

**City Council Meeting
Agenda of Business
May 22, 2023**

The Lord's Prayer

Pledge of Allegiance to the Flag

- A. Roll Call**
- B. Approval of Meeting Minutes Dated May 8, 2023**
- C. Communications, Reports, and Resolutions**
None
- D. Proposed Ordinances**
 - 1. **Ordinance No. 2023-50** – Introduced by Council – An Ordinance authorizing the expenditure of funds for the Water Treatment Plant replacement of electrical switchgear control components and programmable logic controllers (“PLC”) and declaring an emergency. (Emergency or First Reading)
 - 2. **Ordinance No. 2023-51** – Introduced by Council – An Ordinance authorizing the Public Service Director to purchase a new 2023 Caterpillar 430 07A Backhoe Loader CFG2 from Ohio Cat for the Water Division through the Sourcewell Cooperative Purchasing Program. (First Reading)
 - 3. **Ordinance No. 2023-52** – Introduced by Council – An Ordinance amending appropriation Ordinance No. 2023-28 and declaring an emergency. (Emergency or First Reading)
 - 4. **Ordinance No. 2023-53** – Introduced by Council – An Ordinance approving the annexation of approximately 5.6 acres owned by the Zanesville City School District and the Muskingum Valley Park District to the City of Zanesville and declaring an emergency. (Emergency or First Reading)
 - 5. **Ordinance No. 2023-54** – Introduced by Council – An Ordinance authorizing the Mayor to provide a raise in excess of 5% to the Community Development Director. (First Reading)

E. Ordinances for Action

1. **Ordinance No. 2023-38** – Introduced by Council – An Ordinance authorizing the proper city official to provide funds to Transitions, Inc., for support of operational expenses to provide shelter and programs for victims and families of domestic violence in our community. (Third Reading)
2. **Ordinance No. 2023-43** – Introduced by Council – An Ordinance authorizing the adoption of the Muskingum County 2023 Hazard Mitigation Plan. (Third Reading)

F. Traffic Orders

No Traffic Orders were filed for this meeting.

G. Miscellaneous and Unfinished Business

H. Private Petitions and Communications

Kathy Dickinson speaking on new jail.

The next regular meeting is scheduled for June 12, 2023.

This meeting is open to the public who may attend in person or attend by phone or Internet using the information below.

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ZANESVILLE CITY COUNCIL MEETING – MONDAY, MAY 8, 2023

The Zanesville City Council met in regular session at 7:00 p.m. on Monday, May 8, 2023 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

Mr. Vincent: Good evening, everyone. Welcome to the Zanesville City Council meeting for May 8, 2023. Would you please stand and join me in the Lord's Prayer, followed by Pledge of Allegiance to the Flag.

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

Mr. Vincent: May I have roll call, please?

The following members of Council answered roll call: Mrs. Osborn, Mr. Foreman, Mr. Roberts, Mr. Ballmer, Mr. Baker, Mr. Wolfe, Mr. Ware, Miss Bradshaw, Mr. Pettit, and Mr. Vincent.

APPROVAL OF MINUTES

Mr. Vincent: We are now at Approval of the Minutes for April 24, 2023. What is Council's pleasure?

Mr. Pettit moved to approve the minutes of April 24, 2023 as written. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion? Hearing none, all in favor of approving the minutes signify by saying aye. Those opposed nay.

A voice vote was taken with all being in favor. None were opposed.

Mr. Vincent: Motion carries. Minutes stand approved.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Mr. Vincent: We now move to Communications, Reports, and Resolutions, which we have none. So we will move on now to Proposed Ordinances.

PROPOSED ORDINANCES

Ordinance No. 2023-44 – Introduced by Council – An Ordinance authorizing the Public Service Director to accept the lowest and best bid, even though it came in above the city's initial estimates, for the installation of truck service bodies, and declaring an emergency.

Mr. Roberts moved to waive the readings. It was seconded by Mr. Pettit.

Mr. Vincent: Is there discussion on waiving?

Mr. Roberts: Mr. President?

Mr. Vincent: Mr. Roberts.

Mr. Roberts: This ordinance was discussed at Public Service earlier tonight and was recommended to pass as an emergency.

Mr. Vincent: Thank you, Mr. Roberts. Any other discussion on waiving? Hearing none we will have roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

9 Ayes

0 Nays

0 Absent

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Miss Bradshaw moved for passage. It was seconded by Mr. Pettit.

Mr. Vincent: Is there any discussion? Hearing none we will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

0 Absent

Mr. Vincent: Motion carries. Ordinance is passed.

Ordinance No. 2023-45 – Introduced by Council – An Ordinance authorizing the Public Safety Director to enter into a contract to purchase new door locks, safety equipment, and a new intercom system for the City Jail, and declaring an emergency.

Miss Bradshaw moved to waive the readings. It was seconded by Mr. Pettit.

Mr. Vincent: Is there any discussion of waiving? Hearing none we will have roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

9 Ayes

0 Nays

0 Absent

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Miss Bradshaw moved for passage. It was seconded by Mr. Pettit.

Mr. Vincent: Is there any discussion? Hearing none we will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

0 Absent

Mr. Vincent: Motion carries. Ordinance is passed.

Ordinance No. 2023-46 – Introduced by Council – An Ordinance authorizing the implementation of Building Division and Code Enforcement Division fees for the City Of Zanesville and declaring an emergency.

Mr. Vincent: Motion to waive or first reading?

Mr. Pettit moved to waive the readings. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion of waiving? This is getting some things cleaned up as far as corrections with the way things are written and proper wording, Mr. Schley?

