

CITY COUNCIL MEETING – MONDAY, MARCH 23, 2009

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, March 23, 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: Mrs. Gentry, Mr. Dittmar, Mrs. Norman, Mr. Kilpatrick, Mr. Mc Peek, Mr. Vincent, Mr. Phillips, Mr. Zakany, and Mr. Hennessey.

Mr. Vincent moved to excuse Mr. Tarbert, seconded by Mr. Dittmar. Motion carried.

COMMUNICATIONS, REPORTS AND RESOLUTIONS

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

**Zanesville Metropolitan Housing Authority** - I am hereby recommending the reappointment of Mr. C. James Wright to the Zanesville Metropolitan Housing Authority. Mr. Wright's term will expire March 18, 2014.

Mr. Zakany moved to concur, seconded by Mr. Mc Peek. Motion carried.

Mr. Vincent moved to insert the new Resolution 09-18-amended, seconded by Mr. Dittmar. Motion carried.

Resolution No. 09-18-amended – A resolution authorizing the proper city official to accept grant funding from the O.D.N.R. Natureworks Program if so approved and dedicate the necessary matching funds for renovation of the Interskate Park, and declaring an emergency.

Mr. Vincent moved for third reading and passage, as amended, seconded by Mr. Dittmar.

Petition from: Robert Riggins, 820 Jersey Ridge Road, Zanesville, Ohio

Mr. Riggins had a petition signed by the skate boarders who were in favor of keeping the skate park. He has been coming to the park since the beginning and he appreciates having the skate park to go to. He said, Ohio is well known for skate boarding.

Mr. Vincent – Thanked Mr. Riggins for coming and representing his peers. Do we have people come in, from outside of Zanesville?

Mr. Riggins – Yes, Coshocton, Cambridge, and even Pennsylvania.

Mr. Vincent – I assume there is some sort of web site that tells where the places to skate are? They spend money here, too?

Mr. Riggins – Yes, skatepark.com. They spend money here, they stay overnight. There is a park listing in the back of every Skate Park magazine, Zanesville is there.

Mr. Vincent – I have never been down to the park, when there isn't somebody skateboarding. Tonight, I drove by on my way here to Council and there were fifteen people and I see there are fifteen others who are here tonight and not down there.

Petition from: Henry Cruz, 840 Talley Avenue, Zanesville, Ohio

Mr. Cruz – I wanted to say thanks for the park. It is a place for all of us to go and all of us to stay out of trouble. I have always made good friends out of there.

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

Mr. Case – My son, is one of the skateboarders. Before coming to Council, we went by the Interskate Park and there were about fifteen kids there. We went to the South end Park, there was nobody there. I would hate to see these kids lose this – this is a large amount of money but for the amount of money the City spends on various different projects throughout the year, this is a very small project. I am sure if you put it there, they will make sure this place is cleaned up and take care of it.

Petition from: Michael Wyatt, 1158 Selsam Street, Zanesville, Ohio

Mr. Wyatt – I oppose this ordinance because I think it is a waste of money. If we are going to come up with a recreational area, what is wrong with the Armory? I don't know who owns it.

Mr. Zakany – Mr. Wyatt, you mention occasionally, that it is tax payers money that we are spending. Whether it is Federal or State, it is tax payer's money. Also, on things that we pass; we passed a \$150,000 boat dock, happened to be Federal money but it is still tax payer's money, and the use of those boat docks compared to this money for the skate park, I think there is no comparison. One thing the skate boarding is all year round and the boat docks, it just reaches the adults; the people that can afford to have them there. This skate park serves a bigger percentage of kids that really need help. The young people, who need someplace to hang out.

Mr. Mc Peek – Mr. Wyatt, we are trying to be as frugal, like everyone else, with our budget – the park we are talking about is renovating one of the two existing parks, we have right now. We are not building a new one. At times you have to make a choice, are you going to let it go totally down and get rid of it completely, or someone get hurt on it, or are you going to update it where it will last. My concern is with the location, not easy to see, it is back in there and I have checked with members of the Police Department and they say they are not getting hardly any calls on either one of the skate board parks. If we have to put in \$33,000, maybe someone out there would like to donate some of that, so the City won't have as much. We have already changed our ordinance, where if we don't get the grant money, that we are going to have to reconsider this and try and find funds elsewhere and if we can't, we may have to put it on hold. It is hard to find any other facility where you have that many kids using it and not causing any trouble. The value that we would get out of this, will far offset the expense if it continues and they police it and they maintain it like they seem to be doing right now. Other than graffiti, down on Moxahala, I saw very little trash, there was no misbehavior. They are sitting around talking, skating and I was impressed. It is a good investment for our community.

