

Public Hearing

A Public Hearing is scheduled for 6:30 p.m., Monday January 26, 2015 in the City of Zanesville's Council Chambers, 401 Market Street, Zanesville, OH to hear requests by Dutro Real Estate, LLC to vacate portions of Sewer Alley, Court Alley, and Plum Alley in downtown Zanesville. All testimony for and against will be heard.

City Council meeting Agenda of business January 26, 2015

The Lord's Prayer

Pledge of Allegiance to the flag

Item
no.

- A. Roll call
- B. Approval of minutes
- C. Communications, reports, and resolutions

Communication from Mayor Jeff Tilton – Board Appoints-South East Area Transit-

I am hereby recommending the appointment of Jay Bennett to fill the expired term of Paul DuBeck; Connie Norman to fill the expired term of Roger Fitz; and Rom Peters, Kurt Ufholz, and Howard Bailey to serve an additional term, on the South East Area Transit Board with terms to begin January 1, 2015 and expiring December 31, 2017.

Communication from Jay Bennett, Public Service Director-Zanesville Municipal Airport Quarterly Report (4th Quarter)

1. **Resolution No. 15-03** - Introduced by Council – A Resolution authorizing the proper city official to enter into a contract with the Ohio Department of Transportation for resurfacing and related work, lying within the City of Zanesville and declaring an emergency. (Emergency)
2. **Resolution No. 15-04** – Introduced by Council – A Resolution authorizing the proper city official to enter into a contract with the Ohio Department of Transportation for installation of sidewalks and decorative lighting, lying within the City of Zanesville, and declaring an emergency. (Emergency)

D. Proposed ordinances

3. **Ordinance No. 15-05** – Introduced by Council – An Ordinance authorizing the City Auditor to pay the invoices of various departments using 2015 money for 2014 invoices and declaring an emergency. (Emergency)
4. **Ordinance No. 15-06** – Introduced by Council – An Ordinance authorizing the proper city official to reduce the water and sewer tap fees for Genesis at the new Bethesda Campus. (First Reading)
5. **Ordinance No. 15-07-** Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids, and enter into a contract with the lowest and best bidder for the construction of the R2/R7 combined sewer separation project, and declaring an emergency. (Emergency)
6. **Ordinance No. 15-08** - Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids, and enter into a contract with the lowest and best bidder for the construction of the Ridgewood Circle storm sewer project, and declaring an emergency. (Emergency)
7. **Ordinance No. 15-09-** Introduced by Council – An Ordinance accepting a bid for previously declared surplus property and authorizing the proper authority to execute all documents upon said property to the highest and / or best bidder. (First Reading)
8. **Ordinance No. 15-10** - Introduced by Council – An Ordinance authorizing the proper city official to accept funding and execute a related agreement with the Muskingum County Convention Facilities Authority, and declaring an emergency. (Emergency)
9. **Ordinance No. 15-11** - Introduced by Council – An Ordinance rejecting a bid for previously declared surplus property. (First Reading)
10. **Ordinance No. 15-12** - Introduced by Council – An Ordinance to vacate a portion of Court Alley, Sewer Alley, and Plum Alley in the City of Zanesville, Ohio as herein provided and declaring an emergency. (Emergency)

E. Ordinances for action

11. **Ordinance No. 14-85** – Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids and enter into contracts for purchase of various insurances.

F. Traffic orders

G. Private petitions and communications

H. Miscellaneous and unfinished business

CITY COUNCIL MEETING – MONDAY, January 12, 2015

The Council of the City of Zanesville met in regular session at 7:00 p.m. on Monday, January 12, 2015 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

Mr. Vincent 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. Baker, Mrs. Norman, Mr. Sharrer, Mr. Hutcheson, Mr. Roberts, Ms. Gildow, Mr. Foreman, Mrs. Gentry, and Mr. Vincent. Mr. Tarbert was absent.

Mr. Baker moved, seconded by Mr. Roberts, to excuse Mr. Tarbert.

Mr. Vincent: Is there any discussion on excusing Mr. Tarbert? A voice vote was held with all present in favor of excusing the absence of Mr. Tarbert. None opposed. Motion carried. Mr. Tarbert stands excused.

APPROVAL OF MINUTES

Mr. Sharrer moved to approve the minutes as presented, Mr. Roberts seconded the motion. No discussion was requested and a voice vote was held with all present in favor. None opposed.

Motion carried. Mr. Tarbert was absent. Minutes stand approved.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Communication from Jay Bennett, Public Service Director-City Cemeteries 4th Quarter Report (2014)-In accordance with Ohio Revised Code, please find attached the 4th Quarter Report of 2014 for the City of Zanesville Cemetery Division from Jeff Johnson, Cemeteries/Parks Superintendent.

Mr. Roberts moved to receive, seconded by Mr. Sharrer.

Mr. Vincent: Is there any discussion? Hearing none, all in favor of receiving signify by saying aye. All present were in favor. None opposed. Motion carries. Mr. Tarbert was absent.

PROPOSED ORDINANCES

Ordinance No. 15-01 - Introduced by Council – An Ordinance authorizing advertising for bids and entering into contract(s) for the purchase of highway rock salt and calcium chloride with the lowest and best bidder, or the State of Ohio Purchase Program.

Mr. Vincent: We are at first reading and this is a pretty routine request if someone wanted to waive the readings.

Mr. Sharrer moved to waive the readings and it was seconded by Mr. Baker.

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

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Tarbert

Motion carries.

Mr. Vincent: I now need a motion for passage.

Mr. Roberts moved for passage, seconded by Mr. Foreman.

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

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Tarbert

Motion carries. Ordinance is passed.

