

THE CITY OF  
*Zanesville*



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Council – Mayor Government  
Doug Merry-Public Safety Director

**ZANESVILLE CITY COUNCIL  
SPECIAL PUBLIC SAFETY COMMITTEE AGENDA  
Council Chambers, 401 Market Street, Zanesville OH  
June 26, 2023 at 6:00 p.m.**

This meeting is for discussion pertaining to the upcoming Ordinances, Resolutions, and discussion items of the Public Safety Committee for review as follows. This meeting is open to the public to attend in person or remotely by using the information below.

1. Roll Call
2. Approval of Minutes of May 22, 2023

**ORDINANCES:**

None

**DISCUSSION ITEMS**

3. 600 Block of Main Street Discussion

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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## **SPECIAL PUBLIC SAFETY COMMITTEE MEETING, MONDAY, MAY 22, 2023**

The Public Safety Committee met at 6:00 p.m. on Monday, May 22, 2023 in Council Chambers at City Hall, 401 Market Street, Zanesville, Ohio.

Mr. Roberts: All right. It is 6:00. I'm going to go ahead and call this meeting of the Safety Committee to order. Can I have roll call, please?

Committee members attending were Councilperson Andy Roberts, Chair; Councilperson Steven Foreman; and Councilperson Mark Ballmer. Mrs. Osborn was absent.

Others in attendance:

Gayle Aggas, PAWS of Muskingum Co.

Mark Baker, Councilperson

Billie Corns, Clerk of Council

Nicole Hafer-Lipstreu, PAWS of Muskingum Co.

Teresa Hildebrand, PAWS of Muskingum Co.

Lisa Hittle, IT

Don Mason, Mayor of Zanesville

Doug Merry, Public Safety Director

Cody Pettit, Councilperson

Mr. Roberts: Let the record reflect that Joey is not present.

### **APPROVAL OF MINUTES OF APRIL 17, 2023**

Mr. Roberts: I'll entertain a motion on the minutes.

Mr. Ballmer: So moved.

Mr. Foreman: Second.

Mr. Roberts: A motion and a second to approve as written. All in favor, aye. Opposed same sign.

A voice vote was taken with all present in favor. None were opposed. Mrs. Osborn was absent.

Mr. Roberts: Motion carries.

### **DISCUSSION ITEM:**

#### **3. Stray Cat Ordinance Discussion**

Mr. Roberts: We have no ordinances for consideration. First up, and this is something that Joey had asked to be added to the agenda. We have some people here tonight to speak with us in regards to a proposal for a stray cat ordinance modeled after, you said Canton?

Teresa Hildebrand: Canton, Ohio.

Mr. Roberts: Okay, if you want to step up to the podium and just give us your name and let us know what you have for us.

Teresa Hildebrand: Hi. I'm Teresa Hildebrand, President of PAWS of Muskingum County. We would like to start the process of hopefully getting an ordinance passed for nuisance on cats' urine and feces that is a human health problem. We get numerous, numerous calls. The Health Department gets calls, and the Sheriff's Department. There's nothing to enforce because there is no ordinance. So this is step one. If we can get an ordinance, then we can take steps to hopefully enforce it. It is a human health problem, and this is our first step.

Mr. Roberts: Okay. Teresa, if you could, just run us through how Canton has this modeled. I'm sorry. I haven't had a chance to review this since I just got it.

Teresa Hildebrand: Yes, it's Canton, Ohio, and if you get to S05.04 Nuisance conditions prohibited, "No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public. Whoever violates this section is guilty of a minor misdemeanor."

The second page, 505.12 Animal Excretion, "No owner or person in charge of every animal shall be responsible for the immediate removal of any excreta deposited by his animal or animals on property, public or private, not owned or possessed by such person. (B) No person, being the owner or person in charge of any animal, shall fail to immediately remove excreta deposited by his animal or animals on property, public or private, not owned or possessed by such person. Whoever violates this section is guilty of a minor misdemeanor."

