

CITY COUNCIL MEETING – MONDAY, MAY 11, 2009

The Council of the City of Zanesville met in regular session at 7:00 p.m., Monday, May 11, 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, seconded by Mr. Kilpatrick. Motion carried.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Resolution No. 09-38 – Introduced by Council – A resolution on the spending of Federal Economic Recovery Plan Funds.

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

Mr. Kilpatrick – Is this something that is required by administrative rules of stimulus money being granted – aren’t these things that we would be doing anyway.

Mr. Raines – No, we are not required by any rules – a lot of it is just because of buy Muskingum County, buy Ohio, buy U.S.

Mayor Zwelling – I would hope that we would always have this policy, like you are suggesting but we have been asked by a couple of unions to do this.

Mr. Kilpatrick – I have nothing against it; I just thought it is what we do already.

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

PROPOSED ORDINANCES

Ordinance No. 09-47 – Introduced by Council – An ordinance approving a termination of the agreement with Russett Printing, providing for a project and tax exemptions pursuant to the Ohio Enterprise Zone Program, and making determinations in connection therewith, and declaring an emergency.

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

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

Mrs. Norman moved for passage, seconded by Mrs. Gentry.

R.C. for passage
8 Ayes – 0 Nays
Mr. Tarbert – abstains

Ordinance No. 09-48 – Introduced by Council – An ordinance approving a termination of the agreement with Lear Corporation providing for a project and tax exemptions pursuant to the Ohio Enterprise Zone Program, and making determinations in connection therewith, and declaring an emergency.

Mr. Zakany to waive the three readings, seconded by Mr. Mc Peek.

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

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

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

Ordinance No. 09-49 - Introduced by Council – An ordinance approving a termination of the agreement with Lear Corporation, providing for a project and tax exemptions pursuant to the Ohio Enterprise Zone Program, and making determinations in connection therewith, and declaring an emergency.

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

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

Mr. Zakany moved for passage, seconded by Mr. Dittmar.

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

Ordinance No. 09-50 – An ordinance authorizing the proper city official to enter into an L.P.A. agreement with O.D.O.T. for street resurfacing and handicap ramps along portions of Dryden Road, Pershing Road, Dresden Road, and Ridge Avenue, and if approved, to advertise for bids and enter into a contract, and declaring an emergency.

Mr. Vincent moved to waive the three readings, seconded by Mr. Dittmar.

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

Mrs. Norman moved for passage, seconded by Mrs. Gentry.

Mr. Vincent – Mr. Sims, \$100,000 for inspection; I know there is probably no way around it but

Mr. Sims - Disregard that, that is something O.D.O.T. automatically sticks in there by us obtaining the L.P.A. status, we will be doing our own inspection. It is 1.1 million for the total project.

Mr. Mc Peek – It says O.D.O.T.; these aren't state routes or anything

Mr. Sims – These are Federal Aid Routes – they are larger streets – we have ones that aren't just state routes but they have to be than just a minor street.

Mr. Mc Peek – This is something that we have to get into to meet requirements by the State.

Mr. Sims – This is stimulus funding. We have to have the L.P.A. agreement in place in a matter of 30 days but this project will probably be bid in the spring. They are expecting the final plans to them by mid October. Then they have their review period, so this is something that will be bid over the winter.

R.C. for passage
9 Ayes – 0 Nays

Motion carried

Ordinance No. 09-51 – An ordinance authorizing the proper city official to enter into a professional contract for final design of the R-14 combined sewer project, 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

Mr. Tarbert moved for passage, seconded by Mr. Vincent.

Mr. Sims – Just for clarification as I noted in the second Whereas – this is a candidate for stimulus funding; this is not one that is guaranteed, yet. However, they have not allocated all of the stimulus funding for the sanitary sewer project, so it is in our best interest to get this in. We have to have a permit to install before we qualify for an award and it is a five million dollar project and I would hate to miss the window; that is the reason for the emergency.

R.C. for passage
9 Ayes – 0 Nays

Motion carried

Mr. Hennessey – I have a question for the Public Safety Director. We have two items to be added, tonight as emergencies, that no one is aware of - why are these up here for emergency, to be added?