Ordinance No. 15-02 - Introduced by Council – An Ordinance amending Ordinance No. 00-16, which adopted a classification plan for City employees; amending Ordinance No. 13-15 (Amended), which authorized a maximum schedule of positions; and amending Ordinance No. 13-16 (Amended), which established pay, benefits, and employment policies for unaffiliated employees and declaring an emergency.

Mr. Roberts moved to amend Section Two (second page) beginning with, "is hereby amended to read under classification Assistant Fire Chief 40 hour's number authorized to read as one (instead of two)". This motion was seconded by Mr. Sharrer.

Mr. Vincent: Motion to amend section two on the back page, the second classification Assistant Fire Chief 40 hours from two to one. Is everyone clear on the motion? All in favor of the amendment signify by saying aye. All present were in favor. None were opposed.

Motion carries.

Mr. Vincent: We are now at Ordinance 15-02 as amended. With that I need a motion to waive.

Mr. Sharrer moved to waive the readings and it was seconded by Mr. Roberts.

Mr. Vincent: Is there any discussion on waiving of the readings? We will have Deputy Chief Eric Waltemire speak here shortly to give an explanation. Hearing none, we will have roll call vote on waiving of the readings.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Tarbert

Motion carries.

Mr. Vincent: I now need a motion for passage.

Ms. Gildow moved for passage, seconded by Mrs. Norman.

Mr. Vincent: Is there any discussion? And maybe before Council has questions if we could hear from Deputy Chief Eric Waltemire, if you will step up and give us information on this please.

Deputy Chief Eric Waltemire: Alright, I am currently the Deputy Chief. So basically I am demoting myself from the Assistant Chief and I will be promoted to Chief February 6th, 2015. Currently we don't have any flexibility in our Assistant Chief ranks. I can't go back if I have an Assistant Chief off for an extended illness, plus we have a need for a 40 hour position. The last two years we did an average of 400 inspections in the City of Zanesville. The 40 hour position oversees that duty. We also did 3,200 hours of training this past year. The Deputy Chief or the Assistant Chief's positions will receive that also among other things and duties, operations and the like. But if I have an Assistant Chief go off, I can't slide over and fill that so there wouldn't be overtime. Where I can slide that 40 hour Assistant Chief over to do it. It gives me flexibility to move the individual around also. Where now I don't have as they cannot move into Deputy Chief's position. If I need to move them around for whatever reason, I can do it.

Mr. Vincent: So with that when you talk about you can't do that as far as the person in the position of Deputy Chief, can't slide into the Assistant Chief's position to fill in?

Eric Waltemire: I can, but you are paying Deputy Chief's wages to fill an Assistant Chief's slot. Whereas if I have an Assistant Chief in that 40 hour position I can slide them over there and I can pay them dollar for dollar. You are paying Deputy Chief's wages, if I slide into an Assistant Chief's slot. I have done that, they don't pay me overtime, but I earned comp time, but I limit myself to twelve hours when I do fill those positions because they do not pay me overtime. It is an agreement I had with the Chief that I didn't get overtime. So I worked for comp time for those extra hours.

Mr. Vincent: Is there anything else from Council?

Mr. Sharrer: With the fifty-six hour Assistant Fire Chief's you have some flexibility with them as well as the forty hour position?

Eric Waltemire: Yes, we can move them around on shift.

Mr. Sharrer: Ok.

Eric Waltemire: It is just that if I have an Assistant Chief that for some reason I want to move into that forty hour position or move them around, I need that forty hour position. Because they oversee operations daily, they handle maintenance on the trucks and oversee it; you need that continuity there. The Chief does not have the time to do all of that, trust me. I have seen what Chief Thomas has done the last couple of years and you have to have that forty hour position there. I wouldn't even consider taking the Chief's job without that forty hour position being there. I know how busy I have been the last two years. So I need that, but I also need flexibility if I need to move an Assistant Chief around for whatever reason. It gives me a lot more flexibility then we have with that Deputy Chief and three Assistant Chiefs.

Mr. Sharrer: Thank you.

Mr. Vincent: Is there anything else from Council?

Mr. Buck: There is a formula we use to move them between forty hours and fifty-six hours. It is a percentage of they move up or they move back in pay. Naturally the forty hour one makes more per hour and if he goes to the fifty-six hour position he gets the fifty-six hour rate. We have had that for years. So it does work quite well.

Eric Waltemire: He can slide over there and cover a day shift at the fifty-six hour rate and slide his wages over there and change his wages to the fifty-six hour wage. It gives us a lot of flexibility.

Mr. Vincent: In summary, just to make sure I understand correctly. So this is taking the Deputy Fire Chief position, your current position now, making it into a forty hour a week Assistant Fire Chief position and that will save the City money?

Eric Waltemire: It should.

Mr. Vincent: So we are not gaining any positions and we are not taking any away. We are just basically moving down to the Assistant Chief. In the future then for a Fire Chief, as far as naming a Fire Chief, does that open the pool up to all of these Assistant Fire Chiefs to make that next step?

Eric Waltemire: To be promoted to Fire Chief? They are all eligible for testing. Now what you have is you still have it open for Assist Fire Chiefs. If I wasn't getting promoted to Chief I would have to compete with the Assistant Chiefs in that test for Fire Chief.

Mr. Vincent: So nothing really changes there then?

Eric Waltemire: Nothing really changes.

Mr. Vincent: Is there anything else from Council? Thank you, sir. When do you take over?

Eric Waltemire: February 6th. Chief Thomas retires February 5. I have big shoes to fill.

Mr. Vincent: Good luck. Thank you, sir. We appreciate it. If there is nothing else from Council, we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Tarbert

Motion carries. Ordinance is passed.

ORDINANCES FOR ACTION

Ordinance No. 14-56 - Introduced by Council – An Ordinance to vacate a portion of Balls Lane in the City of Zanesville, Ohio as herein provided.

Mr. Vincent: We are at second reading.

