can't get a motel room. People are coming from other cities. With this facility it is definitely an asset to Zanesville. It would be a shame not to keep it up.

Mr. Vincent – You increased it by \$20,000, why did it go up?

Mayor – The original price a year or two ago – this includes all the poles. We are going to dismantle the towers, one at a time.

Motion carried.

Ordinance No. 09-67 – Introduced by Council – Authorizing the proper City official to expend funds for improvements at Secrest Auditorium, to seek bids and enter into contracts where required, and declaring an emergency.

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

Petition from: Jim Brown, 1116 Indiana Street

Mr. Brown – When is enough, enough – if we were all CEO's of Secrest Auditorium, we would be fired. From the years 2000 and 2009, we blew over \$2,000,000 on the Secrest Auditorium. Last year, our City budget spent over \$22,000 in a month, on Secrest and not once did it make a profit. Some of you believe Secrest Auditorium is an asset, but if you look at the City budget, the facts will tell you something different. Secrest Auditorium is nothing more than a liability. Today, Secrest is asking for an additional \$286,000, on top of the money that it already received. It is time to hold people accountable; it is time to say the buck stops here. We have all had enough of Secrest Auditorium, that we can afford.

Mr. Tarbert – I take a little bit of issue with that; the Mayor and I haven't always seen eye to eye on this Secrest issue either but again you are kind of lumped in there with some of these people that seem to say that Secrest has to turn a profit. I don't know that Secrest has to turn a profit, the Skate Park doesn't turn a profit. There are some things that are done by the City that will improve the quality of life for the residents and Secrest is one of those things. Riverside Park doesn't turn a profit, yet we sink money into that. There are services that the City provides to help provide for the quality of life of our citizens. I don't know that every city service is going to turn a profit.

Mr. Brown – If you look at the trend back ten to twenty years ago, there is a time when Secrest made good profit. Here is the last nine years, we have spent over \$2,000,000; to me that is a lot of money. Is there any way that we can find a way for Secrest to actually help with some of the expenses? Right now, they are coming with their hands out wanting another \$286,000. I understand that we are responsible for providing entertainment for the citizens but when is enough, enough?

Petition from: Randy Case, 916 Vine Street

Mr. Case – I saw the curtains and know they need to be replaced. I saw the issue with the doors. The increased price in the loading dock, it has been two years since the estimate. My question is this loading dock going to increase the ability to bring in more shows, to bring in more revenue?

Mr. Kunkle – We have had a number of shows that haven't been able to come into the auditorium because they can't get in the doors. Last year, we had CATS coming in for two days, we tried everything we could to get them in the door but we just couldn't get them to fit. We are working with another production company out of Indianapolis that wants to bring CATS and some of the new equipment now is inflatable. They also want to bring in Camelot which won't fit in our doors. We use to have stage circuses, the last one that came in, the elephant got stuck in the door. It is very labor intensive, as we have it now. Those of you who went on the tour, I showed you a number of ramps that we have to have from the loading dock up the first set of steps and then up on the stage.

Mr. Tarbert – Maybe you don't know the answer, but if we were to put this in, you said we could have received CATS; how many big shows could we have done in a year?

Mr. Kunkle – A number of years ago, there were three or four a year. The larger the shows; the larger the equipment. The last big show was Jesus Christ Super Star, after that was Big River. Today's shows are a lot more demanding -

Mr. Tarbert – If this ramp were to get in then, how many big shows would you anticipate doing in a twelve month period?

Mr. Kunkle – Three to four – all rentals.

Mr. Tarbert – You usually turn a profit on the bigger shows?

Mr. Kunkle – On rentals, we do. We are primarily just going after rentals because you don't lose money on rentals. We would be charging them for the days use.

Motion carried.

Ordinance No. 09-68 – An ordinance authorizing the City of Zanesville to file an application to the State of Ohio, to participate in the Clean Ohio Assistance Fund, and declaring an emergency.

Mr. Tilton 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. Zakany.

Mrs. Clapper – We are currently in the process of completing our Phase I, Environmental Assessment at the address 1606 Moxahala which is north of the sewage treatment plant. This allows us to apply for up to \$300,000 that will enable us to perform a Phase II Environmental Assessment which will take into consideration what environmental contamination has occurred there and what other mediation plans should be for that property. The need for the emergency, the request for that comes from the limited amount of funding available. Only 28 counties in the State of Ohio were listed as distressed counties; the State has made some changes to that and now 83 counties are considered to be distress counties, and are eligible to apply.

R.C. for passage
9 Ayes – 0 Nays

Motion carried

ORDINANCES FOR ACTION

Ordinance No. 09-61 – Introduced by Council – An ordinance allowing a moral claim.

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

Petition from: Gena Thomas, 2430 Marion Avenue

Mrs. Thomas – You asked for the other estimate for the roof –

Mr. Kilpatrick – It was requested at the last meeting that a second estimate be gotten on the repair of the roof and the siding. I think that this reading or the next, you will see a change in the amount of the claim; a reduction of about \$4,700 based on that second estimate. Mr. Vincent had requested that we bring in the insurance adjusters report for the damages to the property and I just received that at the beginning of the Council meeting. I haven't had time to digest it but we would also do that prior to the third reading and get a copy to all the members.

Mr. Hennessey – Why aren't we turning this to your insurance?

Mrs. Thomas - It didn't happen on my property, it happened in the middle of the street. Why should I turn it in to my insurance company, when it happened in the middle of the street?

Mr. Hennessey – That's why we have insurance for catastrophes you don't know is going to happen. The City couldn't see that this was going to happen.

Mrs. Thomas – Why should my insurance go up; when something happened in the middle of the street.

Mr. Hennessey – The City could not have prevented this catastrophe.