Mr. Brandford – You are talking about the police cruisers? This is our second year of getting our new cruisers and the information has just gotten to the Budget and Finance Director.

Mr. Hennessey – Are we on a deadline?

Mr. Brandford – Yes, we are.

Mr. Hennessey – What is the deadline?

Mr. Sims – Russ indicated that he hadn't seen it recently but it is either this week or next week is the final for SPA purchases. There are other avenues to go through and some local vendors, as well.

Mr. Hennessey – So, it has to go on, tonight. We'll leave that up to Council.

Mr. Dittmar moved to add as Item 6-A, Ordinance No. 09-52 and Item 6-B, Ordinance No. 09-53, seconded by Mr. Vincent. Motion carried.

Ordinance No. 09-52 – Introduced by Council – Authorizing the proper city official to enter into contracts for the purchase of vehicles for the Police Division by competitive bid or State Purchase Agreement, authorizing the purchase of related equipment, 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. Vincent.

R.C. for passage
9 Ayes – 0 Nays

Motion carried

Mr. Hennessey – So, you are in favor of it to bring commercial development back into the City.

Mr. Moyer – Correct, because as a young business person, myself, I feel that only leads to further jobs in our county that struggle. There is no doubt about it, we are not attracting younger people to our area.

Petition from: Ray Lynn, 7240 Cattle Drive, Nashport

Mr. Lynn – I am here for the rezoning and making it commercial property. I-70 is Main Street, U.S.A. and for that not to be commercial – it is just society. Unemployment rates are double digits in this community and here we have someone to invest and actually bring more business to this community. I am definitely for zoning that commercial.

Petition from: Annette Ernsting, 1011 Sunset Avenue

Mrs. Ernsting – I think we have some misconceptions, we keep talking about the ordinance that if we zone it commercial that it is going to employ more people. This is just a relocation of a business. Mr. Tarbert must know that there is a deal. I believe that Mr. Tarbert said to an individual who was speaking against it; what are you trying to do, screw this deal? I would like to ask him what is the deal.

Mr. Tarbert – The deal with me is that we are looking at this as – people who are opposed to this are asking Council to act as real estate agents. Most agree that it is a commercial piece of property, there are interstates on three sides of this. So, the issue becomes, how should this be zoned. That is the simple issue with me. Is this a residential piece of property or is this a commercial piece of property.

Mrs. Ernsting – My question to you is, what is the deal that you have or Council has to rezone it commercial?

Mr. Tarbert – I don't have any sort of a deal with this at all.

Mrs. Ernsting – I think this really a bad idea. This is a residential area not a commercial area. If you walk around that area, there are houses all around there. There are not interstates on three sides of it, there are city streets.

Mr. Tarbert – There is an on ramp, an exit ramp and an interstate on three sides of this property.

Petition from: Herb Baker, 645 Convers Avenue

Mr. Baker – Some of my neighbors in Mc Intire-Terrace have come to me and told me some strange stories about what the revised code required with regard to the rezoning. I told them the stories that they were hearing; whether they were intentionally told these stories or whether somebody didn't just understand what was going on – it didn't really matter but I would review the situation and get the correct law to these folks. With regard to the issue of what the vote should be – I was told by some of my neighbors that they were told that in order for the zoning to be disallowed – be overruled – there would have to be a three-fourths majority vote to turn down the proposed rezoning and that is not true. Also, they were told on another occasion that it would take a majority vote on behalf of the people wanting the property not to be rezoned and overruled the zoning board and that is not true either.

713.12 – states that in order for Council to rezone with approval of the zoning commission, you need a majority vote and on this Council, I believe there are nine votes, so that would require five (5) of those four (4) votes in order for the current zoning to be changed. If the zoning board were to recommend that it not be rezoned, then Council would have to have a three-quarter majority in order to overrule the zoning commission and pass the amendment to the zoning plan against the commission, that would require seven people, since the zoning board has recommended rezoning it must pass by at least five (5) elected legislators.