Mr. Roberts moved to waive the readings and it was seconded by Mr. Sharrer.

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

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Tarbert

Motion carries.

Mr. Vincent: I now need a motion for passage.

Mr. Sharrer moved for passage, seconded by Ms. Gildow.

Mr. Vincent: Is there any discussion? Council feels like they have a good understanding of what is going on? No additional questions because we don't have anyone here tonight to speak. I know they have sent a lot of information to us in the past and a lot of detail and made it very clear.

Mr. Sharrer: Just to clarify, I do see Mr. Richard Duncan in the audience if Council does have any questions, but I think we have covered it in committee meetings pretty thoroughly.

Mr. Vincent: I do see him back there. Great, if there is nothing else from Council we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Tarbert

Motion carries. Ordinance is passed.

Ordinance No. 14-85 - Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids and enter into contract for purchase of various insurances.

Mr. Roberts moved for second reading, seconded by Mr. Hutcheson.

Mr. Vincent: Is there any discussion? Hearing none all in favor of second reading signify by saying Aye. All present were in favor. None opposed.
Motion carries. Mr. Tarbert was absent.

TRAFFIC ORDERS

Order Number 15-01

Section One: There is hereby established a Loading Zone in front of 28 S. Sixth Street.

Section Two: The appropriate signs shall be installed in accordance with O.R.C. 4511.09.

A motion was made by Mr. Roberts to receive Traffic Order No. 15-01, seconded by Mr. Baker.

Mr. Vincent: Is there any discussion? No questions? All in favor of receiving signify by saying Aye. All present were in favor. None opposed. Mr. Tarbert was absent. Motion carries.

Order Number 15-02

Section One: Traffic Order 15-02 is hereby to establish Two (2) hour parking on South Slope Bay on the north side across from 1101 to 1132.

Section Two: The appropriate signs shall be installed in accordance with O.R.C. 4511.09.

A motion was made by Mr. Sharrer to receive Traffic Order No. 15-02, seconded by Mr. Foreman.

Mr. Vincent: Is there any discussion? Mr. Buck I think you have talked to numerous people up there and I have heard from some people also that there is a problem up there as far as getting through the street for emergency vehicles.

Mr. Buck: It is tight for emergency vehicles so two hours will allow anybody to deliver, to come in drop off whatever they have, or if it is some kind of repair man he will be able to come in to do his job and if he moves it should take care of any issue we have there. Actually it was just one vehicle, so we tried.

Mr. Vincent: So that opens it up so people can come in and load, unload, and do things, but it is not leaving vehicles there on and on and making it so difficult to get through. It is a tight turn there. Is there anything else from Council? All in favor signify by saying Aye. All present were in favor. None opposed. Mr. Tarbert was absent. Motion carries.

PRIVATE PETITIONS AND COMMUNICATIONS

Mr. Eric Jones, 221 Luck Avenue, Zanesville, OH 43701

Mr. Vincent: With that, Mr. Jones I know you like to have things on the record, so I want to let you know ahead of time if there is any name calling you will be done. Ok?

Eric Jones: I will begin with a teaching moment real quick. Mr. Vincent, you are a presiding officer. As a presiding officer if you are going to give me a warning, I have given you the rules on how I am supposed to act. I am the rulee. You have to let me know what dispatch it is that you are going to be using and the format for you to make a ruling. Now, as pursuant to the Ohio Revised Code for you to say that you are making a ruling or that you are warning me, that doesn't work. You have to do it the way it says so. You have the parliamentarian sitting there. Make sure you understand this because I am speaking up. We have been deprived of a republican democracy here in Zanesville. This is a charity of the majority. I want you to understand silence equals consent. Silence shall be construed as consent. I want you to imagine, how would you oust a republican democracy from the community? What kind of things do you have to do? I am here in my role as citizen tribune. I am here to judge you. There will be some. I am letting you know step by step. I gave you a year to read two books. If you read either one of them you know what I am saying is rock solid. Again Mr. Hillis, he can advise you, but he cannot rule. The only person here who can rule is you and you can only rule from the beginning of the meeting to the end of the meeting. You can't say anything to me before the meeting that has any validity or after the meeting that has any validity. If you don't know that then you don't know civics. At the last meeting you were upset because I used the term "whore".

Mr. Vincent made strikes with the gavel.

Mr. Vincent: Please sit down, you are done.

Eric Jones: That is a legitimate word.

Mr. Vincent: Please sit down sir. You are done.

Eric Jones: That is a legitimate word.

Mr. Vincent: Sit down sir.

Eric Jones: That is a legitimate word.

Mr. Vincent: Sit down sir!

Eric Jones: That is a legitimate word.

Mr. Vincent: Sir, sit down or please leave.

Eric Jones: Wait, do I have a right

Mr. Vincent: Sir, you are done, please sit down.

Eric Jones: Do I

Mr. Vincent: Sir, please sit down! Moving on to miscellaneous and unfinished business.
(Mr. Jones was still speaking loudly in the background)

Eric Jones: You have to make a ruling.

Mr. Sharrer: I move we adjourn.

Ms. Gildow: I second.

Mr. Vincent: All in favor signify by saying aye.

Ms. Gildow: Wait a minute. The Mayor would like to speak.

Mr. Vincent: Would you like to withdrawal your motion?

Mr. Sharrer: Yes.

Ms. Gildow: I withdrawal my motion.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mayor Tilton: I would just like to thank Council, the Administration, and the City employees and everybody that conveyed condolences on the passing of my son. Thank you.

Mr. Vincent: Thank you Mayor Tilton. Mr. Buck wanted to share something.

Mr. Buck: On a lighter note, we have one of our sons from our area that is playing for Ohio State Buckeyes. He walked on. He is from Rosecrans. They should be very proud. I think we should be very proud. Aaron Parry is his name. If you see this young man you will really like him. He is really a straight up kid.