Matt Schley: Yes, Mr. President.

Mr. Baker: Mr. President, why is it necessary for an emergency?

Matt Schley: Well, and the agenda is kind of backwards on this one. 2023-47 explains the code amendments that need to be taking place. Currently our Building and Code Enforcement Division fees are codified, which is not good practice. So what this is doing is separating it out and creating a formal fee schedule which can then be reviewed by Council from time-to-time without having to do a formal code amendment. In a perfect world, 47 would have come before 46. However, as long as it's in the same meeting, it's perfectly fine.

Mr. Vincent: Okay, thank you. Does that answer your question, Mr. Baker? Any other questions? So we'll need roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

9 Ayes

0 Nays

0 Absent

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Miss Bradshaw moved for passage. It was seconded by Mr. Pettit.

Mr. Vincent: Is there any discussion? Mr. Schley, is there anything else you wanted to add to this one? Or are you going to talk on the next one?

Matt Schley: I think talking on the next one would probably be more appropriate, Mr. President.

Mr. Vincent: All right, thank you. Any other discussion? We will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

0 Absent

Mr. Vincent: Motion carries. Ordinance is passed.

Ordinance No. 2023-47 – Introduced by Council – An Ordinance amending Chapters 1320.01 and 1321.09, the addition of Chapters 1320.02 and 1321.15, and repealing Chapters 1321.03 and 1321.08 and declaring an emergency.

Mr. Vincent: Motion to waive or first reading.

Miss Bradshaw moved to waive the readings. It was seconded by Mr. Pettit.

Mr. Vincent: Is there any discussion of waiving? Hearing none we will have roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

9 Ayes

0 Nays

0 Absent

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Miss Bradshaw moved for passage. It was seconded by Mr. Pettit.

Mr. Vincent: Is there any discussion? Mr. Schley, do you want to add some additional information here?

Matt Schley: Sure. So this is cleaning up some code section in the Building Code after some internal discussions. I'll let the Mayor speak more on that. From an administrative standpoint, it made more sense to have the Building Division, as well as Code Enforcement and Weed & Litter, placed underneath the umbrella of Community

Development. So what we have done is we've amended 1320.01 to separate both the Building Division, as well as the Code Enforcement and Weed & Litter, and then actually create a section that discusses Weed & Litter and Code Enforcement. 1321.03 is repealed, and it's amended into 1321.09. The reason for that is the codes were at odds with each other. One code section said you're exempt, and another code section said you weren't exactly exempt, so cleaning that up. We added in a section about Special Inspections. That's already been in our codified fee schedule; it just wasn't defined. That's being taken care of. And then the only other piece in that was fixing the codified portion of the fee schedule, which has now been taken care of in the previous ordinance.

Mr. Vincent: Okay. Thank you, Mr. Schley.

Mayor Mason: Mr. President?

Mr. Vincent: Yes, Mayor.

Mayor Mason: So, what we're doing, City Council, we're trying to make a one-stop shop for those who want to do something to their house. For example, up until this time, if you were, say putting a pool in your backyard, some of your trip might have been spent down in Code Enforcement and some might have been spent in Community Development. But what we ran into a lot of times is people would get one permit, instead of both, and think they had done everything that they were supposed to do. And that's just because it seems to make sense – I got my city permit. Well, yeah, but you didn't have your zoning or vice versa.

Likewise, we ran into this with barriers all the time. When people would want to have a block party, they'd get a barrier permit in one place and forget to go over to Zoning or not know to go to Zoning. So what we're doing is creating a one-stop shop. It will be easier for the public. They just come up the elevator, they go to one window, and they'll get everything they need.

Mr. Vincent: Okay. Thank you, Mayor. Anything else from Council? I guess with that too, I was also backwards in my thinking as far as the order of these. So my comment last time as far as cleaning up language was actually for this one and then a comment with the fees which was the previous one, which I didn't make because I also had them backwards. The only fees that changed then were the last two, (f) and (g) then, as far as knowing and then the part with cleanouts with that.

Matt Schley: Mr. President, I'd like to say that the fees didn't actually change. What had happened was Council had adopted an actual singular fee schedule twice for each of those items. The only thing that was added was a fixed fee for mowing grass. So previously, I'll just kind of give a good example on this. This morning I reviewed an invoice under our previous fee schedule, and it was for \$47. We charged someone \$47 to mow their city lot. If that is the rate, we cannot feasibly sustain. One, we're not a lawn care company. And in fact, if I could get my grass mowed for \$47, I absolutely would

just seeing what the rates are these days. So what we've done is make a fee that encourages people to either take care of their property or hire a third party to take care of it. Our crews have a lot of grass we mow ourselves for city properties and other places. Adding in private lots is something we really don't want to do.

Mr. Vincent: Not in the mowing business. Although I would jump on that offer too for \$47. That would save me a lot of money. Okay and then the part for the removal of trash debris and move-outs?

Matt Schley: Actually I found the section in 2021 this Council had passed the exact same fee schedule. For whatever reason, it was never added into the Codified Ordinances. What I found was it was actually just a separate ordinance that said this is what the fee shall be.

Mr. Vincent: Okay. So mowing is the only thing that went up as you had said?

Matt Schley: Yes.

Mr. Vincent: Thank you for clarification on that. Okay, anything else? Let's have roll call vote for passage.

Roll call vote for passage.

9 Ayes
0 Nays
0 Absent

Mr. Vincent: Motion carries. Ordinance is passed.

