

**City Council meeting  
Agenda of business  
August 24, 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**

1. Communication From Jay Bennett, Public Service Director – Zanesville Municipal Airport Quarterly Report (2<sup>nd</sup> Quarter)
2. Communication from Mayor Jeff Tilton - Appointment of Kevin McPeek to fill the unexpired term of Brad Stubbs to the City Planning Commission. Mr. McPeek's term will end February 1, 2016.
3. Communication from Mayor Jeff Tilton – Appointment of David Wagner to fill the unexpired term of John Raytis to the Board of Zoning Appeals. Mr. Wagner's term will end December 31, 2017.
4. Resolution No. 15-96 – Introduced by Council – A Resolution declaring "Beggar's Night"/"Trick or Treat" for the City of Zanesville. (First Reading)
5. Resolution No. 15-97 – Introduced by Council – A Resolution accepting the amounts and rates as determined by the budget commission, authorizing the necessary tax levies, certifying them to the County Auditor, and declaring an emergency. (Emergency or First Reading)
6. Resolution No. 15-98 – Introduced by Council – A Resolution authorizing the proper city official to file a grant application for certain improvements to the Zanesville Municipal Airport and declaring an emergency. (Emergency or First Reading)
7. Resolution No. 15-99 – Introduced by Council – The following Resolution enacted by the City of Zanesville, hereinafter referred to as the legislative authority or local public agency (LPA), in the matter of the stated described project, and declaring an emergency. (Emergency or First Reading)

**D. Proposed ordinances**

8. Ordinance No. 15- 100– Introduced by Council – An Ordinance declaring the improvement to certain real property to be a public purpose; declaring such improvement to be exempt from real property taxation; requiring the owners thereof to make service payments in lieu of taxes; designating the public infrastructure improvements to be made that will directly benefit the real property; and establishing a Public Improvement Tax Increment Equivalent Fund for the deposit of service payments. (First Reading)
9. Ordinance No. 15-101 – Introduced by Council – An Ordinance authorizing the assessment of liens against certain properties for demolition and clearance activities, and declaring an emergency. (Emergency or First Reading)

**E. Ordinances for action**

10. Ordinance No. 15-91 A - Introduced by Council – An Ordinance enacted by the City of Zanesville of Muskingum County, Ohio for resurfacing and related work on US 40 and State Routes 60/60D/60G/146. (Second Reading)
11. Ordinance No. 15-95 – Introduced by Council – An Ordinance authorizing the appropriate city official to waive the ordinary rental fees charged for Secrest Auditorium for the November 6, 2015 program honoring veterans. (Second Reading)
12. Ordinance No. 15-87 – Introduced by Council – An Ordinance amending Ordinance No. 00-16, which adopted a classification plan for city employees; amending Ordinance 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. (Third Reading)
13. Ordinance No. 15-44 – Introduced by Council - An Ordinance amending Chapter 111 of the Codified Ordinances of the City of Zanesville. (Third Reading)

**F. Traffic orders**

**Traffic Order 15-09**

Section One: Traffic Order 15-06 is hereby rescinded which established No Thru Traffic on Center Drive from Taylor Street North to Fairway Lane to be used for local traffic only.

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

**Traffic Order 15-10**

Section One: Traffic Order 15-10 is hereby rescinded TO 87-29 which established No Parking Zone on the south side of Forest Avenue from the intersection of Forest and Ashland Avenues west 200 feet and rescind TO 90-23 which established a No Parking Zone on the south side of Forest immediately north of the helicopter pad.

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

**Traffic Order 15-11**

Section One: Traffic Order 15-11 is hereby to establish a No Thru Trucks Zone on Center Drive from Taylor Street to Fairway Lane and Country Club Drive.

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

**Traffic Order 15-12**

Section One: Traffic Order 15-12 is hereby to establish a No Parking Zone on the South side of Livingston Avenue from the stop bar at intersection of Livingston Avenue and Dresden Road for 30 feet east.

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

**Traffic Order 15-13**

Section One: Traffic Order 15-13 is closing Potter's Alley from Shinnick Street to Spruce Alley to vehicular traffic.

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

**G. Miscellaneous and unfinished business**

**H. Private petitions and communications**

## **CITY COUNCIL MEETING – MONDAY, AUGUST 10, 2015**

The Council of the City of Zanesville met in regular session at 7:00 p.m. on Monday, August 10, 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: Ms. Gildow, Mr. Foreman, Mr. Sharrer, Mr. Tarbert, Mr. Baker, Mrs. Gentry, Mrs. Norman, Mr. Hutcheson, Mr. Roberts, and Mr. Vincent.

### **APPROVAL OF MINUTES**

Mr. Hutcheson moved to accept the July 27, 2015 minutes as printed, seconded by Mr. Roberts.

All were in favor. None were opposed.

Motion carries. Minutes stand approved.

### **COMMUNICATIONS, REPORTS, AND RESOLUTIONS**

Ms. Gildow: I request that we add a communication from Rhonda Heskett, Budget and Finance Director, please.

Mr. Vincent: A motion by Ms. Gildow to add in the communication from Ms. Rhonda Heskett.

Mr. Baker seconded.

Mr. Vincent: Any discussion?

Mr. Roberts: What is this amendment or addition?

Mr. Vincent: Let's go ahead and get it in and then we will discuss it. I am sorry. Okay, never mind, Ms. Heskett, do you want to go ahead and explain it?