Mark Baker: I taught him everything he knows.

Mr. Sharrer: Except football.

Fred Buck: I just wanted to bring it up and he is number 91 and very proud to have him from our area.

Mr. Vincent: Thank you. We appreciate it. Is there anything else from Council?

Mr. Sharrer: I move we adjourn.

Ms. Gildow: I second it.

Mr. Vincent: Motion and second to adjourn. All in favor of adjournment signify by saying aye. All present were in favor. None were opposed. Mr. Tarbert was absent.

Mr. Vincent: Motion carries. We stand adjourned. Thank you everyone and have a good night.

The meeting was adjourned about 7:21 p.m.



Council-Mayor Government
Jeff Tilton, Mayor

THE CITY OF
Zanesville

401 Market Street • Zanesville, Ohio 43701
Phone (740) 455-0601 Ext 128 •
Fax (740) 455-0744 E-mail: mayor@coz.org

MEMORANDUM

TO: *Members of City Council*
FROM: *Mayor Jeff Tilton* JT
DATE: *January 13, 2015*
SUBJECT: *Board Appointment*

South East Area Transit

I am hereby recommending the appointment of Jay Bennett to fill the expired term of Paul Dubeck; Connie Norman to fill the expired term of Roger Fitz; and Tom Peters, Kurt Ufholz, and Howard Bailey to serve an addition term, on the South East Area Transit Board with terms to begin January 1, 2015 and expiring December 31, 2017.

JT/bm





Council-Mayor Government
Jeff Tilton, Mayor

The City of Zanesville

401 Market Street, Zanesville, Ohio 43701

Phone: (740) 455-0601 x101

Email: jay.bennett@coz.org



Department of Public Service

Jay D. Bennett, DIRECTOR

MEMO

TO: Honorable Members of Council —
Jeff Tilton, Mayor

FROM: Jay D. Bennett, Public Service Director 

DATE: January 15, 2015

RE: Zanesville Municipal Airport Quarterly Report (4th Quarter)

CC:

Please find attached the quarterly report for the Zanesville Municipal Airport for your information.

JDB/bc

Attachment

ZANESVILLE MUNICIPAL AIRPORT

QUARTERLY REPORT

October 1, 2014 – December 31, 2014

FUEL SALES:

JET 37,582

AVGAS 3,349

CHARTER FLIGHTS:

58 TOTAL IN 2013

63 TOTAL IN 2014

NO OVERTIME THIS QUARTER

STRAWSER CONSTRUCTION RETURNED IN LATE OCTOBER TO CORRECT CRACK SEAL PROBLEM

ON OCTOBER 29TH, FLIGHT CHECK INSPECTED P.A.P.I. LIGHTING PROBLEMS RESOLVED.

IN DECEMBER DISCUSSIONS WERE STARTED WITH NEIGHBORING LAND OWNERS ON TREE REMOVAL.

ON DECEMBER 29TH THE F.A.A. TECHNICIAN BERNIE JESKEY RETIRED AFTER 29 YEARS OF SERVICE. FORTUNATELY THE F.A.A. HAS DECIDED TO KEEP A TECHNICIAN ON THE FIELD, JAMES BEVANS HAS FILLED THE POSITION.

**RESOLUTION 15- 03
INTRODUCED BY COUNCIL**

**A RESOLUTION AUTHORIZING THE PROPER CITY OFFICIAL TO
ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF
TRANSPORTATION FOR RESURFACING AND RELATED WORK,
LYING WITHIN THE CITY OF ZANESVILLE AND DECLARING AN
EMERGENCY.**

The following Final Resolution enacted by the City of Zanesville, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA," in the matter of the stated described project.

WHEREAS, on 28th day of July 2014, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of resurfacing and related work, lying within the City of Zanesville; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above-described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of **Seven Thousand Fifty Eight and - - - - 00/100 Dollars (\$7,058.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, the Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above-described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, the LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

WHEREAS, due to a January 30, 2015 deadline submittal, this resolution needs to be passed as an emergency.

NOW, THEREFORE, be it resolved:

- I. That the estimated sum of **Seven Thousand Fifty Eight and - - - 00/100 Dollars (\$7,058.00)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.
- II. That the LPA hereby request the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that **Public Service Director** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.
- V. For the reasons stated in the preamble hereto, this resolution is declared to be an emergency measure. Provided it receives the affirmative vote of six (6) or more members of City Council, this resolution 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.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the _____ day of _____, 2015, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume _____, at Page _____, and under date of _____, 2015.

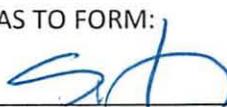
PASSED: _____, 2015

ATTEST: _____
SUSAN CULBERTSON,
Clerk of Council

DANIEL M. VINCENT,
President of Council

APPROVED: _____, 2015

JEFF TILTON,
Mayor

THIS LEGISLATION APPROVED
AS TO FORM:


LAW DIRECTOR'S OFFICE

PID No. 92256
Project No. _____ (2015)

C O N T R A C T
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of Zanesville, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of resurfacing and related work, lying within the City of Zanesville.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of Seven Thousand Fifty Eight and ---- 00/100 Dollars, (\$7,058.00).
5. The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid and State funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;
 - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,
 - C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
 - D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;

Ordinance 15-03

PID No. 92256 – Contract

- E. To place and maintain all traffic control devices conforming to the Ohio Manual on Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows:

City of Zanesville
401 Market Street
Zanesville, Ohio
43701

Ohio Department of Transportation
Office of Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin, disability, or age. Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin, disability, or age. If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

Ordinance 15-03

PID No. 92256 – Contract

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XI: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Ordinance 15-03

PID No. 92256 – Contract

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL
(If Applicable)

OHIO DEPARTMENT OF
TRANSPORTATION

LOCAL PUBLIC AGENCY
City of Zanesville

Director of Transportation

Public Service Director

Date

Date

Approved:
Mike DeWine
Attorney General of Ohio

By: _____
Stephen H. Johnson
Chief, Transportation Section

Date: _____

RESOLUTION 15- 04
INTRODUCED BY COUNCIL



A RESOLUTION AUTHORIZING THE PROPER CITY OFFICIAL TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR INSTALLATION OF SIDEWALKS AND DECORATIVE LIGHTING, LYING WITHIN THE CITY OF ZANESVILLE, AND DECLARING AN EMERGENCY.