Nicole Hafer-Lipstreu: Also in your packet there is an ordinance that was passed in the Village of Oak Harbor, Ohio, specifically to cats, addressing basically the issue that we are hoping to address with this ordinance here. They apparently have had the same issue with, I think it's a common problem with cats especially in lower income areas where you have large groups of cats that are feral or you have someone who is feeding a bunch of cats. And they're going to other people's residences and they're using the litterbox all over the place. A lot of these properties are rentals, and the landlords aren't going to do anything to enforce people who have an excess number of pets or that sort of thing. And it seems to be we don't see this at PAWS when Teresa gets calls about this. We don't see this in the north end of Zanesville; we see this in the lower income areas where people aren't as educated maybe or they don't have as much access to some of the services we provide. We routinely – we meaning Gayle and Teresa – go and pick up cats from people who live in these areas. We often cover the costs of the spay and neuter, take the animal back to them. So we're providing a lot service for residents already, but there's just such a huge need. And we're not small non-profit organizations. We're just really not set up to handle all of that. But, the first step I think in kind of moving in the direction where we could address this problem in a proactive way would be to get the ordinance on the books so that we at least had somewhere to start. And then we could look at funding. I know Andy asked us about if we get a humane officer in the future, how are we going to pay for that? Or, not a humane officer, a...

Teresa Hildebrand: Animal control.

Nicole Hafer-Lipstreu: Animal control officer. We have looked into those sources of funding and how that could happen, but everything we are told and everything we look at tells us if you don't have an ordinance, you don't have anywhere to start.

Mr. Roberts: So, I'm sorry I was playing on my phone, but I was looking up our code because I seem to remember part of this was already in there. What they have is 505.04 is our 505.08A, "No person shall keep or harbor any animal or fowl within the Municipality so as to create noxious or offensive odors or unsanitary conditions which are a menace to the health, comfort, or safety of the public. Whoever violates this section is guilty of a misdemeanor." We have that part, so if that's what you guys are looking for...

Teresa Hildebrand: So, if we have that, who's enforcing that? If we already have it?

Mr. Roberts: Doug, Section 505, would that be under police? I mean, the entire chapter is animals and fowl.

Mayor Mason: At the bottom, is there a .99 criminal?

Mr. Roberts: I'm looking. There we go. "Penalty, whoever violates any provision of Section 505.15 to 505.18 is guilty of a misdemeanor of the fourth degree for the first offense, and for each subsequent offense under such sections, is guilty of a misdemeanor of the third degree, provided however, that each day a person fails to abide by the notice sent by the Director of Public Safety, after the expiration date therein shall constitute a distinct and separate offense." So, daily. So, it looks like it's under you, Doug.

Doug Merry: Yes, it could be cited then by the PD.

Mr. Roberts: Okay. So, here's feeding, which I know we were talking about that. Yes, see this says, "No person shall willfully feed or harbor or entice any dangerous wild animal within the limits of the City..." And I think, because we had looked at this section years ago, and somebody was asking that we change it because people were feeding deer and feeding squirrels. We didn't really see as like a huge menace. So, I think that's why we added in dangerous wild animal.

Teresa Hildebrand: So, if we have the ordinance, who's to enforce it? Because obviously every time someone calls me and they're frustrated, and they've called the Health Department, and the Health Department tells me there's no ordinance. So there is an ordinance?

Mr. Roberts: I don't know. There is, at least partial. I mean, the one section, animal excretions, I didn't see anything in here to that. I'm not trying to put you off, but I'm going to have to do a little bit of research.

Teresa Hildebrand: That's fine. We can add it to it and give it some backing, some muscle to it.

Mr. Roberts: Right. So, help me out with the Health Department. Like, what part would they play in this? Because it would be a health issue, is that what?

Teresa Hildebrand: We got children, and they're running around playing in the yard. Okay? There's another part to what we gave you there, whipworms and round hookworms. Children are running around. They burrow into your skin. They will get into your body. They will infect children. They're playing in the flowerbeds or they're playing in sandboxes, and they're nothing but litterboxes. Dr. Reed, bless her heart, she's on our board. She wrote a really good letter to the Commissioners basically outlining our hotspots in Zanesville. Most of them, you can almost put a line through Zanesville, and it's Interstate 70. Most of the people that we help that have to financially pay for, pick up their pets, transport and everything, when we do the spay & neuter program, is south of Interstate 70. And that starts right when you get off the interstate, right in the city limits, right here. It's lower income areas that have the congregations of these animals. It's the trailer parks. You can go north of Zanesville. There's a nice trailer park where the lawn & garden center used to be. They have rules and regulations, no outside animals. It's a clean park; they don't have any problems. You go south, right past Walmart, the second one down, Colony, you've got cats and you've got cats. I got people constantly calling me, there's cats, when are you going to come do something about it? It's like, I can't handle everything. We have a Humane Officer, and there's not one contract in place for her to deal with cats. Unfortunately, no one wants to hear the word euthanasia, but there's only two open shelters in the State of Ohio right now. Wyandot County closed their doors. They still do euthanasia, but