The second issue is the non-conforming use situation and it has been stated right here on the record that if there was a change in ownership, it could not be used as commercial property, that is not true either. 713.15 which again the codified ordinances have to follow and have to agree with – states if the property was used in a lawful manner prior to zoning which in fact we have decided this was used in a lawful manner. Then if that use or if no more restrictive in over bearing use is intended with the change of ownership then the ownership doesn't matter; it is the use of the property.

I would suggest, rather than see the Y waste the money, the City take the property back for \$8,600 and then do something beneficial for the neighborhood; rather than rezone it and sell it.

No petition: Margaret Sullivan, 643 Locust Avenue

Mrs. Sullivan – In my job, I travel six neighboring counties and there are so many small cities and villages in these counties that have city swimming pools. Why can't we _____ it would be affordable to do that there. Maybe you should check with some of these villages and find out how they do it.

Mayor Zwelling - How do you know it is affordable? Heath and Dresden, they are bleeding.

Mrs. Sullivan – The other thing, I would to say to Council, which you have heard me in the past years say this a lot of times to Council; our zoning board in Zanesville is very weak on keeping our residential areas, residentially zoned. They are very eager to change just because someone comes in and says, I have a better idea for the property. In the early 90's - I live in the I Care Neighborhood - Good Samaritan wanted the south side of Locust Avenue to be rezoned office for the hospital. They wanted to buy all of those properties, tear them all down and build more doctors offices and parking for the hospital. In five years, Good Samaritan Hospital is going to be gone; everything is going out to Bethesda. I am so glad that we fought that tooth and nail to keep that residential. I am very passionate about residential property in this town.

Mr. Mc Peek – Mr. Tarbert didn't put words in my mouth, I did state to Mr. Miracle and him both that, that is and always has been a prime commercial property. However, in past Council sessions and to the city's own acts they have shown that it wasn't in keeping with the wishes of the estate of John Mc Intire and his people that it be a park and therefore they never pursued rezoning. They only made sales to those businesses that were committed to community service such as the Y and the Boy Scouts. My problem is still zoning the property commercial – not who is going to go there. You loose that control of the property and you are going against the wishes of someone's last will and testament. I am not against the Y, I hope the Y succeeds and I am not against commercial development.

Mrs. Gentry – I would just like to make a comment that the Historic Mc Intire Terrace has been truly misrepresented by the media. The reason Mc Intire residents became involved in the rezoning of the Y property is because they live there and knew about the rezoning before others citizens became aware. Not just because it is a historic neighborhood, not because it is not in their backyard, but because they understand the need for the recreational facility in our City. To those who have not attended the Planning Commission meeting, the work session and the Council meeting; you have relied on the media the blogs, etc. for your information. Mc Intire Terrace is not anti-business. Mr. Dodson, of American Pride is a member of Mc Intire Terrace. His business is located in the Mc Intire Terrace, in a commercial district. Many citizens from all over our city, not just Mc Intire Terrace, have voiced their opinion about the rezoning of the Y property to commercial and loosing this valuable piece of property that has been a park like setting since 1863, would be a grave loss to our city. If this property were to be rezoned, our city would never again have the opportunity to revitalize this park. It is centrally located in our city to serve all of our residents and particularly those who cannot afford to belong to a private recreation facility. The City sold the property to the Y in 1969 and the residents donated short of \$250,000 for a pool, tennis courts, basketball courts, and a building for exercise and classes. To destroy this facility donated by the

residents of Zanesville, that is usable and such an asset to our City without exploring every option to save it, seems to be an irresponsible approach to a real need of the children of our City. The Mc Intire Terrace should be applauded for their caring concerns for the city's citizens who suffer because of the infractioned residential recreational facility. Greed has put our country in the circumstances we are in today. Do you revalue rezoning this valuable piece of property for commercial use over our children and families needs. Instead of threats to your Council members, be appreciative of some Council members who are seeing a bigger picture and needed planning of our city's administration for the need of our city for this recreation facility that now the Y is leaving.

Mr. Zakany said we need all the business we can get and he wondered why they haven't looked at another area like Lee Street. There are businesses already there. Children could communicate to there, without their parents bringing them. It is centrally located.