The following Final Resolution enacted by the City of Zanesville, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA," in the matter of the stated described project.

WHEREAS, on 26th day of August, 2013, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of installation of sidewalks and decorative lighting, lying within the City of Zanesville; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above-described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of **One Hundred Sixty Three Thousand Nine Hundred and - - - 00/100 Dollars, (\$163,900.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, the Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above-described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, the LPA desires the Director of Transportation to proceed with the aforesaid highway improvement; and

WHEREAS, due to a February 13, 2015 deadline submittal, this resolution needs to be passed as an emergency.

NOW, THEREFORE, be it resolved:

- I. That the estimated sum of **One Hundred Sixty Three Thousand Nine Hundred and - - - 00/100 Dollars (\$163,900.00)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that **Public Service Director** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.
- V. For the reasons stated in the preamble hereto, this resolution is declared to be an emergency measure. Provided it receives the affirmative vote of six (6) or more members of City Council, this resolution 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.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the _____ day of _____, 2015, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume _____, at Page _____, and under date of _____, 2015.

PASSED: _____, 2015

ATTEST: _____
SUSAN CULBERTSON,
Clerk of Council

DANIEL M. VINCENT,
President of Council

APPROVED: _____, 2015

JEFF TILTON,
Mayor

THIS LEGISLATION APPROVED
AS TO FORM:


LAW DIRECTOR'S OFFICE

PID No. 92334
Project No. _____ (2015)

C O N T R A C T
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of Zanesville, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: RECITALS

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: PURPOSE

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of installation of sidewalks and decorative lighting, lying within the City of Zanesville.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **One Hundred Sixty Three Thousand Nine Hundred and - - - 00/100 Dollars, (\$163,900.00).**
5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid and State funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;
 - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,
 - C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
 - D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;

- E. To place and maintain all traffic control devices conforming to the Ohio Manual on Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows:

City of Zanesville
401 Market Street
Zanesville, Ohio
43701

Ohio Department of Transportation
Office of Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin, disability, or age. Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin, disability, or age. If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XI: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Ordinance 15-04

PID No. 92334 – Contract

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL
(If Applicable)

**OHIO DEPARTMENT OF
TRANSPORTATION**

**LOCAL PUBLIC AGENCY
City of Zanesville**

Director of Transportation

Public Service Director

Date

Date

Approved:
Mike DeWine
Attorney General of Ohio

By: _____
Stephen H. Johnson
Chief, Transportation Section

Date: _____

Auditor Margo Moyer



ORDINANCE NO. 15- 05
INTRODUCED BY COUNCIL

AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY THE INVOICES OF VARIOUS DEPARTMENTS USING 2015 MONEY FOR 2014 INVOICES AND DECLARING AN EMERGENCY.

WHEREAS, at the beginning of the year, final bills of 2014 cannot be estimated thus causing various purchase orders that need council approval; and,

WHEREAS, an ordinance is needed at the beginning of each year to approve a list of purchase orders; and,

WHEREAS, an emergency exists so that all vendors can be paid on a timely basis.

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

SECTION ONE: That the City Auditor is hereby authorized to pay the following invoices listed below:

American Electric Power	36,890.69	Sewer
American Electric Power	33,882.86	Street Lighting
American Electric Power	4,701.61	Jail

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

PASSED _____, 2015

ATTEST: _____
Susan Culbertson
Clerk of Council

Daniel M. Vincent
President of Council

APPROVED: _____, 2015

Jeff Tilton
Mayor

This legislation approved as to form:



Law Director's Office

Jeff Tilton,
Mayor



ORDINANCE NO. 15- 06
INTRODUCED BY COUNCIL

AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO REDUCE THE
WATER AND SEWER TAP FEES FOR GENESIS AT THE NEW BETHESDA CAMPUS.

WHEREAS, Genesis is finalizing the construction of facilities on their Bethesda Campus; and

WHEREAS, Genesis has requested consideration for a waiver of water and sanitary sewer tapping/capacity fees associated with the construction of the new facilities at the Bethesda Campus; and

WHEREAS, the Administration staff has reviewed the request and recommends a partial reduction in water and sewer charges; and

WHEREAS, in this instance, elimination of new and/or reduction of sewer and water fees is appropriate as a result of an equal or greater reduction of systems demand through the termination of services at Good Samaritan Campus.

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

SECTION ONE: The proper City official is hereby authorized to reduce the water and sewer tap capacity charges for the construction of new facilities at Genesis for the new Bethesda Campus in the amount of \$7,000.00.