they do not take out-of-county pets. Wyandot is where you go to be trained to do euthanasia. It's no wonder they're burned out. 85% of the animals that they took in, in 2021 came from outside their county. They took in over 11,000 animals, and they're begging every county to be responsible for their own animals. They can't handle it. Every county needs to be responsible. I have to take cats to Coshocton County, who's one of the few open shelters, for Haley to put them down. We are the second largest county. Tuscarawas is their first, and we're second to taking cats and dogs and aggressive dogs, because our dog pound is not taking owner surrenders. You're moving and you have nowhere to take your dog, the shelter is full and the dog pound is full. You're going to go up to Coshocton.

Nicole Hafer-Lipstreu: Or people dump them.

Teresa Hildebrand: Or they dump them. Take the collar off.

Nicole Hafer-Lipstreu: It's very common.

Teresa Hildebrand: But guess what? Take the collar off, turn them loose. Now they will pick them up. But he comes into the dog pound with no background, no history.

Nicole Hafer-Lipstreu: And cats are easier, obviously, to dump because, I don't know if "easier" is the right word. But I mean, people are under the assumption that I've had this cat in my house, it's my pet, but it's a cat. So if I throw it outside, it can fend for itself. And cats that have lived in houses for several years, if any of you have indoor cats, my cat would last about 5 minutes outside. So, then we get a lot of very debilitated, very sick cats that are starving because it's a situation with the dogs. There's nowhere for these animals to go. And so, I know what we do with our low cost spay & neuter program is we're trying to get this problem under control at least a little bit. So we are offering that to people to make that responsible choice when they're able to do that financially, and when they're not, we try to help with that. But it's a problem that is just a lot bigger than just the cat ordinance. But like, the cat ordinance is just kind of where we're trying to start.

Teresa Hildebrand: It's step one.

Mr. Roberts: So, we do have also a section of animals running at large, which this opens up a whole other ball of wax. But it basically says that nobody's allowed to let any animal run free within the city limits.

Nicole Hafer-Lipstreu: And that one is in that ordinance from the Village of Oak Harbor; that kind of addresses that.

Mr. Roberts: And this is where, because where I live, we've got neighborhood cats. They belong to people. They run the neighborhood. They aren't a problem, but how do you differentiate between stray versus a neighborhood cat?

Teresa Hildebrand: When you get the call. When Carolyn Hughes gets a phone call, the neighbor or someone goes into a nursing home, someone passes away. She gets a phone call. Mom was feeding 15-20 cats on the back porch, and no one's there now. Now they're starting to disperse, or even if they haven't dispersed, she's still feeding them. They are a problem for the neighbors. Like I said, the urine, the feces. People call us and they're so frustrated because they pay taxes, I want to enjoy my backyard and I can't because my patio furniture reeks of male cat urine. My kids can't play in the yard. Just change the location, and it's the same complaint over and over and over. Nobody's doing anything about these cats. TNR programs, Trap-Neuter-Release, they work if the colonies are healthy and small enough that they don't cause a problem.

Mr. Roberts: Say that again, T..

Teresa Hildebrand: TNR, Trap-Neuter-Release.

Mr. Roberts: Okay.