Ordinance No. 2023-48 – Introduced by Council – An Ordinance consenting to an Expedited Type Two Annexation Petition and declaring an emergency.

Mr. Vincent: Motion to waive?

Mr. Pettit moved to waive the readings. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion of waiving? This is so we can get within the timelines required by Ohio Revised Code. That's the reason for waiving. Okay, we will have roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

9 Ayes
0 Nays
0 Absent

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Miss Bradshaw moved for passage. It was seconded by Mr. Pettit.

Mr. Vincent: Is there any discussion? Okay, we will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

0 Absent

Mr. Vincent: Motion carries. Ordinance is passed.

Ordinance No. 2023-49 – Introduced by Council – An Ordinance designating the municipal services to be provided to and the zoning classification of annexed property and declaring an emergency.

Mr. Vincent: Motion to waive?

Mr. Pettit moved to waive the readings. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion of waiving? Again, this falls within the timelines required by Ohio Revised Code for annexation. Let's have roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

9 Ayes

0 Nays

0 Absent

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Mr. Pettit moved for passage. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion? I guess the other part of what I said was Ohio Revised Code, but I did read if Council took no action, it would end up passing if it was just let go, correct?

Matt Schley: Yes.

Mr. Vincent: All right. Let's have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

0 Absent

Mr. Vincent: Motion carries. Ordinance is passed.

ORDINANCES FOR ACTION

Ordinance No. 2023-33 – Introduced by Council – An Ordinance authorizing the Public Service Director to apply for an OPWC (Ohio Public Works Commission) grant and zero interest loan and execute contracts in connection with the Round 38 State Issue 1 Program, if approved.

Mr. Vincent: We are at third reading.

Mr. Pettit moved for third reading and passage. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion? Hearing none we will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

0 Absent

Mr. Vincent: Motion carries. Ordinance is passed.

Ordinance No. 2023-38 – Introduced by Council – An Ordinance authorizing the proper city official to provide funds to Transitions, Inc., for support of operational expenses to provide shelter and programs for victims and families of domestic violence in our community.

Mr. Roberts moved to postpone until 5/22/2023. It was seconded by Mr. Baker.

Mr. Vincent: Will you share the reason for postponement so Council is enlightened?

Mr. Roberts: The Law Director could probably speak to it better. But the contract with Transitions is ongoing, that we're going to supplement into this ordinance, so that's why we're waiting.

Mr. Vincent: So, looking for additional information to come up with a contract and put this into place to address Council's concerns.

Mr. Vincent: So, a motion by Mr. Roberts and seconded by Mr. Baker to postpone until May 22, which is our next meeting. All in favor of postponement signify by saying aye. Those opposed nay.

A voice vote was taken with all being in favor. None were opposed.

Mr. Vincent: Motion carries. Returns to our next meeting for third reading on May 22.

Ordinance No. 2023-43– Introduced by Council – An Ordinance authorizing the adoption of the Muskingum County 2023 Hazard Mitigation Plan.

Mr. Vincent: We are at second reading.

Mr. Roberts moved for second reading. It was seconded by Mr. Foreman.

Mr. Vincent: Is there any discussion? Hearing none all in favor of second reading signify by saying aye. Those opposed nay.

A voice vote was taken with all being in favor. None were opposed.

Mr. Vincent: Motion carries. Returns to our next meeting for third and final reading.

TRAFFIC ORDERS

No traffic orders were filed for this meeting.

Mr. Vincent: We are now at Traffic Orders, which we have none.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mr. Vincent: So we'll move on to Miscellaneous and Unfinished Business. Mayor, do you have anything you want to share?

Mayor Mason: Yes, Mr. Chairman, I just want to address, and I know it will be addressed in a couple weeks from now. There seems to be a concern whether a jail will be built in the city or not. Let me just say this, we have never received any plans, we have never received any diagrams, any flowcharts showing that there's going to be a jail built inside the city limits. There may be; there may not be. We just don't know. The city has a policy of cooperating with other governmental entities: Health Department, County Commissioners, Port Authority, Convention and Visitor's Board, Chamber of Commerce, Land Bank, CIC. The reason we get things done is we cooperate and work together. We also make fact-based decision-making.

That's why Councilwoman Bradshaw, you misstated the exchange of our conversation on May 3. All you asked me for, or all you commented on, was that you weren't happy and you were going to start alerting the neighbors, to which I said, would you like the email address to the Clerk of the Commission? To which you replied, yes please, would you use that for housing?

By the way, speaking of housing, we have had a great working relationship with the Land Bank on housing at, at least two locations. So I'm very happy to be working with the Land Bank. They've been very progressive. One of the reasons we've gotten a lot of things done in this town the last three and a half years is because the progressive nature of the Land Bank. And I certainly don't want to alienate the Land Bank. So, I just

wanted to make it clear that when a councilperson asks me for something, I provide them the information, which is what I did.

Mr. Vincent: Okay, thank you, Mayor.

Mayor Mason: And now, I would like to have an executive session for purposes of discussing real estate, having nothing to do with the jail in any portion of our city.

Mr. Vincent: With that, I'll take that here in just a second.

PRIVATE PETITIONS AND COMMUNICATIONS

Mr. Vincent: Moving onto Private Petitions and Communications, there are none to let you know that then. And the request from the Mayor to go into executive session to consider the purchase of property for public purpose. With that, I can tell those of you here waiting, we have nothing else on our agenda. I do not expect any formal action to be taken after this. So this could go on, I'm not sure whether it will be 2 minutes or 30 minutes or 45 minutes, but I can tell you that there's nothing else on the agenda after this other than a motion to adjourn is what I expect, unless Council introduces something else on the agenda after this meeting. With that, everyone will need to leave during the executive session and we will need to close the doors. If you're staying around, you'll need to go farther down the hallway just because the doors are pretty thin. With that request then, if someone will make a motion?