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

PASSED: _____, 2015

ATTEST: _____
SUSAN CULBERTSON
Clerk of Council

DANIEL M. VINCENT,
President of Council

APPROVED: _____, 2015

THIS LEGISLATION APPROVED AS TO FORM

JEFF TILTON,
Mayor

LAW DIRECTOR'S OFFICE

The City of Zanesville

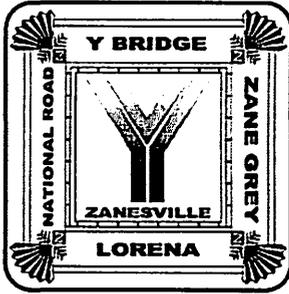
401 Market Street, Zanesville, Ohio 43701

Phone: (740) 455-0601 X101

Email: jay.bennett@coz.org

Department of Public Service

Jay D. Bennett, DIRECTOR



To: Mayor Jeff Tilton

From: Jay D. Bennett, Public Service/Community Development Director

Date: January 21, 2015

Re: Water and Sanitary Sewer Tap Fee Waiver Request

Overview

Genesis is requesting consideration by the City for a waiver of new sanitary sewer tapping/capacity fees associated with the construction of the new Bethesda campus. The following fees are included in this request for waiver:

Background

Recommended fees for service are set at levels necessary to recover the costs incurred by the City to provide the permit or service. Some fees, as noted, are based on actual costs and are billed upon completion.

The Sewer-Connection and Water-Meter/Tap Fee is intended to cover the cost of tapping the water and sewer mains and providing the water meter, corporation stop, and stub out for the property owner's water and sewer connections.

A Capacity Fee is intended to pay for capacity in the "Central System." The fee is charged for each new connection to the City's system, regardless of location, to pay for the systems' growth and expansion projects as outlined in the City's water and sewer CIP. Each new connection purchase will buy a share of the core or Central System capacity under the "value of service concept."

New Bethesda Campus Impacts

Sewage Capacity Fees/Impacts

The City Engineer calculated the Sewage Capacity fee for the construction project based upon information provided by Genesis, the City of Zanesville adopted fees/charges of \$1570 per 250 gallons per day and design flow rates listed OAC 3745-42-05 for a hospital, institution (Forest View post), nursing home (Forest View pre), and office building (MOBII and Cancer Center). The calculations consider the Bethesda campus as a whole by providing credit for the usage change at Forest View to offset the significant employee

Ordinance 15-06

increase at the hospital. The table below provides the breakdown of estimated gallons per day per facility at the Bethesda campus.

BUILDING	PRE-PROJECT	POST-PROJECT	CALCULATIONS
I. MOB I / Phys. Pavilion	56,960 s.f.	56,960 s.f.	
a. In-Patients	0	0	
b. Employees / Staff	93	93	
c. Visitors	475	475	
II. MOB II	0 s.f.	62,390 s.f.	
a. In-Patients	0	0	X 20 = 3000 gpd
b. Employees / Staff	0	150	
c. Visitors	0	434	
III. Cancer Center	0 s.f.	33,800 s.f.	
a. In-Patients	0	0	X 20 = 860 gpd
b. Employees / Staff	0	43	
c. Visitors	0	98	
IV. New Patient Tower	0 s.f.	159,698 s.f.	
a. In-Patients	0	Included in Main Hospital	
b. Employees / Staff	0	Included in Main Hospital	
c. Visitors	0	Included in Main Hospital	
V. Bethesda Main Hospital	327,912 s.f.	327,912 s.f.	
a. In-Patients	284 beds	262 beds	X 300 = -6600 gpd
b. Employees / Staff	1,481 / 498 max. shift	2,522 / 820 max. shift	X 35 = 36435 gpd
c. Visitors	284	262	
VI. Forest View	41,150 s.f.	41,150 s.f.	Pre
a. In-Patients	150 beds	30 beds	150x200 = -30000
b. Employees / Staff	93	64 max. shift	93x50 = -4650
c. Visitors	150	30	Post
			30x100 = 3000
			64x35 = 2200
TOTAL = 4,245 additional GPD / 250 GPD x \$1570 = \$26,658.60 new			

Credit for removal of the Good Samaritan Hospital Campus impacts

Good Samaritan Hospital	357,190 s.f.	0 s.f.	
a. In-Patients	351 beds	0	351 x 300 = 105,300 gpd less
b. Employees / Staff	1,530 / 579 max. shift	0	1530 x 35 = 53,500 gpd less
158,850 calculated / 96,400 actual GPD less usage of sanitary sewer system			

Ordinance 15-06

Water Tapping Fees

The City Engineer has calculated the Water Tap fee for the project to be **\$29,000.00**.

The Water System Tap fee is based on \$1000 per inch of new service size (domestic & fire) plus parts, labor, and materials necessary to make the tap. The fee was calculated by determining the amount and size of new connections to the private water loop which surrounds the Bethesda hospital.

However, since the Bethesda campus is a private water loop, it has been the City of Zanesville's policy that the taps will be made by the owner's contractor. This alleviates the charge of City crew's time and materials being added as a part of the fee. The table below represents the breakdown of the sizes, locations, and associated fees used to determine the water tap fee.

BUILDING	# OF TAPS	SIZE	FEE	NOTES
I. MOB II				
a. Fire	1	4"	\$4,000	
b. Domestic	1	3"	\$3,000	
II. Cancer Center				The Cancer Center receives both Domestic & Fire Suppression water from the hospital taps. The domestic water is not separately metered.
a. Fire	0	0"	\$0	
b. Domestic	0	0"	\$0	
III. New Patient Tower				
a. Fire	2	8"	\$16,000	
b. Domestic	1	6"	\$6,000	
Total Charge			\$29,000	

Credit for removal of the Good Samaritan Hospital Campus water system demand

Good Sam Hospital	2	3"	\$6,000	Domestic
	2	1"	\$2,000	
	2	6"	\$12,000	Fire
	1	2"	\$2,000	
Total Credit			\$22,000	

Relevant Policies / Regulations

WATER

Ohio Revised Code 743.02 provides “The director of public service may make such bylaws and regulations as he deems necessary for the safe, economical, and efficient management and protection of the water works of a municipal corporation. Such bylaws and regulations shall have the same validity as ordinances when not repugnant thereto or to the constitution or laws of the state.”