Mr. Vincent – I just want to refresh people, this is second reading and it still comes back for third reading.

Mr. Hennessey – We are here to decide a zoning issue, not a business issue. Should it be commercial or should it be residential; that is what you have to decide.

Mr. Dittmar – Mr. Hillis, is it possible for us to go back 37 years and say since you did not agree to the terms of the sale

Mr. Hillis – I have not been asked to research that before, tonight but sitting hear listening to them for the first time; I would be very surprised if the City would be able to file a law suit to reclaim land, when we did nothing 33 years ago and let them continue to open their property and run for 33 years. We would have a hard time prevailing in court with those facts. As for the zoning and can it be a new owner and keep the same use; I would certainly think that the State Code is the prominent code to look at, however the City Code has been tested before and I believe there are cases in point. The use of that property as the Y ceased, two years ago. It has not continued on to be used as the Y was using it. Once a conditional use stops, then after so much time passes, you can't just sell it to someone else and start operating it again as it had been used years ago.

Mr. Robinson – I think in lieu of the evidence that Mr. Baker and Mr. Case has so eminently brought to everybody's attention, tonight; that there is nothing else that can be done here this evening in this issue, I think it should be tabled again but sit down with the logistics of it.

Rick Ernsting, 1011 Sunset Avenue

Mr. Ernsting – Are there any sub-classifications to commercial or is it black and white commercial?

Mr. Hillis – There are different classifications of commercial.

Mr. Ernsting – Which classification are you doing – which sub-classification?

Mr. Denbow – There are four levels – C-1 being the lowest level, C-4 being highly commercial. There request is C-2 which is Community and Regional Commercial District.

Mr. Ernsting – If the property were zoned for – and they want to rezone it for recreation – would that be a C-1?

Mr. Denbow – It is a conditional use in a commercial district – C-1 or C-2, it's right there.

Mr. Ernsting – I think there would be some acceptance if it were C-1 recreational and if that sub-category doesn't exist, perhaps Council would entertain an ordinance to create such a sub-contract.

Mr. Case – I just wanted to state that what Mr. Hillis said about the Y not being used for two years – I do believe at the work session, Mr. Miracle stated they have been continuing to use the Y property as offices and things like that.

Motion carried.

Ordinance No. 09-44 – Introduced by Council – Prohibiting the placement of permanent or portable recreational equipment in public right of way and declaring an emergency.

Mr. Vincent moved for second reading, seconded by Mr. Mc Peek.

Mr. Phillips – As I sit here and read Section One on this – I have three issues that came up – I don't know that our code has any definition of what recreation equipment is – recreation equipment can be boats, bicycles, etc. things that we are going to be prohibiting from being on the streets unless we have some sort of clear definition as to what recreation equipment is. The next question is in Section One it seems to suggest that if you place or permit the placement of which would suggest to me that if someone gets this up before we pass this, that we are not able to go back to them and say you have to take it down. The last one is, I don't see any indication that the guilty party has to be having the unit being put on their property. It just says that the person has to have control of premises in the City of Zanesville as owner, tenant, lessee, occupant or otherwise and if they allow someone to place one of these items in a public right of way, they are guilty of this ordinance. Not sure if that means if I am driving down the street and I see a kid putting a basketball hoop up in the public right of way and because I own property on Forest Avenue, if I now am guilty of this because I didn't stop them from putting it in the public right of way. I guess that I think there needs to be some clarification in Section One as to who is going to be actually responsible or guilty of this charge. Mr. Denbow, I think you said there is no specific definition of recreation equipment, correct.

Mr. Denbow – There is a section in recreational equipment in the Planning and Zoning – I have used it previously when we had an incident with a trampoline being in somebody's front yard. Recreational equipment is only permitted in rear and side yards of the house. and I haven't seen a clear definition on that.

Mr. Phillips - The e-mail that you sent us – it's your choice to say a basketball hoop is a piece of recreational equipment to fit it into the side and rear yards.