Mr. Baker moved to enter into executive session to consider the purchase of property for public purpose at 7:18 p.m. The motion was seconded by Mrs. Osborn.

Mr. Vincent: Is everyone clear on that? We need to have a roll call vote on this.

Roll call vote to enter into executive session.

9 Ayes

0 Nays

0 Absent

Mr. Vincent: With the roll call vote, motion to go into executive session carries. With that, we will shut off all recordings and everyone that is online will get bumped out here except for the Law Director. We need the Law Director here, and we need all of administration here and the clerk. Officer, if you can step out then too, I'd appreciate it. And just make sure that everyone is down the hall and away from the doors, if you would. That would really be helpful.

The area was cleared and the session began.

At 7:50 p.m. the executive session ended. Those that remained in the hallway were invited back into the Council Chambers.

ZANESVILLE CITY COUNCIL MEETING MONDAY, MAY 8, 2023

Mrs. Osborn moved to adjourn at 7:51 p.m. It was seconded by Mr. Pettit. A voice vote was taken with all being in favor. None were opposed. Motion carries, and the meeting was adjourned.

Billie Corns
Clerk of Council

Daniel M. Vincent
President of Zanesville City Council

Department of Public Service
Scott Brown, Director

**ORDINANCE NO. 2023 – 50
INTRODUCED BY COUNCIL**

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE WATER TREATMENT PLANT REPLACEMENT OF ELECTRICAL SWITCHGEAR CONTROL COMPONENTS AND PROGRAMMABLE LOGIC CONTROLLERS (“PLC”) AND DECLARING AN EMERGENCY.

WHEREAS, the Water Treatment Plant Electrical Switchgear Control Components and PLC require immediate replacement; and

WHEREAS, quotes were received for vendors and contractors, and the total project costs are estimated to be \$78,658 and thus require approval by City Council; and

WHEREAS, Siemens Industry, Inc. is the exclusive product vendor, and Southeastern Electric will serve as Contractor for the project; and

WHEREAS, because of the failing components, a real and present emergency exists that could jeopardize the health, safety, and welfare of the City’s water customers; therefore, to expedite the project and promote health and safety by replacing the aging components, this Ordinance is declared to be an emergency measure in accordance with ORC 735.051.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Zanesville, State of Ohio, that:

SECTION ONE: The Public Service Director is hereby authorized to enter into the necessary agreements and expend funds for the Water Treatment Plant Electrical Switchgear Control Components and PLC in an estimated amount of \$78,658.

SECTION TWO: The Water Treatment Plant Electrical Switchgear Control Components and PLC funds shall be paid from the City’s Water Fund Line Item 611-5473-54457.

SECTION THREE: This Ordinance is declared an emergency measure for the above-stated reasons. Provided it receives the affirmative vote of six (6) or more members of City Council, this Ordinance shall take effect and be in force immediately upon its passage and approval of the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

ORDINANCE NO. 2023 – 50

PASSED: _____, 2023

ATTEST:

Billie Corns
Clerk of Council

Andrew Roberts,
President Pro-Tempore of Council

APPROVED: _____, 2023

This legislation approved as to form:

Donald L. Mason, Mayor

Law Directors Office

Public Service Committee
Andrew Roberts, Chair

**ORDINANCE NO. 2023 – 51
INTRODUCED BY COUNCIL**

**AN ORDINANCE AUTHORIZING THE PUBLIC SERVICE
DIRECTOR TO PURCHASE A NEW 2023 CATERPILLAR
430 07A BACKHOE LOADER CFG2 FROM OHIO CAT
FOR THE WATER DIVISION THROUGH THE
SOURCEWELL COOPERATIVE PURCHASING
PROGRAM.**

WHEREAS, the City staff has examined the current condition of the Water Division's heavy equipment fleet and has determined that an existing 2008 Case 590 Super M Backhoe unit number 149 has exceeded its useful life expectancy and must be replaced; and

WHEREAS, the City staff examined 4 different models of backhoe brands over the last three months; and

WHEREAS, the City staff has determined that the Caterpillar 430 07A Backhoe Loader CFG2 through the Sourcewell Cooperative Purchasing Program Contract 032119-CAT has the best access, maneuverability, and digging force; and

WHEREAS, the total cost for the machine before trade-in and discounts is \$137,380.00; and

WHEREAS, Ohio Cat has offered the City a trade-in value of \$12,000.00 for the existing 2008 Case 590 Super M Backhoe unit number 149; and

WHEREAS, the City staff has determined that now is the optimum time for trade-in value as the machine will only continue to depreciate.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Zanesville, State of Ohio, that:

SECTION 1: The Public Service Director is hereby authorized to purchase a 2023 Caterpillar 430 07A Backhoe Loader CFG2 from Ohio Cat for the Water Division through the Sourcewell Cooperative Purchasing Program Contract 032119-CAT.

SECTION 2: The Public Service Director is hereby authorized to trade in the existing 2008 Case 590 Super M Backhoe in the amount of \$12,000.00.

SECTION 3: The cost for the backhoe (after trade-in) is \$125,380.00 and will be purchased from line item number 609-5475-54448.

SECTION 4: This Ordinance shall take effect upon the approval of the Mayor and from and after the earliest period allowed by law.