The fees associated with water meter taps are set out in the City’s Water Policies, Section 10.2 which provides:

Section 10.2 Water Tap Charges

The water tap charges are as follows (figured cost plus time and materials):

For taps larger than one (1) inch in nominal diameter, the charge shall be the actual cost of labor, equipment and materials. A cash deposit equal to the estimated charge shall be required. Any excess deposit will be refunded and any deficiency shall be paid before the water is turned on.

Lastly, Section 10.9 (Special Agreements) of the City’s Water Policies states “No statement contained herein shall be construed as preventing any special agreement or arrangement between the City and any person under special circumstances.”

SANITARY SEWER

The sanitary sewer tap fees are set out in Zanesville Municipal Code, Chapter 924.11 (e) Commercial or Industrial Capacity Fee.

I believe that the cast can certainly be made that the new construction upon the Bethesda Campus is not **new demand** upon either the water or sanitary sewer systems since there is a removal of demand by the same owner of facilities in another location of the city. Thus, this reduction or elimination of Genesis tap fees does not prevent the city from assessing these fees/charges upon new construction (without similar circumstances) or granting/seeking Council permission (sewer only) of similar relief to a new construction project.

Next Steps

After your consideration of the methodology presented herein, I request your direction regarding:

- (a) Developing an Ordinance for City Council consideration that would reduce the Genesis water tap fees on the Bethesda Campus from \$29,000 to a new total of \$7,000 and waive the sanitary sewer tap fees associated with the construction of the new facilities on the Bethesda Campus.

Department of Public Service
Jay D. Bennett, Director



ORDINANCE NO. 15- 07
INTRODUCED BY COUNCIL

AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO ADVERTISE FOR BIDS, AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE CONSTRUCTION OF THE R2/R7 COMBINED SEWER SEPARATION PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Zanesville is required by the Ohio EPA to eliminate combined sewers in accordance with the approved NPDES permit; and

WHEREAS, the R2/R7 combined sewer system is scheduled for separation in 2015 with the current permit schedule; and

WHEREAS, in order to adhere to the Ohio EPA NPDES permit schedule, this ordinance needs passage as an emergency.

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

SECTION ONE: The proper city official is hereby authorized to advertise for bids and enter into a professional contract with the lowest and best bidder for the separation of the R2/R7 combined sewer area.

SECTION TWO: The cost of the sewer separation project is estimated to be \$999,200.00 and shall come from a zero interest loan through Ohio Public Works Commission.

SECTION THREE: For the reasons stated in the preamble hereto, this Ordinance is declared to be an emergency measure. 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.

PASSED: _____, 2015

ATTEST:

SUSAN CULBERTSON
Clerk of Council

DANIEL M. VINCENT,
President of Council

APPROVED: _____, 2015

THIS LEGISLATION APPROVED AS TO FORM

JEFF TILTON,
Mayor



LAW DIRECTOR'S OFFICE

Department of Public Service
Jay D. Bennett, Director



ORDINANCE NO. 15- 08
INTRODUCED BY COUNCIL

AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO ADVERTISE FOR BIDS, AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE CONSTRUCTION OF THE RIDGEWOOD CIRCLE STORM SEWER PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, a sinkhole has been discovered over the storm sewer in Ridgewood Circle; and

WHEREAS, upon further TV inspection, the storm sewers in Ridgewood Circle are in need of immediate repair with an expenditure that requires council approval; and

WHEREAS, in order to complete the construction prior to additional storm sewer failure and complete the project in a timely manner, this ordinance needs passage as an emergency.

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

SECTION ONE: The proper city official is hereby authorized to advertise for bids and enter into a contract with the lowest and best bidder for the rehabilitation of the Ridgewood Circle Storm Sewer.

SECTION TWO: The cost of the project is estimated to be \$185,000.00 and shall come from line item 608.5462.53266.

SECTION THREE: For the reasons stated in the preamble hereto, this Ordinance is declared to be an emergency measure. 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.

PASSED: _____, 2015

ATTEST: _____
SUSAN CULBERTSON
Clerk of Council

DANIEL M. VINCENT,
President of Council

APPROVED: _____, 2015

THIS LEGISLATION APPROVED AS TO FORM

JEFF TILTON,
Mayor



LAW DIRECTOR'S OFFICE



ORDINANCE NO. 15-09
INTRODUCED BY COUNCIL

AN ORDINANCE ACCEPTING A BID FOR PREVIOUSLY DECLARED SURPLUS PROPERTY AND AUTHORIZING THE PROPER AUTHORITY TO EXECUTE ALL DOCUMENTS UPON SAID PROPERTY TO THE HIGHEST AND/OR BEST BIDDER.

WHEREAS, the City of Zanesville owns a parcel of property more specifically described as Parcel Numbers 81-09-06-04-000, 81-09-06-05-000, 81-09-06-06-000, 81-09-06-07-000, 81-09-06-08-000 Pt, 81-09-06-09-000, 81-10-01-01-000, and 81-10-01-02-000 and the City-owned former public right-of-way known as Garfield Street, vacated pursuant to Ordinance 63-90, which is located at 1510 Moxahala Avenue, Zanesville, Ohio; and

WHEREAS, City Ordinance 14-80 has previously declared the property at 1510 Moxahala Avenue as surplus and was duly advertised five times in the local newspaper before bids were accepted; and

WHEREAS, the City received one bid for said property in the amount of \$300,000.00 from Chipco LLC (3450 South River Road, Zanesville, Ohio); and

WHEREAS, in review of the appraisal, the bid documents, and associated information, city administration recommends that City Council award the bid for the sale of the stated parcels to Chipco LLC in the amount of \$300,000.00.

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

SECTION ONE: City Council hereby accepts the bid for the property located at 1510 Moxahala in the amount of \$300,000.00, and hereby authorizes the proper city official to execute all documents for the sale of the stated property.