Mr. Vincent – If this were okay, the way it is and things were worked out – basically, if there is a violation of this – they would be given a written notice, it would be removed immediately or it becomes a minor misdemeanor with up to \$150.00 fine. If they remove it immediately, it is taken care of? I am concerned about the process of this.

Mr. Hennessey – What brought this about?

Mr. Brandford – This has been going on and I know the Police Chief has sent out letters, particularly in one area of town where we have got several of them in each block. People are concerned with being able to get out of their driveway, they can't have any peace.

Mr. Hennessey – Isn't there something that already covers this – public nuisance, something that is already out there, that would take care of this problem without adding to it?

Mr. Brandford – We not only have the portable; now they are starting to mount them in concrete. They shouldn't even be in the right of way.

Mr. Hennessey – But there isn't something that would take care of that, without having to go through this?

Mr. Brandford - I don't know what it would be. The people want us to do something about the problem, I don't know how we are going to do it.

Mr. Mc Peek – If someone would be injured on this stuff and we are allowing it to be placed in public right of way, who is liable for this? What liability does the City have?

Mr. Hillis – I don't believe the City has any liability – however the City has been responsible in other cases with tree limbs, etc. Obviously, there is no way to prevent anyone from suing the City or suing anyone else.

Mr. Hennessey – Let me ask it this way – in your opinion is this ordinance, definition wise strong to uphold merit to even keep discussing – is it in the right form as it is now or is it too ambiguous?

Mr. Hillis – I certainly think that it could be a lot more specific.

Mr. Hennessey – Is that something that could be worked on?

Mr. Hillis – I would think that it would be a good idea for City Council and the Safety Committee to sit down and take a look at it. City Council is the one that passes and enacts the laws. I didn't draft this

Mr. Hennessey – My question is, are you comfortable with this legislation as it is or should it be looked into further?

Mr. Hillis - I think it could be better but I think it certainly is not a bad thing.

Mr. Mc Peek – I talked to Lt. Jadwin when this issue came up in my ward and I thought it was the only one. He said they were running into areas around town where the fire trucks were having problems other than this particular ward. I have seen UPS drivers and other people have to get over to the side to let traffic through. There are multiple problems here and it needs fine tuned.

Mr. Hennessey – Our own garbage trucks are having problems in certain areas.

Mrs. Gentry – I is not like damage being done; there was a time when parents called their children in at a certain time but I have someone in my ward and their wife was ill and at 2:00 a.m. older boys are out there playing ball, bouncing and they can't rest, they can't sleep. I think that is where pulling it out in the street and leaving it there and doing it all hours of the night, is a nuisance to people.

Mr. Hennessey – We are going to send this to committee

Mr. Brandford – This is an issue – we have tried to contact the public and say we've got an issue here and you have people say, I don't care if you send a letter and we will put it right back. My concern is safety and everybody can say what they want but if somebody goes down through there and get aggravated and runs over one of these young people, I guarantee there is going to be a public out cry and the first thing they are going to say to the city, to me or whoever it is, why didn't you do something about it, why did you let this happen. I want to do whatever we can to make the streets as safe as we can. Our public right of ways are public right of ways, they are not made for people to utilize. I just want to make our streets as safe as we can and I am not going to sit back and let something happen.

Mr. Hennessey – Mr. Vincent, it will be your job to take a look at it and try to put some teeth to it. Make sure the Law Director concurs with it and bring it back in a form that Council is comfortable with.

Motion carried.

Ordinance No. 09-45 – Introduced by Council – An ordinance revising Chapter 1305 of the Codified Ordinances of the City of Zanesville.

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

Petition from: Randy Case, 916 Vine Street

Mr. Case – Page 3 of the ordinance – Section 403.1.1 – It is telling you what you can put on your windows and what right does the city have telling people what you can put on your windows? This is on the inside and I don't see where the city has any right to tell anybody what they do to the inside of their house.