ORDINANCE NO. 2023 – 51

PASSED: _____, 2023

ATTEST: _____
Billie Corns,
Clerk of Council

Daniel M. Vincent,
President of Council

APPROVED: _____, 2023

This legislation approved as to form:

Donald L. Mason, Mayor

Law Directors Office

Budget & Finance Director
Kade Haddox

ORDINANCE NO. 2023-52
INTRODUCED BY COUNCIL

AN ORDINANCE AMENDING APPROPRIATION ORDINANCE
NO. 2023-28 AND DECLARING AN EMERGENCY

WHEREAS, it is necessary during the course of the fiscal year to make changes to the City's working budget; and

WHEREAS, to keep the City's estimated revenues and appropriations as current as possible those changes should be made at least on a quarterly basis or when the need arises; and

WHEREAS, without appropriate funding City Departments would be in jeopardy of providing efficient and reliable services, it is therefore in the best interest of the residents and visitors of Zanesville, to have this ordinance passed as an emergency.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Zanesville, Ohio, that:

SECTION ONE: Exhibit #1 of ordinance No. 2023-28, which established revenues and appropriations from January 1, 2023 through December 31, 2023, is hereby amended as indicated in Exhibit #1, attached hereto.

SECTION TWO: For the reasons stated above, this ordinance is declared to be an emergency measure. Provided it receives the affirmative votes of six (6) or more members of Council, this ordinance shall take effect and be in force immediately upon its passage and approval of the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED _____, 2023

ATTEST: _____
Billie Corns
Clerk of Council

Andrew Roberts
President Pro-Tempore of Council

APPROVED: _____, 2023

This legislation approved as to form:

Donald Mason
Mayor

Law Director's Office

ORDINANCE NO. 2023 – 53
INTRODUCED BY COUNCIL

**AN ORDINANCE APPROVING THE ANNEXATION OF APPROXIMATELY 5.6
ACRES OWNED BY THE ZANESVILLE CITY SCHOOL DISTRICT AND THE
MUSKINGUM VALLEY PARK DISTRICT TO THE CITY OF ZANESVILLE
AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Ohio Revised Code Sections 709.023, the Zanesville City School District and the Muskingum Valley Park District (together, the “Owners”), as property owners and seeking the annexation of approximately 5.6 acres of real property (the “Property”) from Falls Township (the “Township”) to the City of Zanesville (the “City”), filed with the Board of County Commissioners of Muskingum County, Ohio, an expedited type two annexation petition on April 27, 2023 (the “Petition”); and

WHEREAS, notice of the Petition was duly served upon the City, the Township and the adjacent property owners as prescribed by law; and

WHEREAS, on May 8, 2023, this Council passed Ordinance No. 2023-48, consenting to the Petition as prescribed by law; and

WHEREAS, Ohio Revised Code Section 709.023(C) provides that if the Township has not adopted a Resolution consenting to such annexation with twenty-five (25) days after the Petition is filed, it shall be deemed to have given such consent, which 25-day period expired May 22, 2023; and

WHEREAS, the Ohio Revised Code Section 709.023(C) requires the legislative authority of the political subdivision to which the Property is proposed to be annexed pass an ordinance stating (i) what municipal services such political subdivision will provide the Property, and (ii) that the existing zoning of the Property shall be compatible with the political subdivision’s zoning requirements or adequate screening and buffering is to be included in the development plan; and

WHEREAS, on May 8, 2023, the City passed Ordinance No. 2023-49 (i) providing for the municipal services the City intends to provide the Property should it be annexed, and (ii) stating that the proposed zoning of the Property by the City will comply with existing zoning and that any future zoning classification will ensure the implementation of the proper buffer; and

WHEREAS, on May 11, 2023, the Board of County Commissioners adopted Resolution No. 23-0517, determining that the Owners complied with all statutory requirements of Ohio Revised Code Section 709.023 and approving the Petition; and

WHEREAS, the City has received from the County a certified copy of the record of the annexation proceedings.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Zanesville, Muskingum County, Ohio, that:

ORDINANCE NO. 2023 – 53

SECTION 1. The Council hereby approves the annexation of the Property owned by the Owners to the City and confirms the actions of the City’s Clerk of Council with respect to such proceedings.

SECTION 2. The City grants to the annexed territory all the rights, privileges and public services, including police, fire protection and normal services as required of a municipal corporation and as are provided to other real property located within the City. The residents shall also be subject to the powers of the City as are the inhabitants within the original limits of the City.

SECTION 3. The Clerk of Council is authorized and directed to sign any certificates or documents, and to take such other actions as are desirable, advisable, necessary or appropriate, to finalize the annexation and to consummate the transactions contemplated by this Ordinance including the notice and certification requirements of Section 709.011 and 709.06 of the Revised Code.

SECTION 4. This Council finds and determines that all formal actions of this Board and of any of its committees concerning and relating to the adoption of this Resolution were taken, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were held, in meetings open to the public, in compliance with the law.

Passed this ____ day of _____, 2023

ATTEST: _____
Billie Corns
Clerk of Council

Andrew Roberts
President Pro-Tempore of Council

APPROVED: _____, 2023

This legislation approved as to form:

Donald Mason,
Mayor

Law Director’s Office

Budget & Finance Director
Kade Haddox

**ORDINANCE NO. 2023-54
INTRODUCED BY COUNCIL**

**AN ORDINANCE AUTHORIZING THE MAYOR TO PROVIDE A RAISE IN EXCESS OF 5%
TO THE COMMUNITY DEVELOPMENT DIRECTOR**

WHEREAS, City Council has authorized the Community Development Director to manage the daily operations of the Code Enforcement Department; and

WHEREAS, the Community Development Director has had a significant change in scope of work and administrative duties; and

WHEREAS, the City of Zanesville values employees that accept additional responsibilities outside of their original scope of work to increase efficiencies in City departments.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Zanesville, Ohio, that:

SECTION ONE: The Community Development Director’s new salary will be \$91,000.00.