Teresa Hildebrand: We can take cats up to Canton, Ohio, and they will be spayed or neutered, rabies vaccination, upper respiratory vaccination, and treated with something called Revolution, \$50 a cat. They get ear tipped in that program, and they have to be in a live trap. They can go back to their original place and turned loose. A lot of times if you take all of the cats out of an area, trap them all out, get rid of them, kill them, put them down, they call it the vacuum effect. Here comes other surrounding cats from the area. If you keep a good, healthy, small colony, they will defend their territory. And eventually the ones that are not vaccinated and the ones not taken care off, they die off faster than the healthy ones. People need cats. You're going to have rats and mice. You don't want them gone; you just want them to be young and healthy enough and not a nuisance. You can't have large numbers of them.

Mr. Roberts: Doug, I don't want the Police Department to be angry with me, but 505.02 Impounding and Disposition. A police officer or animal warden may impound every animal from the section above, which was animal at large. And then it's mostly tailored to dogs. I guess I'm not a proponent of just writing a new law if we've already got something and we can just work pieces in.

Teresa Hildebrand: No, if we just bring attention to it, please.

Mr. Roberts: But, since Joey is not here, I'm going to throw her under the bus since she's the one who brought this up anyways. I'm going to go ahead and put her in contact with you guys to try and get something drafted to what you need for this to say. And then I guess my biggest question is still going to be, because I assume somebody's going to have to pay for all of this, is where that's coming from?

Teresa Hildebrand: At some point, city and county hopefully will be willing to hire an animal control officer. Westerville has them, Canton has them. I don't know how to say it. I don't want it to sound...I know we're in Appalachia, but we kind of have a hillbilly mentality. When I work with people, I'm not joking, when I work with people, and I go south of the interstate, man when you're in Roseville, East Fultonham. The further south you go, you have a lot of hillbilly mentality, and I think we're a modern enough city to say that we need to start addressing our cat problems like a city, not put it on the back burner. You get every kind of response. One of them is hey we're farmers, we know how to take care of them, the shotgun will take care of that. And I can understand that if you can't trap them or whatever and they're feral. But a lady called me last week, and this is not a joke. She's in a trailer court. She's got two litters of kittens. Guess what? Mom's on the deck. She's dead. The second mom, she's gasping. The neighbors poisoned them. Now she's got two litters orphaned. There's worse things than dying. Euthanasia, by that term is death by peaceful means. And when you go up to Haley in Coshocton, I stay with her. I've been trained in euthanasia. I don't dump them on her doorstep and leave. I stay with her, and I help her. You keep it quiet, you don't let the metals clang. It's peaceful and gently as you can do it respectfully for that animal. For those animals to be shot by bb's, poisoned. Two days ago, Guernsey County called me. Hey, can you take three more kittens. Someone took eight kittens and put them in a plastic bag and threw them on the interstate. Three survived. The other five got squished. That's their reasoning behind it.

The other thing, we might as well bring it up. Animal control, we have a huge raccoon problem in Zanesville, Ohio, huge raccoon problem. One guy who does trap professionally, he took over 200 out of Zanesville Metropolitan's

dumpsters a year or so ago. If you live in the City of Zanesville and you got raccoons ripping open your trashcans, you buy or rent a trap. You got a couple options. You can't discharge a firearm inside the city limits.

Nicole Hafer-Lipstreu: You cannot legally relocate them.

Teresa Hildebrand: You cannot legally relocate.

Mr. Roberts: You're not legally allowed to trap inside city limits.

Teresa Hildebrand: What are you going to do with these raccoons? We have a problem. And they'll tell you the only thing you can do is put them in a trashcan and drown them.

Nicole Hafer-Lipstreu: So I think the point to that is if we get...

Teresa Hildebrand: There's going to be plenty of work for an animal control officer.

Nicole Hafer-Lipstreu: Yes, they can address issues other than just cats, especially rental properties. I'm a licensed wildlife rehabilitator. I get lots of calls from people who have raccoons in their attic, squirrels in their attic, and in their residence. A lot of times they're rentals, and the landlord won't remove them. Raccoons especially are an incredible human health hazard. They carry parasitic roundworm that migrates into your brain tissue. They are not anything to play around with.

Mayor Mason: Mr. Chairman? They've referenced a few times an attached ordinance. I don't have that in the documents I picked up. Do you have them?

*At this time, a packet of information was given to Mayor Mason by PAWS.*

Mr. Roberts: We will take a look at it. Mr. Foreman?