Mr. Hillis – Mr. Smith is much more qualified to answer this than any of us. My understanding that the need for this is – the city is not trying to tell people what they can or cannot do to their house. The problem the city has been the fire department in that some people have paneled over a window on the inside, put plywood up and block it off and when there is a fire the firemen are trying to break out windows to allow for ventilation for their safety and from the outside it looks like a window and when they go to break it out, it is not a window anymore.. Mr. Smith was a fire fighter and has much more experience with that.

Mr. Robinson – My question is, if this ordinance does pass is it going to retro back to an older date or is it going to effect the date it takes place? There is an awful lot of city property around Zanesville that has boarded up windows.

Mr. Hillis – My understanding, it needs to be taken care of.

Mr. Smith – If we adopt the code, we would sight for this and there are several reasons you are looking at this, you are looking at cleaning up Zanesville and we need to clean up a lot of these houses and also make it safe. From the fire fighters standpoint, during a fire if the house is engulfed in smoke, you are not going to make determinations whether there is anything on the inside of the window, so you are entering for ventilating the building. The other reason is, a lot of crack houses, they will board the windows up with black plywood so you can't see in the houses. What we are trying to do in this effort is say cover the windows with things that are appropriate so that we can make it safe for our Police Department and our Fire Department. We already deal with boarding up the outside.

Motion carried.

Ordinance No. 09-46 – Introduced by Council – An ordinance amending Sections 1321.02; 1321.03; 1321.04; 1321.06; 1321.08; 1321.09; 1321.10; 1321.12; 1321.13; 1321.14; 1321.99 of the Codified Ordinances of the City of Zanesville.

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

Petition from: Carl Robinson, 817 Maple Avenue

Mr. Robinson – The only question I have about this ordinance is – didn't we just last year pass an ordinance raising some of these fees?

Mr. Smith – We are not raising our residential fees, what we are doing – we contract with the Mid-East Ohio Building Department to do our commercial work. This ordinance is bringing us in line or allowing them to set by policy, what they charge for commercial permits as long as they don't exceed what's allowable in the Ohio Building Code. There are a few things in here that changed: gas piping, that has not been touched for years. If it is \$15.00, that doesn't even cover the cost of the paper work let alone inspections. We also raised a fee on moving a house which was \$100.00, it has been that way for a long time. That does not cover the expense the city incurs during a house raising process; we raised that to \$300.00.

Mr. Vincent – Section Two – I think we need to take a look at that. In Section Three – how does that work for a land lord are they able to do receptacles and switches on their own or do they have to hire

Mr. Smith – It says in his own place of residence.

Mr. Vincent – So, land lords will be required to get electricians

Mr. Smith – Yes.

Mr. Vincent – Section Ten - the fine – five times the fee plus the otherwise charged – where did that come from?

Mr. Smith – After I conferred with several other cities on this and our residential fees were alterations. Under current law, we only double that if they don't pull a permit before they begin the work. It is not fair for individuals that come in and pull their electrical, HVAC, and alteration permits and have their inspections and they try to sell these houses and compete with people who don't come in and pull their permits, so basically we are penalizing on making it less lucrative to risk that by increasing this to five times the amount plus the fee. Also, those individuals that don't pull their permit, they are robbing the city of income tax because city income tax tracks contractors working in the city based on the permits. We also included language in this that requires a permit when you remove electrical and plumbing and heating components of a house, so that we can also go after scrappers that are destroying our vacant housing stock. Once they become vacant, they are going in and taking the wiring, plumbing, heating equipment out and a lot of times it is the owner that is doing this that is filing bankruptcy. We have to have some kind of a return in place to keep these scrappers from going in and taking this stuff out of empty houses.

Motion carried.

TRAFFIC ORDERS

Traffic Order 09-04 – Traffic Order 88-09 which established the two fifteen minute parking zone spaces on the W. side of N. 4th Street directly in front of 61 N 4th Street is hereby rescinded.

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

Traffic Order 09-05 – There is hereby established a two hour parking zone on the North side of Market Street from 4th Street to Potters Alley.

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

PRIVATE PETITIONS AND COMMUNICATIONS

Petition from: Brady Bird, 1429 Linden Avenue

Mr. Bird – I was wondering if you were the ones who handled the 911 calls.

Mr. Brandford – 911 is part of the dispatching duties.