Mr. Heskett: Sure. This is the annual Local Government Revenue that is certified to us from the county and basically it is just a communication letting Council members know how much we will be receiving in 2016 and then asking for your signature if you are in agreement with it.

Mr. Roberts: Thank you.

Mr. Vincent: Yes, with that, it did come in late and it was a last minute piece of information received and there is a quick turnaround time and a quick deadline.

Ms. Heskett: Yes. That is correct.

Mr. Vincent: Okay, so all in favor of adding this in to the agenda under Communications, Reports and Resolutions signify by saying aye.

All were in favor. None were opposed. Motion carried.

Communication from Rhonda Heskett, Budget & Finance Director – Local Government Revenue FY 2016 pursuant to ORC 5705.281 in the amount of \$682,440.93.

Mr. Vincent: Now I need a motion to receive this communication.

Mr. Tarbert moved, seconded by Mr. Baker.

Mr. Vincent: Is there any discussion? Hearing nothing, all in favor of receiving, signify by saying aye.

All were in favor. None were opposed. Motion carries. The communication has been received.

With that, we are going to pass this around as Council members need to sign off on this.

## **PROPOSED ORDINANCES**

Ordinance No. 15-91 - Introduced by Council – An Ordinance enacted by the City of Zanesville of Muskingum County, Ohio for resurfacing and related work on US 40 and State Routes 60/60D/60G/146.

Mr. Roberts moved for first reading, seconded by Mr. Foreman.

Mr. Vincent: Is there any discussion? With that, Mr. Hillis, on this is it okay to fill in these Ordinance numbers later on? We have it up above, but we don't have it on the first page or further back in. Do we need to amend that last page and first page? The top line talks about: "the following is Ordinance 15- blank".

Mr. Hillis: If you know the Ordinance number I would suggest that you fill it in now. I thought at the top it says Ordinance 15-91.

Mr. Vincent: Okay, does it need to say it throughout the document?

Mr. Hillis: I am asking is that the right Ordinance?

Mr. Roberts: It is.

Mr. Hillis: Then it makes since for someone to have managed to insert 91 in that paragraph.

Mr. Vincent: Then also on the back page. So looking for a motion from Council if they like regarding first line, first sentence, as far as the following is filling in the blank there Ordinance 15-blank to put in 91. Then on the back page then also, that document about the fourth line down, also fill in the blank line 15-91.

Mr. Tarbert moved, seconded by Mr. Roberts.

Mr. Vincent: Is there any discussion? All in favor of the amendment signify by saying aye. None were opposed. The amendment is adopted. Now I need a motion for first reading as amended.

Mr. Roberts moved and Mr. Tarbert seconded.

Mr. Vincent: Is there any discussion? All in favor of first reading of 15-91 as amended signify by saying aye.

All were in favor. None were opposed.  
Motion carries.

Ordinance No. 15-92 - Introduced by Council – An Ordinance authorizing the appropriate city official to enter into an agreement with South Rebels Bidy League Football for management/use of a particular section of Riverside Park Complex, and declaring an emergency.

Mr. Vincent: A motion to waive or first reading.

Mr. Hutcheson moved to waive, seconded by Mr. Foreman.

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

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

Mr. Vincent. Now I need a motion for passage.

It was moved by Mr. Roberts, seconded by Ms. Norman.

Mr. Vincent: Is there any discussion?

Mr. Tarbert: I talked to Mr. Bennett today and I think on our desks, I want to make sure we were passing the right Ordinance. The one that came to us has, I think, been amended. The one on our desk is just taking out in paragraph two where it says "furnish lighting if needed; and" has been stricken. And then there is an attachment that shows the area that is discussed in the Ordinance that we received, but the attachment was

inadvertently left off that ordinance, but that attachment is in front of us tonight. But I feel like I should make an amendment to add the attachment and strike that language “furnish lighting if needed; and”. So moved.

Mr. Vincent: A motion by Mr. Tarbert to strike out in the contract then under number 2 the “furnish lighting if needed; and”, and then also adding in the attachment designating the specified area for them to use. Is that correct?

Mr. Tarbert: Yes.

Mr. Sharrer: I second.

Mr. Vincent: Is there any discussion on that amendment or any clarification needed? Okay, all in favor of that amendment signify by saying aye.

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

Mr. Vincent: We are at Ordinance 15-92 as amended. We have it waived so I need a motion for passage.

Ms. Gildow moved, seconded by Mr. Foreman.

Mr. Vincent: Is there any further discussion?

Mr. Sharrer: I believe, Mr. Bennett, is there any need to involve the other members or is this an area that's unused or unmanaged by our current agreements in place for Riverside?

Mr. Bennett: This area is not encumbered by any other lease with the City. There has been practice going on, soccer practice. I had conversation with ROSA. They have looked at it is an area that they feel like they can work with them. Especially, the big thing for ROSA would be in the spring. This doesn't affect the spring since it is a fall sport.

Mr. Vincent: Is there anything else from Council? Mr. Hillis, the insurance on these talks about one million per occurrence. Typically we have a three million aggregate. Is that important that we don't have that included in there?

Mr. Hillis: Well, it is Council's prerogative. I mean if they put in the agreement of one million dollars I think we took that from the last agreement.

Mr. Bennett: It is what South Rebels has. They have that currently where they're at now and they have named the Fieldhouse as additional insured. So they have that amount.

Mr. Vincent: Okay. Is there anything else from Council? Hearing nothing else, we will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 15-93 - Introduced by Council – An Ordinance amending Ordinance No. 14-86 which authorized the appropriate city official to extend the agreement with Muskingum County for the supply of water, and declaring an emergency.