Mr. Foreman: Mr. Chairman, maybe I missed the answer to Mr. Roberts' question. But how do you differentiate between the cats that are, so like I let my cat out, so he gets out. Like how would somebody differentiate him from a feral cat?

Teresa Hildebrand: That's a very, you'd have to be careful.

Nicole Hafer-Lipstreu: Usually you can tell.

Teresa Hildebrand: You can tell when you walk up to a wild cat. We had a gentleman, he trapped 12 cats because he bought a house and the lady left them behind. And like you said, those raccoons were calm. Those cats, they go off like popcorn in that cage. A tame cat is not going to do that; he's going to meow and look at you. A feral cat does not do that.

Mr. Foreman: We actually have someone in our neighborhood who takes care of, feeds, warming stations, the whole works. There are lots and lots of cats at that house. So they are used to being around people. So they don't necessarily strike me as feral cats in the sense that they come up on the back deck. I saw three today. Two are brand new. I had never seen them before. As I drove here, I saw one of them sitting in that driveway, so I'm pretty sure that's where it came from. So I just wondered because I understand everything you're saying. I just wonder for people that...I guess a collar maybe? Maybe that's just the easiest.

Teresa Hildebrand: A lot of times the trailer courts, when they do what they call a trap down, they notify the residents at the trailer court that basically they're going to do a trap down and get your cats in.

Mr. Foreman: That's a good idea.

Teresa Hildebrand: If it's wearing a collar, we're going to turn him loose. If he's got a tipped ear and been spayed or neutered, we'll turn him loose.

Nicole Hafer-Lipstreu: Spayed and neutered cats are also tattooed. So, that's another way to tell. I mean you have to have the cat, but if you have a cat to trap, you can still differentiate that they've been spayed or neutered.

Mr. Foreman: We have one that we rescued that has a tipped ear.

Nicole Hafer-Lipstreu: And that's a great program. And for someone like your neighbor who has, hopefully her cats are all spayed or neutered, we hope. That's what we want them to be.

Mr. Foreman: I'm going to go out on a limb and say no.

Teresa Hildebrand: Dr. Reed works with us, and she wrote a really good letter to the Commissioners and Health Department. Her biggest concern is, we see a huge amount of feline leukemia, FIV, and panleukopenia that has showed up on Schaum. And that's a hop and a skip from the fairgrounds. The lady who feeds at the fairgrounds, she says when that happened, she had kittens dropping. Usually they go very quickly when they get that. She has clients in that area, and she says it's totally frustrating. One came in and it's like, oh I brought in a cat. She says, you did what? And she did test it yet, and guess what? She brought leukemia into her house and her cats. And like she keeps telling her clients, especially in those areas. All the way around the fairgrounds, all the way down to West Main is just a hotspot. Even if you don't bring that cat into your house, you're walking through your yard, your grass, your front porch, and you're feeding them. You're tracking it on your shoes. It is a health problem for all your pets when you got that amount of animals that are running free.

Nicole Hafer-Lipstreu: But as far as telling, you know if somebody's cat that's just outside running around, and cats that are feral or cats that don't belong to anybody, I think it's a cat by cat sometimes situation. But I do think there are certain things you can look for that would give you a good indication, like yes, this cat belongs to somebody or no, this cat is a stray.

Teresa Hildebrand: When I came into PAWS, they raised enough money to do 100-150 animals a year getting them spayed or neutered. Last year, we were just 33 short of 2,000 that we did. This year in the first three months, the first quarter, 710. We are working really, really hard to do the spay and neuter of companion animals, TNR. We're working hard. But like when we went to the classes for euthanasia, he said that's great and it's going to be a culmination of programs that you're going to do. But you're not going to be able to just TNR.

We are in partnership with PetSmart. We did over 300 adoptions last year getting cats replaced and rehomed up there, but you're going to hit a point where you get a saturation in the community. You can only rehome so many cats. We have another Chatty Cat Café coming onboard. Hopefully we'll be rehoming more cats through that, working with her, and that's all great. Example, Carolyn calls in last year. A lady had five cats in the fall, three females and two males. The three females had kittens. By spring, mom was pregnant again, daughters were pregnant. And this is not a joke. When we got there midsummer, there were over 30 kittens and over 30 adults. You went, hey kitty, kitty, and there was a sea of yellow cats around your feet. We helped her out; we took 12



cats up to get spayed. Ten of the 12 are already pregnant again. They're like mice and rabbits. We're trying to do the spay and neuter part of it, but we need backup. Carolyn needs backup. We need an animal control.