Mr. Wyatt – You are talking thirty kids; how many kids are there in Zanesville? You can't target a small group of people, pat them on the back and expect them to be good. This is a municipality and we should be dealing with the municipality. Not outside the city limits.

Mr. Hennessey – Mr. Wyatt, trouble starts at a young age; these kids are out behaving themselves, at a public place, and staying out of trouble. Maybe this is preventive maintenance on our part.

Next to speak – Jason Velez, 2470 Wedgewood Drive,

Mr. Velez – This use to be a nice park and when I got out of school, we were always ready to go to the skate park. When something went down, it was solved. We were all friends.

Next speaker – Kris Geis,

Ms. Geis – I lived in Philadelphia a couple of years ago and I can tell you, when there is no place to skate, they will find a place to skate. So, I think it is great where these guys can skate, not causing injury and hazards in a place where they shouldn't be. Not causing the police to come out and say, you can't skate here, this is a private place.

Mrs. Gentry – Saturday morning, I was going to a meeting, up north and it enlightened your heart to see the different children coming off the street on their skate boards, going to the skate park. I hadn't noticed it before until we got into this. I feel that money spent on youth is never wasted.

Mrs. Norman – There is a gentleman in the audience, that I wish would come up – Mr. Templin. He was one of the people who worked on the skate board park.

Next speaker – Mike Templin, 1104 Blue Avenue, Zanesville, Ohio

Mr. Templin – We had Ernie Bynum and Mark Fuller, we had the head of Pro-Muskingum back in 98 and we had a committee of about twelve skate boarders. We were looking for a place because we kept getting kicked off the bank lots and all the other businesses downtown, at the time. We went to the City to talk to Ernie Bynum. When we went to talk to him, he already had plans on it, the City was already thinking about making a skate board park. They were interested in it because they were getting so many calls and they wanted to get us off the streets. That was a great thing because it really does help the kids. Skateboarding is an outlet, so the kids won't be out there getting in trouble. If you look around Zanesville, there are baseball parks, tons of basketball courts, and for kids that want to do other sports, they can do that. They have soccer fields at Riverside. Interskate – it took years to get that built and when they got it built, it was great. In its hay day, we would have more than thirty kids, every day. If it gets renovated, there is a full new generation of kids anywhere from 10 to 15 all over Zanesville and there are younger skateboarders that will be coming up over the years using that facility. I think, as far as renovations would go, it would be a good thing for the youth of the community.

Mr. Vincent – The few times I've gone down around the skateboarders; it has been my experience they have always been polite, mannerly, they take turns with each other. I have seen some of the older ones do some mentoring, with the younger skaters.

Mrs. Norman – The park has a bowl and the kids like to skate in a bowl. There is graffiti in the bowl, it is truly art.

Next speaker – Carl Robinson, 817 Maple Avenue, Zanesville, Ohio

Mr. Robinson - I can't say I have ever been to a skate park – I have driven by several of them. We have an issue that is going to be coming to light in the near future which is the YMCA issue. I for one would like to see that area turned back into a city park and I think it would be a wonderful place to put a skate park. I would like to see it tabled until we can look at the city park issue.

Mr. Hennessey – It is my understanding that we cannot change if it is awarded; is that correct?

Mr. Sims – That's right.

Next speaker – Alan Krenson, 916 Vine Street, Zanesville, Ohio

Mr. Krenson – There are a lot of skaters that use the skate parks and there are also a lot of bikers, too. Not just a place for skateboarders to go and hang out. Also, I have seen a lot of skaters maintaining the park.

R.C. for passage  
8 Ayes – 0 Nays

Motion carried

## PROPOSED ORDINANCES

Ordinance No. 09-35 – Introduced by Council – An ordinance authorizing the Mayor to apply for and execute contracts in connection with the Round 24 State Issue 1 Program.

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

Ordinance No. 09-36 – Introduced by Council – An ordinance authorizing the proper city official to purchase water meters and accessories without bidding from Badger Meter Company for the replacement of water meters.

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

#### ORDINANCES FOR ACTION

Ordinance No. 09-29 – Introduced by Council – Providing appropriations for use during the fiscal year 2008, and declaring an emergency.