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

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

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

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

Mr. Roberts moved for passage, seconded by Mrs. Norman.

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 15-94 - Introduced by Council – An Ordinance authorizing the assessment of liens against certain properties with delinquent bills, and declaring an emergency.

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

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

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

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

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

Mr. Vincent: Is there any discussion?

Mr. Sharrer: Mr. Bennett, it is my understanding that this is kind of new as to it coming before Council to get, can you kind of give a history of how or why that came about?

Mr. Bennett: We received notice a few months ago that the County Auditor made a determination that what normally the assessments were certified by the Director or the Clerk. This year they would require legislation passed by the Council. They had very specific language as to what the Ordinance contained and the attachments as far as what information was provided. We have complied with what they are asking for and they needed it by the middle of this month so being the fact that we had previously provided notice to property owners who were going to be assessed that they had X amount of months to pay that. The last allowed date we gave was an August 10<sup>th</sup> date. So we wanted to honor what we told them months ago that they would have until this time to get it paid hence why the need for the emergency in order to get it to the County Auditor.

Mr. Sharrer: Thank you.

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 15-95 - Introduced by Council – An Ordinance authorizing the appropriate city official to waive the ordinary rental fees charged for Secrest Auditorium for the November 6, 2015 program honoring veterans.

Mr. Vincent: We are at first reading.

Mr. Tarbert moved for first reading, seconded by Mr. Foreman.

Mr. Vincent: Is there any discussion? Hearing none, all in favor of first reading signify by saying aye. All were in favor. None were opposed.

Motion carries.

## **ORDINANCES FOR ACTION**

Ordinance No. 15-87 - 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.

Mr. Vincent: We are at second reading.

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

Mr. Vincent: Is there any discussion? Hearing none, all in favor of second reading signify by saying aye. All were in favor. None were opposed.

Motion carries.

Ordinance No. 15-78 – Introduced by Council – An Ordinance authorizing the proper city official to establish a Fire Capital Projects Fund.

Mr. Vincent: We are at third reading.

Mr. Sharrer moved for third reading and passage, seconded by Mr. Tarbert.

Mr. Vincent: Is there any discussion? If no discussion, we will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 15-81 A - Introduced by Council – An Ordinance allowing a moral claim.

Mr. Tarbert moved for third reading, seconded by Mr. Hutcheson.

Mr. Vincent: Is there any discussion? There are there no petitions? Okay, we will have roll call vote for passage.

Roll call vote for passage.

0 Ayes

9 Nays

Motion carries. Ordinance is defeated.

Ordinance No. 15-82 A - Introduced by Council – An Ordinance allowing a moral claim.

Mr. Vincent: We are at third reading.

Mr. Tarbert moved for third reading, seconded by Mr. Baker.

Mr. Vincent: Is there any discussion? With that I do have Susan Ryan of 1227 Canfield Road, Zanesville, Ohio to speak in favor of this Ordinance. With that Mrs. Ryan, you have three minutes to speak here.

Mrs. Ryan: I am here and I am just hoping that the City will

Mr. Vincent: Ma'am if you could speak a little louder and speak into the microphone that would be helpful. I haven't heard anything heard anything you said so far.

Susan Ryan: I am here just hoping the City will have my car repaired and get another shed for me where the City's tree fell on it and damaged my shed and my car. That is all I have to say.

Mr. Vincent: Do we have another one for her daughter?

Clerk: She did not submit one.

Mr. Vincent: Okay, thank you. Is there anything else from Council?

Mr. Baker: Just as a reminder I believe that a couple of meetings ago everybody saw the pictures of the damaged caused by the trees to the shed and the car and the property in general. Now the trees were on essentially public property, City property. Through no fault of her own she is now out her property. Just as a brief recap.

Mr. Vincent: Thank you Mr. Baker. Is there anything else from Council?

Mr. Sharrer: I'm a little confused I guess. With this I know that I recently had a neighbor's tree fall on my house and my homeowners insurance had to cover that. It wasn't my neighbor's homeowners insurance that had to cover it; it was mine. I guess I am wondering what the difference is here.

Mr. Vincent: I can't answer that and maybe Mr. Hillis can address that. It is my understanding as far as if the City is aware there was an issue with the tree and they don't take care of that issue and it falls then that creates liability.

Mr. Hillis: Yes, generally speaking that is correct. This claim was sent to our insurance company because of the amount of it. Our insurance company researched it and drafted an opinion that they were denying coverage because there was no legal liability. That is what the insurance informed us and that is why she has submitted a moral claim saying I know you are not legally responsible to pay it, but you ought to be morally responsible to pay it. So that is the basis of the claim. I would agree with your statement that legally we are not required to pay it. That is why the claim was denied.

Mr. Baker: From what I understand, is that unless the City actually has cause to believe that the tree could fall, it was rotted and they have been informed of it for instance, but they did nothing about it, then it is considered to be an act of God. As an act of God the City is not responsible from a legal standpoint. Is that right, Mr. Hillis?

Mr. Hillis: Yes, that is essentially it.

Mr. Roberts: Mr. Hillis, just as another point of clarification did the property owner in question have homeowners insurance as Mr. Sharrer alluded to?

Mr. Hillis: I don't know whether she property insurance or not. That wasn't germane to my determination as to whether or not we were legally owed it. It was irrelevant whether she had insurance or not as to whether we had a legal liability for it.

Mr. Roberts: Understood.

Mr. Vincent: Is there anything else from Council?