Mr. Roberts: Okay. I'm sorry, not to cut you off, but we do have something else we have to talk about. And we do have a timeframe we have to stay within. Thank you guys for everything that you brought today.

Teresa Hildebrand: Appreciate it.

Mr. Roberts: Like I said, I'll get a hold of Joey, and I'll have her get in touch with you guys and we'll try and get something crafted in the code. And I think we're probably going to have to take a little bit longer look at the, not saying no, just saying a longer look at the animal control officer.

Teresa Hildebrand: And we will try to pull up some communities that have them and give you some guidelines, and I appreciate the time you guys have given us. Seriously, we've been trying for years, and we appreciate it.

Nicole Hafer-Lipstreu: Thank you.

Mr. Roberts: Thank you.

#### 4. 600 Block of Main Street Discussion

Mr. Roberts: Second on the agenda tonight, we have discussion about the 600 block of Main Street. Mr. Embrey was not able to be here tonight. However, he has called in. Nate, can you hear us?

Nate Embrey: I can.

Mr. Roberts: Okay. I guess from the last meeting we had discussed that you had a lot of plans and you had a lot of things that you thought were going to transpire within the next month. So that's why we're here again, to talk about that. Do you want to run us down what's happened since we last met?

Nate Embrey: Yes absolutely. So, the last time I was there, the contract was signed for the contractor that's handling the entire build, along with the architect, the next day after the meeting. I was able to hear from you and the rest of the Public Safety Committee. We wired the money. So, we sent about \$85,000, which landed not a day later, and that sort of immediately triggered all of the pieces. And so we started constructing stairs in 606 from the first floor to the second floor to facilitate being able to get up and down those floors and into the third floor for the contractor, the architect, and the asbestos group. We mentioned the last time that we have to get asbestos handled, and that was not part of the phase 2, which I think everyone thought it should have been. It was not. So that was finished that weekend actually. The following week, Chris, the lead with Premier Construction that came with me to the last meeting, visited with the architect and...

Mr. Roberts: Nate, sorry to stop you real quick. Did you say the asbestos work has been done?

Nate Embrey: I'm coming to that, actually. Yes, so it has been done. The survey has been done.

Mr. Roberts: The survey has been done?

Nate Embrey: Yeah. So the following week, they came down with the architect to start the new drawings, and then the asbestos contractor came with them, as well. So we received the survey late last week saying that they

found three small spots, one was in some floor tile, on either the ceiling or the wall, and then another spot of insulation on ductwork. And so we're waiting on a quote from them on that. And then this week, the lead contractor and architect are returning again, I think it's going to be Wednesday, to do final checks and a few things and then we make a plan for asbestos removal, which could be as early as the next week or two. And then, it's also worth noting that there's the other conversation, which was mentioned last time, which is when we start demo. In the gant chart that was submitted by Chris and his team, that was to start in August. But what we're doing right now, once the architect comes back and after he gets back and does a few things he has to check, he'll be making, would kind of be making sure that we're able to do the demo under the current permit, which is the plan, kind of the expediency, the expedient route. And if we're able to do that and we kind of line that up with Mr. Baughman at the county, then we're potentially, instead of August, looking to start demo as early as July. And it could be late July, but if we pull that trigger and we do asbestos with demo, it has even more likelihood that it would be early to mid-July. And so, a lot of contingencies to start it that early with the permitting, etc., but I can tell you that the cost right now is around \$195,000 for that phase. And if everything lines up, then we can and will pull that trigger because the capital is in place for that.

Mr. Roberts: Okay. Questions from the committee, as far as where we stand? I mean, this is the stuff we were talking about at the last meeting. So Nate, all in all, it sounds like you're making a little bit of headway on the asbestos. And just for a clarification point, when we say demo, we're just talking about the portions to the rear of those three structures that are already collapsing, right?