Mr. Zakany moved to waive the second and third reading, seconded by Mr. Vincent.

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

Mrs. Norman moved for passage, seconded by Mr. Mc Peek.

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

Ordinance No. 09-30 – Introduced by Council – An ordinance to vacate a portion of La Fayette Street in the City of Zanesville, Ohio as herein provided.

Mr. Vincent moved for second reading, seconded by Mr. Phillips.

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

Mr. Robinson – I am curious as to why we are abandoning so many of our city streets,

Mr. Sims – This is actually at the rear of the property at the Eagles. It was an undeveloped street that had never been an active street. We are retaining a right-of-way for any future easement, as far as water and sewer lines. This was approved back in 2000, when the Eagles presented their plans to upgrade their facility. This vacation was approved contingent with that plan.

Mr. Robinson – If we pass ordinances that do this, that abandon portions or entire streets; does that mean that the Zanesville Police can no longer police those sections?

Mr. Hillis – It is still in the City limits, it is not a street anymore. It is not a street, right now, just on paper.

Motion carried.

Ordinance No. 09-33 – Introduced by Council – Amending ordinance No. 06-155, which established pay and benefit policies for seasonal employees.

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

Ordinance No. 09-27- amended – An ordinance establishing sanitary sewer rates.

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

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

Mr. Case - When this came before Council the last time, I requested that you amend this ordinance to where it would not be implemented for six months and implement one half

of the increase and wait another six months or so. It is not a huge increase but when you look at the fact that it is \$10 or \$15; it doesn't seem like a lot but when you add it on to the fact that people on fixed incomes or they are having their hours cut. Also, electric rates are going up, never know what your gas bill is going to be.

Mr. Hennessey – Mr. Raines, did you come up with some numbers, that we asked for the last time? What the difference would be if we delayed.

Mr. Raines – I discussed it with Mr. Sims and he looked at the sewer budget; we would need approximately \$170,000, is what the half year would create.

Mr. Hennessey - In the budget, as it stands, now; if these were not put into effect, you would need an additional \$170,000 by when? End of the year?

Mr. Raines - Right, the payment would be made in December.

Mr. Hennessey – So, we will be short \$170,000 come December, if we don't put it in. Effective on; what date are you suggesting at this point?

Mr. Raines – The date is April 1<sup>st</sup>, so we get the full shot of the money beginning in July.

Mr. Hennessey – So, we won't be short if we go April 1<sup>st</sup>.

Mr. Raines – Right.

Mr. Hennessey – So, the down side is \$170,000 short in December.

Mr. Sims – We looked at the budget itself and the only place I could find any money to strip from that budget would completely eliminate operating and maintenance for the year for extension, sewer separations; there is not just a feasible way to do it, to meet those needs. We have six months or a little more on the construction of the plant upgrade. Anything that would happen in that time, I don't know that I would be willing to take the risk that we could come in under budget.

Petition from: Michael Wyatt, 1158 Selsam Street, Zanesville, Ohio

Mr. Wyatt – I think this ordinance should be stopped. The people think that you are ripping them off. Twenty years ago, we had double the population, that we have now.

Mr. Hennessey – The boundaries have expanded; even though the population may not have, the boundaries have.

Mayor Zwelling – When we discussed this, you came up with a number delaying would make a monthly difference of \$2.00.

Mr. Sims – About \$2.82 a month and we could only delay it six months at the most.

Mr. Zakany – The Columbia Gas didn't hesitate to raise their delivery cost, not the gas but the delivery cost. Then Ohio Power is going to raise their electric retroactive the first of the year. You don't have a choice.

Mr. Vincent – Do I remember correctly, Mr. Sims, \$400 is the amount the tax payers have saved by this increase, not occurring.

Mr. Sims – That sounds right. Also, I think that it was saved when gasoline was over \$4.00 a gallon and that helped a little. There is no good way to look at this, it is an increase, and it is necessary or we won't be able to make our payments, either.

Mr. Mc Peek - I am not for increases any time but we had the benefit for a year, that we didn't have to pay our rates, that we should have been paying. One, the plant is mandated by the EPA on certain upgrades, we have to do it. We can't just go out and put up any

old thing. They tell us for the amount of sewage we are treating; we have to have certain qualifications, that we have to meet by the EPA standards. We are not always happy with doing it but each time there is an expansion or project, it comes to Council just like this, we have to approve it. There are hearings for people to voice their opinions. I wish we didn't have to do it, \$2.82 a month may not seem like a lot, if someone has got it but if you don't, it is. I don't see the benefit of taking \$170,000 out of the general fund, right now.