Mr. Baker: If it is a selling point would you like for Mrs. Ryan to answer that question?

Mr. Roberts: If the President of Council deems so.

Mr. Vincent: With that I will entertain a motion for Mrs. Ryan to speak again.

Mr. Roberts moved for Mrs. Ryan to speak again. It was seconded by Mr. Baker.

Mr. Vincent: All in favor of allowing Mrs. Ryan to speak again signify by saying aye. All were in favor. None were opposed. Motion carries. Mrs. Ryan please come up and you get an additional three minutes.

Mrs. Ryan: I have been up there since 1985. And the same part of the tree, there used to be three trees there and years ago one of them fell on my son's car and the City had no problem with paying for it. Then I put my shed there and another one of the trees fell on it. Now the City is trying to deny me that they are not going to pay for it when they paid for it earlier. There is one tree standing now. I have complained about the trees for years and the water damage. I have complained about the trees forever.

Mr. Vincent: With that Mrs. Ryan they had a specific questions they wanted answered as far as you wanted to know whether she had homeowners insurance.

Mr. Roberts: Yes.

Ms. Gildow: And car insurance?

Mrs. Ryan: No. I had liability on the car.

Mr. Vincent: No homeowners insurance.

Mr. Baker: Once again, Mrs. Ryan, you have lived there for how long?

Mrs. Ryan: Since 1985.

Mr. Baker: As long as you've been there those trees have been overhanging the property with a potential for falling and damaging.

Mrs. Ryan: I have been calling the City about the trees since I have been there. I have been calling the City about the water washing and they just don't seem to bother about fixing or cutting it down or anything. They are not my trees so I can't cut them down. If that would have been the case I would have cut them down a long time ago.

Ms. Gildow: Is there a department who would have received the phone calls complaining about this? Do we have anything on record showing that there were complaints about those trees?

Mr. Vincent: Mayor Tilton

Mayor Tilton: I and Mary Bush, who is in purchasing, went back through the Board of Control meetings and we went clear, back through 1985 and nowhere could we find that we paid for that damage. Any time we pay for damage it was by the Law Director saying it was a legitimate claim. We went back clear through 1985.

Mr. Vincent: Okay with that Mayor, we would have been legally liable at the time for the Law Director's office to pay?

Mayor Tilton: Any time we paid for damage it was a opinion of the Law Director is how we paid it.

Mr. Baker: So the same situation happens on two different occasions separated by a decade and the only thing that has changed is the Law Director and the opinion?

Mayor Tilton: No, there was never anything from Canfield.

Mr. Baker: You have not record of it at all?

Mayor Tilton: No record of ever a moral claim coming before the Board of Control.

Mr. Baker: So basically you have Mrs. Ryan's word.

Mayor Tilton: Exactly right.

Mr. Baker: So she didn't write a huge check to take care of the property that was damaged the first time around.

Mayor Tilton: We did not. It didn't go through the Board of Control which they did.

Mr. Vincent: With that, Mr. Hillis, did you want to comment on something else?

Mr. Hillis: I just want to make it clear that the procedure when a legal claim gets submitted to the City it goes to the Clerk, and then goes to the department head involved, and they do an investigation, it then comes to the Law Director's office whose sole job is to give an opinion to the Board of Control which is consistent of the Mayor, the Safety Director, and the Service Director as to whether or not there is legal liability. The board votes on whether or not to settle a claim or not settle the claim. What the Mayor has indicated to me is that he searched the records back to 1985 and there has never been an opinion or recommendation by me or any other Law Director to pay for damage caused to this person. I don't know. I wasn't here in 1985; all I can do is trust that the Mayor and the secretary of the Board of Control accurately looked at the records and said there was never anything paid.

Mr. Baker: Mr. President, maybe Mrs. Ryan would like to speak again and I would like to allow her to do that.

Mr. Vincent: So, you make a motion to allow Mrs. Ryan to speak an additional three minutes.

Mr. Baker: Yes.

Mr. Hutcheson seconded.

Mr. Vincent: All in favor of allowing Mrs. Ryan to speak for an additional three minutes signify by saying aye.

All were in favor. None were opposed. Motion carries.

Mrs. Ryan: Since this happened we asked the City not to remove the trees on account of insurance purposes with the other cars. But as soon as we found out that it was the City's fault they came up and removed the trees off of the cars and the shed. The City men came up and removed it. I did not have it removed; the City had it removed. A tree fell on my house back in, I don't know what year it was, and they came up and fixed it then when a tree fell on my house. They put a new roof on it. I don't know what year that was. I couldn't tell you.

Mr. Vincent: Mr. Baker, are you wanting additional information, are you wanting to table it?

Mr. Baker: No, I don't think that is necessary. I just want to say let's take this back to basics. Because it is an act of God we are not legally responsible according to the Law Director.

Mr. Hillis: And the insurance company.

Mr. Baker: And the insurance company, of course, not just the Law Director. We have an individual who through no fault of her own, bordering City property, had a City tree falling on her property and damaging it. That is really what it comes down to. She is not

at fault in any way. It is not a matter of anything that she did. That is really what the crux of a moral claim is all about. We are not legally responsible; but morally perhaps?

Mr. Vincent: Is there anything else from Council? Okay, we will have roll call vote for passage.

Roll call vote for passage.

2 Ayes

7 Nays

Motion carries. Ordinance is defeated.

Ordinance No. 15-44 - Introduced by Council – An Ordinance amending Chapter 111 of the Codified Ordinances of the City of Zanesville.

Mr. Vincent: We are at third reading.