Nate Embrey: Yes. So, it sometimes gets missed, but all of the debris that has been collapsed has been removed from 606, and part of the debris from 608 has been removed and then not much from 610/612. However, there's a couple of different ways those buildings are referenced, but that's mostly in place. And that will all come down and go away, and then we'll be able to kind of block that off up to and until the point when we start the rest. And so, demo is really the thing we want to get going on because it removes all of those. Everything that's sort of up against buildings or the neighboring buildings or is falling down, it would be the tearing down of those and the removal of all of that. And then next would come infill and then closing up the back of the buildings.

Mr. Roberts: Mr. Foreman?

Mr. Foreman: So Nate, can we circle back to what you just said for a second, with the neighboring buildings?

Nate Embrey: Yes.

Mr. Foreman: You know, like Yan Sun and Mrs. Labaki, their buildings. Can you expound on that a little bit? Like what's going to happen for them? Because I am concerned about that. I know that with sharing a wall and I know that the arts building there, the old power building, has some issues in the basement. Can you talk to me about that, please?

Nate Embrey: Yes, I am still, if you, if I can, if I can, you know, I will try again this week. I've tried numerous times to, I'm going to say this again because I think there are new people in this meeting. I heard about what was happening in Mr. Sun's building when I first purchased mine because he purchased his before mine. And there has been talk about what's happening in the basement, it's wet. I also know and at that point, I said well let's figure out and let's get it fixed, even if it's temporary. We've done that with Bryan. We fixed the roof twice literally the next day every single time. So it's not a problem of getting it done. It's a problem of finding out why it's happening and what we can do about it. So I'm willing to pay for someone to come look at it, to find out where it's coming from, and how can we fix it temporarily, how we can fix it permanently. But what we've known is that when he bought that building, there was a sump pump that existed before the walls fell down, and it was an

existing issue. I'm not saying it's not mine. I'm happy to fix it if it's mine. I adopted that problem just like I did the buildings. It's just I want it to be fixed, but I've reached out a number of times and have never heard back. So in terms of what happens to their buildings, nothing should happen. Part of what saving these buildings means is that Mrs. Labaki's building stays. We own something like three quarters of her wall, and if something were to happen to our buildings, her building has to come down too. And so that's part of what happened, that's everything that I've heard up to this point. That's what I understand. And so by saving the buildings and doing the demo, even if we have to leave parts of walls and etc., which is what the architect is currently working on, everyone's buildings will be fine. And I honestly don't know that that will fix the problem in Yan Sun's basement, but I'm happy to help figure that out at any time. So, this week I commit to reaching back out to him and trying to work something out to see if I could hear back from him. I'm happy to work something out with him to pay for someone to come look at it and find out where it's coming from. We've also heard that it could potentially be because of the parapet coping that's on top of one of his walls. If we identify where it's from, we'll help get it fixed if it's our fault.

Mr. Foreman: All right. Thank you. Mr. Chairman?

Mr. Roberts: Mr. Foreman.

Mr. Foreman: Kind of as a follow up because what I'm doing is I'm just kind of catching myself up from things that I heard.

Nate Embrey: Sure.

Mr. Foreman: So, I don't know the relevance, nor do I know the accuracy of what I'm asking about, but there was also a concern about, as I recall and it's been awhile back, with insurance.

Nate Embrey: There is, yes. They're totally uninsurable. There is a chance for a bond, which we are also open to. However, the one thing I can say that may offer a bit of reassurance on the point of assurance is that once this work starts, then the entire project is insured. The contracting company that's, we will need to be, there's some, there's some work that needs to be done with us sending money to be able to be held in escrow and the way, the details of that are yet to be penned. But we know that as soon as it will require a new contract for that type of work, not on the money or the type of work, but the fact that there will be insurance that's coming along with the contractor. And so at least in that way, we'll have something to ensure that if something happens while work is being done, it's covered. It's also worth noting again, I think, for everyone that wasn't there the last time or didn't review, that there was a document that has been submitted as well from the architect. And that document says, I know one of the concerns I've at least heard, I've heard personally is that we're worried that the front of the buildings are going to fall into Main Street, which is not a small concern. But I do have a document that was sent and stamped by the architect that is taking over to work with Chris that says that the buildings are secure, and it shouldn't be a concern and that they should be, they're in great shape for rehabilitation. In fact, there's another building or two on that street that are a bit even more precarious that they were more nervous about working on than even these ones, which is saying something. Yet we cannot insure, there's no way...