Mr. Hennessey – His question, are they hired by the City.

Mr. Brandford – Yes.

Mr. Bird – Who is in charge of them?

Mr. Brandford – They work for the Police Department.

Mr. Bird – My neighbor, they called 911, two times in one day. They call and they dispatch them over to Community Ambulance and Community Ambulance wouldn't respond. When they did respond, it was too late. My neighbor passed away because 911 didn't want to do their job. Who would you get to go in there and check out and see why. They dispatched the fire department up on Maple Avenue because they said it was closer to use than Community Ambulance.

Mr. Brandford – The person in charge of the dispatchers is Capt. Merry. I will look into that, I will find out exactly what happened.

Mr. Bird – They called them the second time and it took them 15 minutes to get from Community Ambulance down to the Best Lock Locksmith. Why did it take so long.

Mr. Smith – In response to that, the Fire Department is automatically dispatched on any non-response personnel.

Petition from: Carl Robinson, 817 Maple Avenue

Mr. Robinson – I would just reiterate at this time, that I would like to see the Y property tabled, everybody take a good look at it. I would like to see the Council President, the one we have now and the one that we are about to have move into the position; appoint somebody to address issues with the Times Recorder newspaper. I am tired of reading stories in the Times Recorder and then you come to City Council and City Council says that is not what we are here to talk about.

Mr. Vincent – If we find there is an error, we will call the paper to address that topic. We have no control over the Times Recorder or WHIZ –TV.

Petition from: Andrew Le Veck, 495 Spring Valley Dr.

Mr. Le Veck – I have a small-business called Le Veck Entertainment and Productions.

Mr. Le Veck's open statement to the Zanesville City Council is attached.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Zwelling responded to Mr. Le Veck – I've supported you in everything you've done. If there is an enhanced cost there, you can blame that on me because I have tried to bring Secrest into a more business like situation because other communities that I have talked to that have auditoriums can't get over the prices that we use to charge for that auditorium. The auditorium will probably never be a money making proposition but it is a sensational building; it would cost us probably forty million dollars to build it today and I have a lot of confidence in John Kunkle and I think he does well. All of those records for those shows, whether it be his company or your company or anybody else coming in, are public information. You have had access to that information and you have had a meeting with the Auditor, just last week and posed these same questions.

Mrs. Moyer – We need more detail – there's something missing down there. I will say that Home For the Holiday's, he was charged \$1,500 – we've had this problem before. We don't set a fee schedule, we need to something there and we need to do something with someone watching Mr. Kunkle's time. Previous years, he's gotten overtime and I was very disappointed to know he had a check written for him. I knew he had a company down there but we need to know.

Mayor – I am aware of that check and I have checked into it. I am a little offended by it but I think it is a personal thing.

Operation Feed was over the weekend and the letter carriers are to be applauded because they collected a lot of food.

Next Monday at Elson Hall is the Green and Growing seminar. It is going to be in the auditorium in Elson Hall at 7:00.

Hats off to nurses – the nurses event which was all day Saturday at Secrest. They estimated 350 attended.

Downtown clean-up, went well Saturday from 9:00 till 12:00. Friday we had 29 students and 8 staff members from Foxfire High School, 59 volunteers worked six hours on the

Wally World Clean-up Days, Friday and Saturday. There were 75 bags of litter and weeds were collected on the downtown streets.

Secret has numerous events planned for this month and next. Every Councilman got a memo of events.

The weed crew started this week.

The next Neighborhood Watch Meeting will be at Rosecrans on May 19th at 7:00 p.m.

I attended a State Safety Director's meeting and our own Safety Director, Brandford is President of that Association.

I heard from the Strickland administration that there is enough Swine Flu anti-virus medicine at Rickenbacher Air Force Base to fully supply all 88 counties – even if there is a pandemic.

Mr. Hennessey – This is Mr. Phillips last night with us at Council. He has resigned his position, mainly due to not enough time. I just want to thank Mr. Phillips for the time served and we have enjoyed having him here and wish him best.

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

Meeting adjourned at 8:50 p.m.