Mrs. Norman: Mr. President, I make a motion that we table this Ordinance for another two weeks to give the community an opportunity to review what we have changed on this Ordinance.

It was seconded by Mr. Baker.

Mr. Vincent: A motion by Mrs. Norman to table for an additional two weeks to allow for community input on this. It was seconded by Mr. Baker. All in favor of tabling for an additional two weeks, signify by saying aye.

Mr. Baker: Can we discuss that?

Mr. Vincent: Not tabling. No.

Mr. Baker: Okay.

Mr. Vincent: We had a lot of people here who wanted to speak but okay; so all in favor of tabling signify by saying aye.

All were in favor except Mr. Roberts. Mr. Roberts was opposed.  
Motion carries.

Mr. Vincent: So noted, it is tabled for two weeks. So with that when tabling Council does not get to speak on it and everyone who came tonight, sorry to say you do not get a chance to speak on it until it comes back.

## **TRAFFIC ORDERS**

None

## **MISCELLANEOUS AND UNFINISHED BUSINESS**

Mayor Tilton: As you know that you put the taking care of the Times Recorder building into the CIC hands. I will tell you, tomorrow we will have a meeting with the subcommittee that was set up to take care of that situation; you, Mr. Roberts, myself, and Mr. Bopeley. I have a draft and I hope you received it today on what we will be discussing tomorrow.

Mr. Vincent: Yes, sir, we did. Thank you, Mayor. Is there anything else from Administration or Council?

Mr. Bennett: A meeting tomorrow night at 6:00 p.m. at the Veterans Complex at the Fairgrounds for discussion about brownfields and looking long term towards redevelopment in the Springfield Township lower part of Brighton Avenue.

Mr. Vincent: Thank you, Mr. Bennett: Is there anything else from the Administration or Council?

Mr. Baker: The tabling of 15-44 I think was

Mr. Vincent: With that, sir, because we have tabled it, we cannot discuss it.

Mr. Baker: We can't talk about it at all?

Mr. Vincent: If you want to bring it back up and vote on it?

Mr. Baker: No, I will just say community input is very important and leave it at that.

Mr. Vincent: Is there anything else from Council?

## **PRIVATE PETITIONS AND COMMUNICATIONS**

Eric Jones, 221 Luck Avenue, Zanesville, Ohio regarding I assume, court case update.

Mr. Eric Jones: We I have a court case to go in front of Monday at Municipal Court about being disturbing a lawful meeting. I have been given a plea bargain of \$100 and sort of like a two year restriction from coming down here. I am letting you know that I will of course decline. I think I am going to take the full punishment and the full whatever jail time. I would rather it had been not being able to come down here for two years. I just can't see it. So I am letting you know there is going to be a jury trial eventually. Look what I got there. When I got the warrant, I will say this, when I got the warrant to be put in front of the court the warrant was for my arrest. I mean arrest on sight. To be arrested on sight by police officers. It was a fourth degree misdemeanor folks. It should have been a citing into court; that is what it should have been. Too many things could go wrong. What could have happened, and what I need the community to understand, if I hadn't reacted, if I hadn't found out about that and the nice police officer walked into this meeting and he said Mr. Jones you are under arrest, how I would react depended on whether I would be killed in front of the video tape. I could have stood up, because I am 6'6", kind of a big guy. The police officer could have thought I was going to hurt him. He

could have reached for his gun and now what do I do? Everybody is giving me the eye. Only if you are black does this make sense. If you are white, the police officers are your friends. Black people have been killed by police officers for a long time. If you are not trained for it; most people aren't, I could have reacted wrong, all because of a clerical error because everybody would have had plausible deniability. They didn't know that I was to be cited to court and not arrested on sight. I was in the room. You are all looking at me saying Eric got the information, but luckily I went home and found out about it and took care of it before I got here. I keep going over it in my mind saying guess what? What if I didn't do that? What happens then? There is only a 20% chance that I would have done something wrong. Normally I would have put my hands behind my back and say like now but you never know what you are going to do in public, folks. As I say, just a simple act of standing up and saying what are you talking about? The game could have changed. So, I am just letting you know that the jury trial is going to be coming soon. Thank you very much.

Mr. Vincent: Is there anything else? Mr. Hillis, is there anything you wanted to add to that? No. Is there anything from Council?

Mr. Hutcheson moved to adjourn, seconded by Mr. Sharrer.

Mr. Vincent: All in favor of adjourning signify by saying aye. None were opposed. Motion carries. We stand adjourned. Thank you everyone and have a good night.

The meeting concluded about 7:40 p.m.



Council-Mayor Government  
Jeff Tilton, Mayor

# The City of Zanesville

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## 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:** August 3, 2015

**RE:** Zanesville Municipal Airport Quarterly Report (2<sup>nd</sup> Quarter)

**CC:**

---

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

JDB/bc

Attachment

# ZANESVILLE MUNICIPAL AIRPORT

## QUARTERLY REPORT

APRIL 1, 2015 - JUNE 30, 2015

### FUEL SALES:

JET 33,796

AVGAS 6,608

### CHARTER FLIGHTS:

50 TOTAL IN 2014

55 TOTAL IN 2015

JET FUEL SALES ARE ABOUT THE SAME AS LAST YEAR, WHILE AVGAS SALES ARE UP ABOUT 25%.