Mayor Mason: Nate, this is Don. Where is in worse shape than your building, please?

Nate Embrey: I'll let the contractor answer that question for you. I don't want to speak for him.

Mayor Mason: Well you just said, wherever you just said, where was it?

Nate Embrey: On Main Street. Just in terms of like shifting that's happened on 2<sup>nd</sup> and 3<sup>rd</sup> floors. It's almost like, we don't want to touch that, but this is a piece of cake.

Mr. Foreman: Yes, I guess my concern, and it's good that with the start of the project, it will perhaps take care of part of that concern. But I still, I guess I just have concern that in the interim, that there's some trepidation about, I understand they're saying that it shouldn't fall into the street. But if it does, and it's uninsured, it's on the city, wouldn't it be? I would assume. I don't know the answer. I'm not trying to be presumptuous, but I don't know who would.

Mr. Roberts: Surely the stuff that would be in the street would be the responsibility of the city, yes.

Mr. Foreman: Okay, yes.

Mr. Roberts: Then health and human safety would also be.

Mr. Foreman: Okay, and so that's kind of where I'm going with my concern.

Nate Embrey: I can say if there's another meeting in a month, we will either have the contract signed for demo or can tell you exactly when demo is going to start. The only reason I haven't pulled the trigger on that is because it's contingent upon what we learn about whether or not, I guess one more thing to catch people up on. We have a permit already. It's for a different design that is going to cost somewhere between two and three times as much as the one that is being currently drawn up, after a visit by those parties to review the project. And so we're at the point where we're talking months, not years, and weeks even. And so I would love to give everyone a surprise and say that we're going to be moving even faster than we thought. I'm just trying to set expectations with the information that I have too. But it's not a willingness or a money issue; we just have to make sure that the work that we want to do is covered under the current permit only because the new drawings aren't done yet and haven't been permitted by Mr. Baughman himself yet.

Mr. Foreman: All right.

Nate Embrey: If everything works out okay and we're allowed to just start and do at least a portion of, like do as much demo as we'd like to, to get that rear portion work done, I would start it next week if I could.

Mr. Roberts: And Nate, just for another point of clarification, that permit is through Mid-East Ohio Building Department, correct?

Nate Embrey: Correct. That was submitted by Tekton that was downtown for a while in conjunction with Cole Ryan but mostly Mr. Derwacter.

Mr. Roberts: So, have you got clarification from Mid-East Ohio Building Department that you can do the demo under the existing permit or is that what you're saying?

Nate Embrey: Yes, correct. I'm waiting on. That is what I'm saying, we're waiting on this last one this week from the architect, and then we'll have enough information to go back to Jason and say here is everything we know we need, this is the demo that we would need to do in order to facilitate that, do you need us to wait until these drawings are done to approve it or does the demo that we would like to do fit within the current permit? And if he says yes, we'll just start.

Mr. Roberts: Okay. Thank you.

Nate Embrey: Thank you.

Mr. Roberts: Any other questions from the committee?

Mr. Ballmer: Can we be sure that there will be an update in 30 days so we know where we are?

Mr. Roberts: Surely.

Nate Embrey: Of course.

Mr. Ballmer: Thank you.

Mr. Roberts: We'll get something, and I know, Billie we've been going rounds about trying to get monthly Safety Committee meetings, but maybe we can just get it on. Not that it's all about you, Nate, but we'll try and get it towards the end of the month if that's possible. Anything else? Anything else you got for us, Nate?

Nate Embrey: No, that's it. Thanks for your time.

Mr. Roberts: No problem. Thank you. All right. We have nothing else on the agenda. I'll entertain a motion to adjourn.

Mr. Foreman: So moved.

Mr. Ballmer: Second.

Mr. Roberts: All those in favor, aye. Opposed same sign.

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

Mr. Roberts: Motion carries. We stand adjourned. Thank you.

Mr. Roberts called the committee meeting to a close about 6:41 p.m.

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Andy Roberts, Chairman

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Billie Corns, Clerk for Council