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

PASSED: _____, 2015

ATTEST:

SUSAN CULBERTSON,
Clerk of Council

DANIEL M. VINCENT,
President of Council

APPROVED: _____, 2015

JEFF TILTON,
Mayor

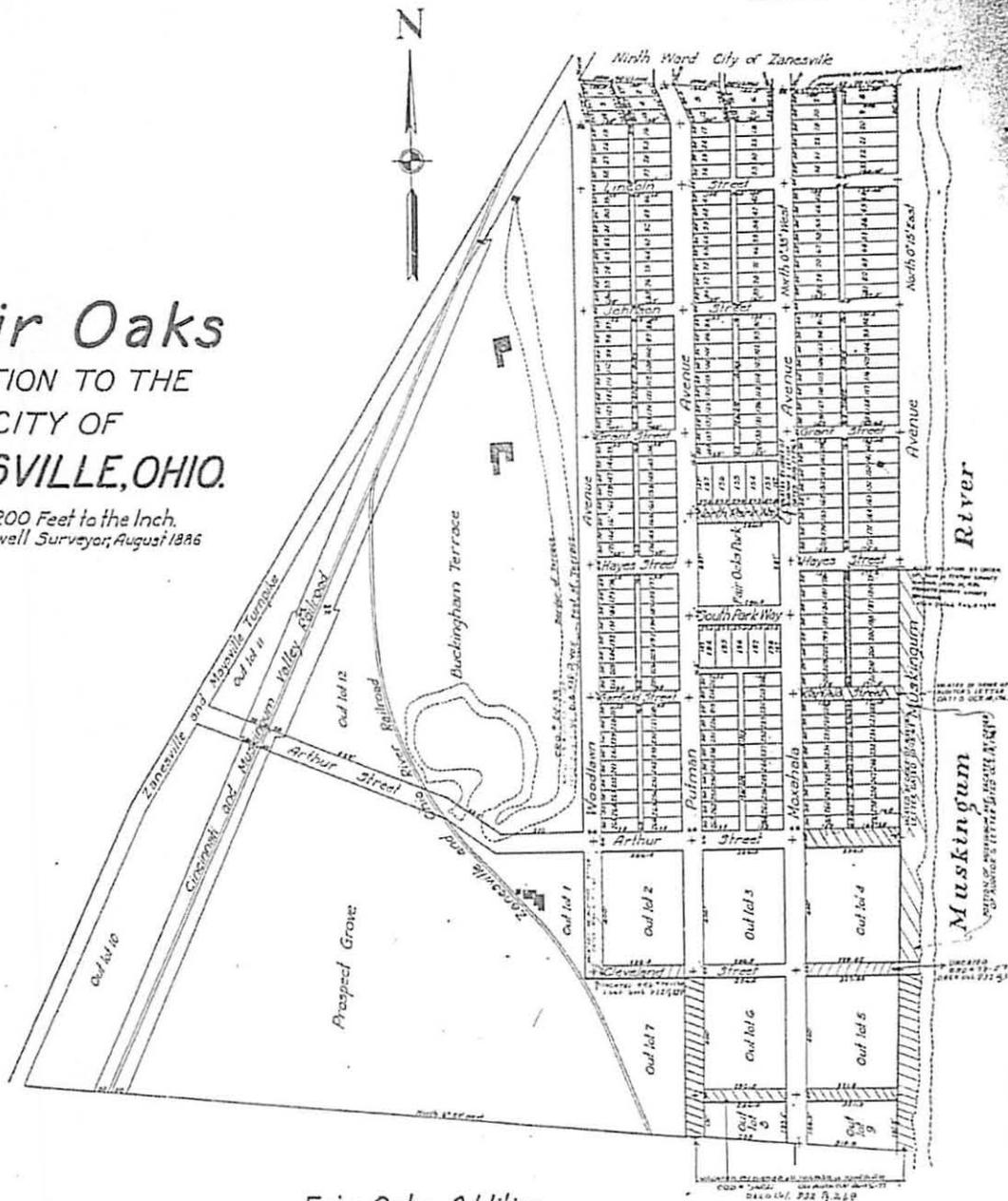
THIS LEGISLATION APPROVED AS TO FORM



LAW DIRECTOR'S OFFICE

Fair Oaks ADDITION TO THE CITY OF ZANESVILLE, OHIO.

Scale 200 Feet to the Inch.
Albert E. Howell Surveyor, August 1886



Fair Oaks Addition

I the undersigned James Buckingham as Trustee do hereby certify that this plat correctly represents a subdivision of what was commonly known as the "Jewett farm" and to be known as Fair Oaks Addition to the City of Zanesville Ohio

James Buckingham as Trustee

I Frederick Howell a County Surveyor of the State of Ohio in and for the County of Muskingum do hereby certify that James Buckingham as Trustee personally appeared before me and acknowledged the signing and sealing of this plat by him as such Trustee to be his voluntary act and deed as such Trustee for the use and purposes required by law. In witness whereof I have hereunto set my hand this twelfth (12) day of October 1886.

Frederick Howell
County Surveyor of
Muskingum Co. Ohio.

I the undersigned do hereby certify that the subdivision of the lots known as Fair Oaks was surveyed and laid out by me as directed by said James Buckingham as Trustee is in all respects correct as I verily believe.

The numbers of each lot of said subdivision are made in red figures.

The courses and distances of lines are made thereon.

The lengths and breadth of lots streets and alleys are marked in black on the plat.

This mark + shows where stones have been planted to regulate future surveys.

I hereby certify that this plat correctly represents said sub-division.

Albert E. Howell
Surveyor

In lots Nos 1 to 270 inclusive entered
for transfer October 12, 1886
A. R. Patterson
Auditor

Received for record Oct. 12, 1886
at 4 o'clock PM
Recorded October 12, 1886
D. Zimmerman Recorder
Per Cunningham