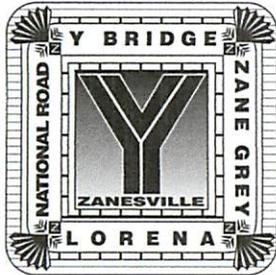
SEASONAL HELP STARTED IN APRIL. MOWING SEASON IN FULL SWING. TOOK DELIVERY OF A NEW ZERO TURN MOWER IN MAY.

BID OPENING WAS HELD IN JUNE FOR THE APRON REHABILITATION PROJECT. BIRKHIMER ASPHALT SUBMITTED THE LOWEST BID, COMING IN WELL BELOW THE ENGINEERS ESTIMATE.

TALKS ABOUT TREE REMOVAL WITH NEIGHBORS ONGOING, MAKING SLOW PROGRESS.

NO OVERTIME FOR THIS QUARTER.

ZANESVILLE AVIATION ADDED ANOTHER JET AIRCRAFT TO THEIR CHARTER FLEET.



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



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MEMORANDUM

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TO: *Members of City Council*  
FROM: *Mayor Jeff Tilton JT*  
DATE: *August 19, 2015*  
SUBJECT: *Mayor Appointment*

*I am hereby recommending the appointment of Kevin McPeek to fill the unexpired term of Brad Stubbs to the City Planning Commission. Mr. McPeek's term will end February 1, 2016.*

*JT/bm*



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

RECEIVED

AUG 19 2015

CLERK OF COUNCIL

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MEMORANDUM

---

TO: *Members of City Council*  
FROM: *Mayor Jeff Tilton* JT  
DATE: *August 19, 2015*  
SUBJECT: *Mayor Appointment*

*I am hereby recommending the appointment of David Wagner to fill the unexpired term of John Raytis to the Board of Zoning Appeals. Mr. Wagner's term will end December 31, 2017.*

*JT/bm*

Jeff Tilton,  
Mayor

**RESOLUTION NO. 15-96  
INTRODUCED BY COUNCIL**

**A RESOLUTION DECLARING  
“BEGGAR’S NIGHT”/”TRICK OR TREAT”  
FOR THE CITY OF ZANESVILLE**

**WHEREAS**, there is a tradition called “Beggar’s Night” or “Trick or Treat” whereby children go to neighbors’ residences for the Halloween celebration and are given various items, particularly candy; and

**WHEREAS**, the City is concerned with the safety and welfare of the children as they will likely be in the streets, and it is necessary to restrict the time the children are exposed to such dangers; and

**WHEREAS**, if neighborhoods within the City celebrate the tradition at the same time on the same day the public will be more aware to watch for children in the streets and hopefully decrease their exposure to a hazardous situation; and

**WHEREAS**, this Council wishes to designate Thursday, October 29, 2015, between the hours of 5:30 p.m. and 7:00 p.m.as the City’s “Trick or Treat” night.

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

**SECTION ONE:** Thursday October 29, 2015, from 5:30 p.m. to 7:00 p.m. is officially designated as Beggar’s Night/Trick or Treat for all of the City of Zanesville.

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

PASSED: \_\_\_\_\_, 2015

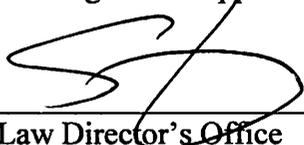
\_\_\_\_\_  
Susan Culbertson  
Clerk of Council

\_\_\_\_\_  
Daniel M. Vincent  
President of Council

APPROVED: \_\_\_\_\_, 2015

This legislation approved as to form:

\_\_\_\_\_  
Jeff Tilton, Mayor

  
\_\_\_\_\_  
Law Director’s Office

Rhonda Heskett,  
Budget & Finance



RESOLUTION NO. 15-97  
INTRODUCED BY COUNCIL

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION, AUTHORIZING THE NECESSARY TAX LEVIES, CERTIFYING THEM TO THE COUNTY AUDITOR, AND DECLARING AN EMERGENCY.

**WHEREAS,** the City of Zanesville in accordance with the provisions of law has filed with the Budget Commission of Muskingum County, Ohio, a Tax Budget for the fiscal year commencing January 1, 2016; and

**WHEREAS,** the Budget Commission has certified this action to this Council, together with an estimate by the County Auditor of the rate of each tax to be levied by this Council, and what part is without, and what part within the ten mill tax limitation; and

**WHEREAS,** a copy of this resolution must be certified to the County Auditor before the first day of October, 2015 thereby causing the need for this resolution to be an emergency measure.

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

**SECTION ONE:** The amounts and rates, as determined by the Budget Commission and its certification, are hereby accepted.

**SECTION TWO:** There is hereby levied on the tax duplicate of the City the rate of each tax necessary to be levied within the ten mill limitation as follows:

<u>Fund</u>	<u>Amount Approved By Budget Commission Inside 10 Mill Limit</u>	<u>Estimate of Tax Rate to be Levied Inside 10 Mill Limit</u>
General	\$664,727.00	<b>2.00</b> (80&92) [1.45 (91)] [1.42 (15)] [.40 (19)] [1.70 (45)]
General Sinking	277,767.00	<b>.80</b> (80&91&92)
Fire Pension	104,163.00	<b>.30</b> (80&91&92)
Police Pension	<u>104,163.00</u>	<b>.30</b> (80&91&92)
Total	\$1,150,820.00	<b>3.40</b> (80&92) [2.85 (91)] [1.42 (15)] [.40 (19)] [1.70 (45)]

**SECTION THREE:** The Clerk of this Council is hereby requested to certify a copy of this Resolution to the County Auditor of said County.