R.C. for passage

7 Ayes – 1 Nay, Mr. Dittmar

Motion carried

#### PRIVATE PETITIONS AND COMMUNICATIONS

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

Mr. Robinson – I have a letter from a Brian Young, who is the Director of Public Affairs for Time Warner Cable. It is dated February 27 and it goes into detail as to what happened at the beginning of this year, when we were no longer airing the City Council meetings on said network. One question I had is and this letter states, that this man wrote me, that the Mayor's office oversees and that the Mayor's office was informed very early in 2008 that it was going to occur. Apparently, no measures were taken to see that the airing of the City Council meetings were not interrupted. I wish somebody could answer that for me.

Mayor Zwelling – It is a City Council matter, not the Mayors.

Mr. Robinson – I am just going on what Brian Young tells me.

Mayor – Well, he's wrong.

Mr. Robinson – I brought this up two months ago and David Tarbert, who isn't here, tonight, was shocked to find that we weren't even airing City Council meetings.

Mayor – It is Council meetings and Council can decide if they want to contract with that company to make a record and they can decide if they want to go a step further and make it public. I never had one call complaining, that they were not televising the meetings.

Mr. Robinson – I had taped the meeting, that night, only to go home and find out there was nothing on the tape except advertising.

Mayor – Did his letter also say that most communities do not televise?

Mr. Robinson – Yes, it does.

Mr. Hennessey – Mr. Robinson, I was well aware of what was happening. The thing was, there was no charge at one time for this to us, as a City. We didn't have it in our budget, at the time. We now put budgets together and the Mayor agreed, if I am not mistaken, Mayor, you took part of the cost, City Council's budget took part of the cost and it is now back on the air. Until the budgets were worked through, I wasn't going to approve anything. It's on the air.

Mr. Robinson – I have one other question I have to ask tonight – I would like to ask for one last time, for the record, that you resign your office.

Mr. Hennessey – It will be noted, Mr. Robinson, that you have asked that question.

Mayor – The answer is, no.

## MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Zwelling - The last two week ends at Secest were monumental – The Miss Muskingum Valley Pageant, the week before and Zaney Follies, over the week-end; 1,300 on Friday and 1,500 on Saturday.

This week-end there is a family magic show – matinee at 3:00, 7:00 evening performance. The following week is the Restoration Youth Rally. There are many other things in the works.

Mr. Sims – We are trying to get started on park clean-up for the Spring. We were down in Chaps Run; we had to replace some trees. As everyone knows that park is rather sensitive in some areas because of a permanent conservation easement that's in place. Our guys inadvertently mowed some of the saplings down, last year, so by our maintenance agreement with Feds, we had to replant those trees. When they were down there replanting the trees, they noticed that some other areas had been mowed by some unknown party and I just wanted to let it be known publicly that there can't be any maintenance done down there without explicit approval either from me or guidance from Kathy Singer. I don't want to be continually replanting the saplings that we are mandated to do. I would appreciate it if anyone, no matter how hard they are trying to be good to the park; they need to check with us before they do any maintenance to parks.

Mr. Mc Peek – Mr. Sims, I have been getting quite a few complaints on the railroad tracks on Pine Street. I wondered if you could check into that.

Mr. Vincent – I have been getting complaints about the painting of lines coming off the Y-bridge, there are no lines and people not sure if they are in their lane.

Mr. Sims – The Y-bridge is under the Counties maintenance plan. We have inherited bridges but the County opted to keep the Y-bridge as general maintenance. We have had several complaints on Maple Avenue and Mr. Nauer is aware of that and planning to do that as soon as we get a string of warm days.

Mr. Vincent – This actually coming off the Y-bridge on Main Street.

Mr. Sims – That would be our responsibility.

Mrs. Norman - Mr. Brandford, I am having a lot of complaints on dirt bikes and 4-wheelers on the main streets. What should the complainers do?

Mr. Brandford – Call the police.

Mrs. Norman – What happens after they call? Are they fined, if they are caught?

Mr. Brandford – If they are not legally suppose to be on the street, I would think that they would be. I will make certain that it is noted, that they are going to be getting calls. Where are they?

Mrs. Norman – On Cliffwood Avenue.

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

Meeting adjourned at 8:05 p.m.