SECTION TWO: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION THREE: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council, and that all deliberations of the Council and any of the decision-making bodies of the City of Zanesville which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

PASSED: _____, 2023

ATTEST: _____
Billie Corns
Clerk of Council

Daniel M. Vincent
President of Council

APPROVED: _____, 2023

This legislation approved as to form:

Donald L. Mason
Mayor

Law Director’s Office

ORDINANCE NO. 2023 – 38
INTRODUCED BY COUNCIL

AUTHORIZING THE PROPER CITY OFFICIAL TO PROVIDE FUNDS
TO TRANSITIONS, INC., FOR SUPPORT OF OPERATIONAL
EXPENSES TO PROVIDE SHELTER AND PROGRAMS FOR VICTIMS
AND FAMILIES OF DOMESTIC VIOLENCE IN OUR COMMUNITY

WHEREAS, Transitions Inc., operates Domestic Violence advocacy and support services within the City of Zanesville; and

WHEREAS, the funding provided to Transitions Inc., is necessary to provide support programs and daily operational functions related to the sheltering and care of local Domestic Violence victims; and

WHEREAS, the City feels financially supporting Domestic Violence services is in the best interest of the citizens of Zanesville.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Zanesville, Ohio, that:

SECTION ONE: The proper city official is authorized to provide local funding to Transitions Inc. Said funding shall be in the amount of \$25,000.00, to be paid from account number 201-1111-53299.

SECTION TWO: This ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED _____, 2023

ATTEST: _____
Billie Corns
Clerk of Council

Daniel M. Vincent
President of Council

APPROVED: _____, 2023

This legislation approved as to form:

Donald L. Mason
Mayor

Law Director's Office

As requested by Council, this is a proposed amendment to Ordinance 2023-38 for consideration by Council at the Monday, May 22, 2023 meeting.

ORDINANCE NO. 2023 – 38 Amended

**INTRODUCED BY COUNCIL
AUTHORIZING THE PROPER CITY OFFICIAL TO PROVIDE FUNDS
FOR TRANSITIONS**

WHEREAS, Transitions was incorporated under Ohio Revised Code Chapter 1702 in the State of Ohio in January of 1979; and

WHEREAS, the attached Memorandum of Understanding (Exhibit A) defines the services and public purposes of Transitions to the City, including the public purpose provided by this agreement, and the City's responsibility to Transitions.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Zanesville, Ohio, that:

SECTION ONE: The proper city official is hereby authorized to execute the attached Memorandum of Understanding (Exhibit A) with Transitions.

SECTION TWO: The proper city official is hereby authorized to pay \$25,000.00 to Transitions for 2023 from line item: 201-1111-53299.

SECTION THREE: This ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED _____, 2023

ATTEST: _____
Billie Corns
Clerk of Council

Daniel M. Vincent
President Of Council

APPROVED: _____, 2023

This legislation approved as to form:

Donald L. Mason
Mayor

Law Director's Office

Attachment for Ordinance 2023-38 Amended
Exhibit A

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (hereinafter "MOU") is entered into as of the date last signed by the parties hereto by and between the City of Zanesville (hereinafter "the City"), a body corporate and politic of the State of Ohio, and Transitions, Inc. (hereinafter "Transitions"), an Ohio not-for-profit corporation.

WITNESSETH:

WHEREAS, Transitions was incorporated under Ohio Revised Code Chapter 1702 in the State of Ohio in January of 1979. Its mission is to provide domestic violence survivors and their children temporary shelter in a caring, non-judgmental, supportive environment and provide referral services to various agencies and groups that may give additional support and encouragement of individual growth and independence; and

WHEREAS, Transitions agrees to provide services to the City and work in collaboration with the Salvation Army, Eastside Community Ministries, Christ's Table, Muskingum Behavioral Health, Mental Health and Recovery Board, the United Way, Muskingum County Job and Family Services, Zanesville-Muskingum County Health Department, and the Zanesville Metropolitan Housing Authority, and other entities in order to assist the City of Zanesville, and the Division of Police in providing services to families impacted by domestic violence; and

WHEREAS, Transitions will continue to provide Municipal Court advocacy and assistance to the Law Director's Office to victims of abuse, and to further provide assistance to victims with protection orders, restraining order referrals, emotional support, and safety planning; and

WHEREAS, the City recognizes the importance of providing advocacy and a safe haven for victims of domestic violence; and

WHEREAS, the City supports the endeavors of Transitions to make our community safer for all residents; and

WHEREAS, Transitions has requested a grant from the City to continue its vital work in representing our citizens who have suffered from domestic violence.

NOW, THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged herein, the City and Transitions do hereby agree to the following:

1. The City shall pay Transitions the sum of \$25,000 for its services in 2023 from line item:

_____.

Attachment for Ordinance 2023-38 Amended
Exhibit A

2. In exchange for the payment from the City, Transitions agrees to continue the work set forth herein.
3. A representative from Transitions shall meet with City Council in November of 2023, and at any other requested time, to update the City about its activities and the benefits to the City provided by Transitions.
4. The term of this MOU shall be for one year commencing on January 1, 2023, and ending on December 31, 2023.