Mr. Vincent – What I was asking of the adjuster – does the hole in the roof need replaced or can we just replace individual shingles. What was there, what needs replaced, like the ice guard at the bottom, valley roof, I don't know that it's required. I just wanted Council to be aware of what damage was done.

Mrs. Thomas – They don't make my siding, anymore. There is not a lot to be replaced. I just want what's fair.

Mr. Vincent – They told you, that your rates would go up?

Mrs. Thomas – It's a claim.

Mr. Kilpatrick – I think the request by Mr. Vincent was a good one to get this documentation and I would commit to the rest of Council that if we pass this second reading, I'll get this to everybody and we just want to be fair to both the City and the Thomas's.

Mr. Sims – I brought Mr. Mills in, he is the Superintendent, he was able to gather some information regarding timing, how long it took to get someone on sight. I don't know if you would like to hear a response from him.

Mr. Mills – The Water Treatment Plant received a call at 1:45 a.m., that morning. The operator started calling the list and he got a hold of Shane Tysinger at 1:50 a.m. He clocked in at 2:33 a.m., and probably 15 minutes later, he had the water shut off. It was a major water break at her address, right on the edge of the road. Probably 100 lbs. of pressure in that area and a 6" main. We had it shut down, real quick. The union employees have an hour to respond to a call in.

Motion carried.

PRIVATE PETITIONS AND COMMUNICATIONS

Petition from: Andy Roberts, 710 Locust Avenue – representing Downtown Parking

Mr. Roberts – You received a proposal in your packet – I am the Director of the GIS Department and Planning Commission for the County. First goal is to maximize the amount of on-street parking in the downtown, while adding clarity and order to the current parking situation. Second goal is to add aesthetics, gain customers for downtown. Third goal is to control the speed on downtown streets. Parking was in the downtown area at one time. I had a meeting with Mr. Sims, Mr. Brandford, the Mayor, Mr. Dittmar, First Ward Councilman for the downtown. Pat Denbow, City Planner; Mrs. Clapper, from Community Development; Mr. Nauer, Street Superintendent; Joyce, Parking Enforcement Officer; Dana Matz, from ZDA.

Mr. Hennessey – We have a three minute rule, Council will have to approve, you moving further.

Mayor – I was in on the meeting where he presented this to all of us. It looks like it has merit. I think the Traffic Committee needs to entertain.

Mr. Dittmar moved for three more minutes, Mr. Vincent seconded. Motion carried.

Mr. Roberts – Mr. Nauer said the parking places were 9 x 19 not 9 x 22. Labor is going to be the big issue on this. Mr. Nauer said that he has two employees that are dedicated only to painting and signage. One thing that came up in the meeting, about standardizing times and zones within the downtown parking. There was a discussion about increasing the parking from \$10.00 upward to something else.

Mr. Dittmar – How many parking places are there?

Mr. Roberts – When I was doing 19’ spaces, I came up with 573.

Mr. Hennessey – This definitely deserves merit to be looked at further. So, it will go to Public Safety Committee which is chaired by Mr. Vincent.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Zwelling – The Opportunity Center got some stimulus money and one of the things they are wanting to do with it is buy some weed eaters and bring young people to help our weed crew.

The other item – our Police Advisory Committee met today, we meet on the second Monday of each month at 10:00 in my office. I had to accept reluctantly the resignation of one member; Father Leo Connelly is being transferred to Columbus. He brought a lot to the table, he was the Chaplain for the Police in Columbus for thirty some years. I have replaced him with Tom Holdren, who is a former Zanesville Police Officer and Professor at Zane State College in their law enforcement.

Mr. Sims – I don’t know that we have a final roster out yet but we pulled up the Water Pollution Control Loan Funds nominations for the stimulus package today and it looks like we have been tentatively awarded another \$385,000 and that would be for the Peters Alley and Roosevelt Avenue, sewer separation project. It is half loan forgiveness and half low interest loan, so that will be one more ordinance to Council, soon.

Mr. Tarbert – The Street Department did Taylor about a month or so ago but it bothers my four year old son that there are no lines on there. How soon will they get out there to put the lines on, do you know?

Mr. Sims – The stop bars are about the only lineage we do on the sides streets. Mark is trying to get things organized for Maple Avenue where he has had several complaints and that’s where he is headed next. We only have two painters.

Mr. Tarbert – The second thing and it is really a good thing; I don’t know who our engineer Chip Saunders is under you or the Mayor but I just want to compliment him; he has come up twice on two separate issues, he has been wonderful. He is there when he says he is going to be there, he has met with several neighborhood members, made them all feel much better. He has been great.

Mayor – The Gas Company had a major project in Ridgewood, some \$800,000 in new lines. I got a call from a citizen; where the green was they dug down and brought clay up. I called Ray Franks at the Gas Company; he said he would check on it. They are going to put 6” of top soil in there and seeding it and strawing it and it should be as nice as it was.

Mr. Mc Peek - Where are we on the athletic equipment?

Mr. Brandford – I have been around and I have some letters going out this week. I have a couple more areas to go to.

Mr. Vincent – I am fine with chairing the parking issues downtown but my thoughts are that we should include the Traffic Committee. Second, Mr. Brandford have you had a chance to follow up and get a report back on the dispatch issue?

Mr. Brandford – I have copies for everybody, tonight.

Mr. Vincent – We are talking about spending this money, it still comes to my mind about the jail and the HVAC and the roof issue.

Mr. Sims – We are going to Columbus, Wednesday morning to look at some ways to receive some stimulus funds for that HVAC down there. I will know more next week.

Mr. Case – The Crime Stoppers – we did an improvement drive this past Saturday in Ward two – and we have added 25 members and we only did about four or five streets.

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

Meeting adjourned at 8:15 p.m.