RESOLUTION NO. 15-97  
CONTINUED

**SECTION FOUR:** For the reasons stated in the preamble hereto, this resolution 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, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_, 2015

\_\_\_\_\_  
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

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES  
AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE  
NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR**

(CITY COUNCIL)  
Revised Code, Secs. 5705.34-.35

Resolution 15-97

The Council of the City of Zanesville, Muskingum County, Ohio, met in regular session on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, at the office of City Council Chambers with the following members present:

Mrs. Gentry \_\_\_\_\_

Mrs. Norman \_\_\_\_\_

Mr. Hutcheson \_\_\_\_\_

Mr. Roberts \_\_\_\_\_

Ms. Gildow \_\_\_\_\_

Mr. Foreman \_\_\_\_\_

Mr. Sharrer \_\_\_\_\_

Mr. Tarbert \_\_\_\_\_

Mr. Baker \_\_\_\_\_

Mr. \_\_\_\_\_ moved the adoption of the following Resolution:

*WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1<sup>st</sup>, 2016; and*

*WHEREAS, The Budget Commission of Muskingum County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation; therefore, be it*

*RESOLVED, By the Council of the City of Zanesville, Muskingum County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further*

*RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:*

**SCHEDULE A**

Resolution 15-97

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES**

FUND	Amount Approved by Budget Commission Inside 10 Mill Limitation	Amount to be Derived from Levies Outside 10 Mill Limitation	Estimate of Tax Rate to be Levied	
			Inside 10 Mill	Outside 10 Mill
	Column I	Column II	III	IV
<b>General Fund:</b>				
15	\$3,281.00		1.42	
19	\$3,461.00		0.40	
45	\$3,348.00		1.70	
80	\$549,388.00		2.00	
91	\$104,878.00		1.45	
92	\$371.00		2.00	
<b>General Fund Estimated Total:</b>	<b>\$664,727.00</b>		<b>8.97</b>	
<b>Sinking &amp; Bond Retirement:</b>				
80	\$219,755.00		0.80	
91	\$57,864.00		0.80	
92	\$148.00		0.80	
<b>Sinking Fund Estimated Total:</b>	<b>\$277,767.00</b>		<b>2.40</b>	
<b>Firemans Fund:</b>				
80	\$82,408.00		0.30	
91	\$21,699.00		0.30	
92	\$56.00		0.30	
<b>Police Fund Estimated Total:</b>	<b>\$104,163.00</b>		<b>0.90</b>	
<b>Police Fund:</b>				
80	\$82,408.00		0.30	
91	\$21,699.00		0.30	
92	\$56.00		0.30	
<b>Fire Fund Estimated Total:</b>	<b>\$104,163.00</b>		<b>0.90</b>	
<b>RECAP:</b>	<b>District#</b>		<b>Inside 10 Mill.</b>	
	15	\$3,281.00	1.42	
	19	\$3,461.00	0.40	
	45	\$3,348.00	1.70	
	80	\$933,959.00	3.40	
	91	\$206,140.00	2.85	
	92	\$631.00	3.40	
<b>TOTAL</b>	<b>\$1,150,820.00</b>	<b>\$0.00</b>	<b>13.17</b>	<b>0.0</b>

**SCHEDULE B**

**LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES**

FUND	Maximum Rate Authorized to Be levied	County Auditor's Estimate of Tax Rate Yield of Levy
<b>GENERAL FUND:</b>		
Levy authorized by voters on		
not to exceed      years / Expires:      Last Collection Yr:	<b>None</b>	<b>None</b>
<b>SPECIAL FUNDS:</b>		
Levy authorized by voters on		
not to exceed      years / Expires:      Last Collection Yr:	<b>None</b>	<b>None</b>
Levy authorized by voters on		
not to exceed      years / Expires:      Last Collection Yr:	<b>None</b>	<b>None</b>
Levy authorized by voters on		
not to exceed      years / Expires:      Last Collection Yr:	<b>None</b>	<b>None</b>
<b>TOTAL</b>	<b>0.00</b>	<b>\$0.00</b>

and be it further

*RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this Resolution to the County Auditor of said County.*

Mr./Mrs. \_\_\_\_\_ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

- Mr./Mrs. Gentry \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
- Mr./Mrs. Norman \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
- Mr./Mrs. Hutcheson \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
- Mr./Mrs. Roberts \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
- Mr./Mrs. Gildow \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
- Mr./Mrs. Foreman \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
- Mr./Mrs. Sharrer \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
- Mr./Mrs. Tarbert \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_
- Mr./Mrs. Baker \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Adopted the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council  
City of Zanesville, Muskingum County, Ohio

No. Resolution 15-97

Clerk

COUNCIL OF THE

**City of Zanesville,**

*Muskingum County, Ohio*

---

RESOLUTION ACCEPTING THE AMOUNTS AND RATES  
AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE  
NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

(City Council)

\_\_\_\_\_  
Adopted \_\_\_\_\_

\_\_\_\_\_  
*Clerk of Council*

\_\_\_\_\_  
Filed \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
*County Auditor*

By \_\_\_\_\_

*Deputy*

\_\_\_\_\_

**CERTIFICATE OF COPY**  
**ORIGINAL ON FILE**

---

The State of Ohio, Muskingum County, ss.

I, \_\_\_\_\_, Clerk of the Council of the **City of Zanesville**, in said County, and in whose custody the Files and Records of said Board are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor, now on file with said Council, that the foregoing has be compared by me with said original Document, and that the same is a true and correct copy thereof.