IN WITNESS WHEREOF, the parties hereto have signed this Memorandum of Understanding on the dates provided below.

CITY OF ZANESVILLE

By _____

Its _____

Dated: _____

TRANSITIONS, INC.

By _____

Its _____

Dated: _____

APPROVED AS TO FORM:
DAVID J. TARBERT
CITY OF ZANESVILLE LAW DIRECTOR

By: _____
David J. Tarbert, City Law Director

**Public Service Committee
Andrew Roberts, Chair**

**ORDINANCE NO. 2023-43
INTRODUCED BY COUNCIL**

**AN ORDINANCE AUTHORIZING THE ADOPTION OF THE MUSKINGUM
COUNTY 2023 HAZARD MITIGATION PLAN**

WHEREAS, the City of Zanesville, Muskingum County, Ohio, is vulnerable to natural hazards which may result in loss of life and property, economic hardship, and threats to public health and safety, and

WHEREAS, Section 322 of the Disaster Mitigation Act of 2000 (DMA 2000) requires state and local governments to develop and submit for approval to the President a mitigation plan that outlines processes for identifying their respective natural hazards, risks, and vulnerabilities, and

WHEREAS, the City of Zanesville acknowledges the requirements of Section 322 of DMA 2000 to have an approved Hazard Mitigation Plan as a prerequisite to receiving post-disaster Hazard Mitigation Grant Program funds, and

WHEREAS, the Muskingum County 2023 Hazard Mitigation Plan has been developed by the Muskingum County Emergency Management Agency in cooperation with other county departments, officials, and citizens of the City of Zanesville, and

WHEREAS, a public involvement process consistent with the requirements of DMA 2000 was conducted to develop the Muskingum County 2023 Hazard Mitigation Plan, and

WHEREAS, the Muskingum County 2023 Hazard Mitigation Plan recommends mitigation activities that will reduce losses to life and property affected by both natural hazards that face the County and its municipal governments.

NOW THEREFORE BE IT ORDAINED by the governing body for the City of Zanesville, State of Ohio, that:

SECTION ONE: The Muskingum County 2023 Hazard Mitigation Plan is hereby adopted as the official Hazard Mitigation Plan of the City of Zanesville.

SECTION TWO: The respective officials and agencies identified in the implementation strategy of the Muskingum County 2023 Hazard Mitigation Plan are hereby directed to implement the recommended activities assigned to them.

SECTION THREE: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

ORDINANCE NO. 2023 – 43

PASSED: _____, 2023

ATTEST: _____
BILLIE CORNS,
Clerk of Council

ANDREW ROBERTS,
President Pro-Tempore of Council

APPROVED: _____, 2023

THIS LEGISLATION APPROVED AS TO FORM

DONALD MASON,
Mayor

LAW DIRECTOR'S OFFICE

Because the Muskingum County 2023 Hazard Mitigation Plan is 300 pages long, it is not attached here. See below for options for obtaining a copy of this document:

1. To request a copy to be sent to your email, please email the Clerk of Council at council@coz.org, and the document will be emailed to you as a PDF.
2. A hardcopy is also available in the Clerk of Council's Office Monday through Friday from 8:00 a.m. to 5:00 p.m.
3. A digital copy may also be obtained by visiting <https://coz.org/AgendaCenter>.

PETITION TO ADDRESS COUNCIL RULES FOR SPEAKING BEFORE ZANESVILLE CITY COUNCIL

Members of the public should understand that Council meetings are not public forums. These meetings are held to conduct City business and certain portions of the meetings may be deemed to be limited public forums. In a limited public forum, Council has the right to impose reasonable content-based restrictions as long as the restrictions remain viewpoint neutral. Council can impose reasonable time, place and manner restrictions to ensure the efficient administration of municipal business. Courts have upheld rules that limit public content to the agenda item at hand do not violate the First Amendment and that speakers can be cut off for being repetitious or irrelevant as long as they are not targeted because officials disagree with their views. With that in mind, Council wants to ensure that citizens have a right to express any views that are relevant to the affairs of the jurisdiction while working to ensure the efficient administration of City business.

Zanesville City Council welcomes, values, and appreciates the varied opinions and comments from members of the public. However, to ensure that the meetings are respectful, peaceful, and orderly, it is necessary to establish rules to prevent disruption and allow City business to be accomplished in an efficient and productive manner. Members of the public will be permitted to address Council for the purpose of commenting on legislation being considered by Council and/or for the purpose of commenting regarding City actions or services that the speaker believes should or should not be taken by Council or issues that should be addressed by Council or the Administration.

Addressing Council shall not be utilized for the following purposes:

1. To debate or make personal or critical attacks against members of the public or businesses.
2. To speak in support or opposition of candidates for public office or to announce that a speaker is a candidate for public office.

It is strongly recommended, but not required, that prior to submitting a Petition, the citizen contact their Council Representative (or any Council Representative) to discuss and possibly resolve the Citizen's concern. This would also provide an opportunity for the Council Representative to act as an advocate for the Citizen if warranted. **For assistance, call the Clerk of Council at 740-617-4875 or email council@coz.org.**

Remarks are Limited to 3 minutes unless additional time is granted by Council (which shall be granted in 3 minute increments). To extend a speaker's time, a member of Council shall make a motion to waive this rule and extend the speaker's time by 3 minutes, followed by a second of the motion, and a majority vote in favor by Council. This time limit shall not apply to Special Guests, Subject Experts, City Employees, Elected Officials and City Administration who are invited to provide information, reports, or testimony to Council and they are not required to fill out a Petition to Address Council. Numerous courts have upheld ejections from Council meetings based on speakers going off topic, being unduly repetitive, yelling, or refusing to stop speaking after their allowed time expired. The 3 minute time limit will be strictly enforced.

Speaking before Council is limited to only once for each Communication, Resolution or Ordinance, and only once for a Private Petition/non-Agenda item per Council meeting. A completed petition is required for each request. All comments must be directed to the President or Council as a body.

The following General Rules of Decorum shall apply to all individuals addressing Council:

1. Individuals desiring to address Council shall wait to be recognized by the President. After having been recognized, he or she shall approach the podium, state his or her name and address and then proceed to address Council as a whole and not any individual.
2. All comments will be made in a courteous and respectful manner by all parties and not in an overly loud or boisterous manner.
3. No person who addresses Council shall make personal, impolite, repetitive, disrespectful, hostile, disparaging, slanderous, offensive, threatening, obscene, or profane remarks. Speakers shall not conduct themselves in a manner that disrupts or impedes the orderly conduct of the meeting or otherwise constitutes disorderly conduct. "Disruption" has been held to include any conduct that violates generally or specially established rules such that the orderly conduct of the meeting is harmed. The following example has been held to being disruptive- "speaking too long, by being repetitious, or by extending discussion of irrelevancies."
4. All comments made by the public shall be made from the speaker's podium. No comments shall be made from any other location (other than members of Council and the Administration), and anyone making "out of order" comments may be subject to removal.
5. The President shall have the sole discretion to determine whether or not a speaker's conduct is violating these Rules of Decorum. If in the President's discretion the rules are being violated, the President may take any action necessary to preserve the due conduct of the meeting, including but not limited to: (1) verbal warnings; (2) denial or termination of speaking privileges; (3) removal from the meeting; (4) banning an individual from speaking at future Council and Committee meetings; and (5) request for law enforcement to remove or arrest the individual (ORC 2917.12). These possible sanctions by the President need not be progressive in nature.

No repetition of remarks shall be permitted nor speaking on the same subject matter will be allowed at more than three meetings, unless there has been a substantive change to the legislation or situation as determined by the President.

To accommodate special needs or circumstances that are in the best interest of the City, Council may temporarily suspend any of these rules, by motion, second and 2/3 majority vote (6 votes), which includes the opportunity to address Council without written notice.

If a speaker does not speak on a matter concerning the legislative or administrative responsibilities of city government, the President may terminate the right to speak and refer the speaker to more appropriate public forum.

Signs and banners are not permitted in Council Chambers. This prohibition does not apply to charts, diagrams, enlarged photographs, or other demonstrative exhibits or visual media utilized by a speaker in presenting testimony to Council.

Any variance or waiver of these rules shall be by a 2/3 majority vote (6 votes) of Council.

PETITION TO ADDRESS COUNCIL

IT IS ADVISED THAT YOU READ AND FAMILIARIZE YOURSELF WITH THE ABOVE-LISTED RULES AS WELL AS ALL RULES SET FORTH IN CHAPTER 111 OF THE CODIFIED ORDINANCES OF THE CITY OF ZANESVILLE PRIOR TO SPEAKING BEFORE COUNCIL.

Those desiring to address Council must complete a "Petition to Address Council." These Petitions are available in the Clerk's office, online, by email request, and in Council Chambers. To speak on a non-agenda item, the completed Petition must be provided to the Clerk of Council by noon on Wednesday the week prior to the Council meeting to be eligible to speak at the meeting. To address Council on an item that is on the agenda, the Petition must be provided to the Clerk of Council fifteen minutes prior to beginning of the meeting. Council will not consider an incomplete Petition to Address Council, which requires the following: Name, Organization Representing (if any), Address, Telephone Number, Email Address (optional), Ordinance/Resolution Number and if For or Against the legislation, and if not speaking on an agenda item list the Subject. Also required is a Signature and Date to indicate "I Have read the restrictions and guidelines regarding speaking before Council, including those set forth in Chapter 111 of Zanesville's Codified Ordinances. I understand and agree to abide by these rules and acknowledge that my failure to abide by these rules may result in my request to speak being denied or terminated". It is recommended that any available supporting documentation be submitted with the Petition to ensure that Council and City Administration have the information necessary to effectively respond to the concern. All documents submitted to Council become public documents, so please ensure that all personal and private information is redacted (deleted or removed).

NAME: Kathy Dickson

REPRESENTING AN ORGANIZATION (IF YES, PLEASE LIST): Self

ADDRESS: 907 Ohio Street

TELEPHONE: 740-819-5536

EMAIL (OPTIONAL): KathyDickson1459@gmail

COMMUNICATION/RESOLUTION/ORDINANCE #: _____ FOR OR _____ AGAINST

IF YOU ARE NOT SPEAKING ON AN AGENDA ITEM, YOU MUST INDICATE YOUR SUBJECT BELOW:

New JAIL

RECEIVED

MAY 08 2023

CLERK OF COUNCIL

I HAVE READ THE RESTRICTIONS AND GUIDELINES REGARDING SPEAKING BEFORE COUNCIL, INCLUDING THOSE SET FORTH IN CHAPTER 111 OF ZANESVILLE'S CODIFIED ORDINANCES. I UNDERSTAND AND AGREE TO ABIDE BY THESE RULES AND ACKNOWLEDGE THAT MY FAILURE TO ABIDE BY THESE RULES MAY RESULT IN MY REQUEST TO SPEAK BEING DENIED OR TERMINATED.

Kathy Dickson
SIGNATURE

5-8-23
DATE