WITNESS my signature, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

---

Clerk of Council of **City of Zanesville**, Muskingum County, Ohio

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A copy of this Resolution must be certified to the County Auditor before the first day of **October** in each year, or at such later date as may be approved by the Board of Tax Appeals.



RESOLUTION NO. 15- 98  
INTRODUCED BY COUNCIL

**A RESOLUTION AUTHORIZING THE PROPER CITY OFFICIAL TO FILE A GRANT APPLICATION FOR CERTAIN IMPROVEMENTS TO THE ZANESVILLE MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Ohio Division of Aviation, Ohio Department of Transportation, has or will have certain funds available for the improvement of public airports under Fiscal Year 2016, Ohio Capital Improvement Grant Program; and

**WHEREAS**, the Zanesville Municipal Airport is in need of repair to the crosswind runway and offsite obstruction removal; and

**WHEREAS**, the Zanesville Municipal Airport is prepared to obtain the necessary engineering and local match to have the project completed during FY 2016; and

**WHEREAS**, the cost for the Crosswinds Runway Improvement Project is estimated to be \$441,000.00, of which the local share shall be \$20,000 for engineering and \$21,050 construction cost; and

**WHEREAS**, the cost for obstruction removal is estimated to be \$50,000.00, of which the local share is estimated to be \$2,500.00; and

**WHEREAS**, due to a September 1 deadline for receiving applications, this Resolution is considered an emergency measure to be approved at the earliest period allowed by law.

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

**SECTION ONE:** The proper City official is hereby authorized to prepare and execute a grant application in the amount of \$471,000.00 and to submit same to the Office of Aviation, Ohio Department of Transportation, requesting participation under Fiscal Year 2016, Ohio Airport Capital Improvement Grant Program for the Crosswind Runway Repair and offsite obstruction removal project.

**SECTION TWO:** In connection with this grant application, the City Council understands and intends to provide funding for the local share of the cost for the engineering and construction, estimated to be \$43,550, with the balance of the funding to be paid by the State of Ohio.

**SECTION THREE:** For the reasons stated in the preamble hereto, this Resolution is declared to be an emergency measure, and being an emergency measure, provided it receives the affirmative vote of six (6) or more members of City Council elected thereto, 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

**DRAFT**

JUL 30 2015



By: Crawford, Murphy and Tilly, Inc.  
8101 North High Street  
Suite 150  
Columbus, Ohio 43235

For: The City of Zanesville  
Zanesville Municipal Airport  
Zanesville, Ohio

<b>ZANESVILLE MUNICIPAL AIRPORT</b>
<b>AIRFIELD PAVEMENT REHABILITATION, PHASE-II</b> Runway 16/34 Microsurfacing
ENGINEERS PRELIMINARY ESTIMATE OF PROBABLE CONSTRUCTION VALUES
July-2015

Item No.	Item Description	Unit	Quantity	Unit Values	Extended Values
<b>BASE BID</b>					
1	MOBILIZATION	LS	1	\$ 7,500.00	\$ 7,500.00
2	MAINTAINENCE OF TRAFFIC	LS	1	\$ 7,500.00	\$ 7,500.00
3	HERBICIDE	SY	80,000	\$ 0.25	\$ 20,000.00
4	SURFACE PREP	SY	80,000	\$ 0.50	\$ 40,000.00
5	BITIMINOUS SEALCOAT	SY	80,000	\$ 0.75	\$ 60,000.00
6	BITIMINOUS MICROSURFACING	SY	40,000	\$ 4.25	\$ 170,000.00
7	PAVEMENT MARKING	SF	36,000	\$ 2.00	\$ 72,000.00
8					\$ -
9	DISPLACED THRESHOLD LIGHTING	SET	2	\$ 6,000.00	\$ 12,000.00
10	TROUBLESHOOT RUNWAY LIGHTING CURCUT	FA	1	\$ 10,000.00	\$ 10,000.00
E-1	CONSTRUCTION PHASE SERVICES	LS	1	\$ 10,000.00	\$ 10,000.00
E-2	AGIS SUBMISSION	LS	1	\$ 12,000.00	\$ 12,000.00
<b>ESTIMATED CONSTRUCTION VALUE =</b>				<b>\$</b>	<b>421,000.00</b>
<b>ESTIMATED ENGINEERING - DESIGN / BID PHASE SERVICES =</b>				<b>5% \$</b>	<b>20,000.00</b>
<b>TOTAL ESTIMATED PROJECT VALUE =</b>				<b>\$</b>	<b>441,000.00</b>

## Ohio Airport Grant Application Procedure

### Fiscal Year 2016

#### **Procedural Statement:**

The purpose of this application procedure is to provide uniform and objective project application and statewide selection criteria for the Ohio Airport Grant Program. Grants issued under this program may generally be used by sponsors of publicly owned public use airports that do not receive FAA Air Carrier Enplanement Funds or Air Cargo Entitlements. Eligible projects include:

1. Obstruction removal
2. Pavement resurfacing/rehab – runways, taxiways and aprons
3. Runway and taxiway marking
4. Lighting rehab, including: Runway and taxiway lighting, Approach Lighting Systems, Runway End Identifier Lights, airport beacons, and PAPI's/VASI's

Projects other than those mentioned above will be considered on a case-by-case basis.

#### **Authority:**

Section 4561.06, 4561.07, 4561.08 and 4561.11 Ohio Revised Code (ORC)

#### **Reference:**

Ohio Airport Grant Program Policy [Policy No. 25-002(P)]  
Federal Aviation Administration (FAA) Regulations, Orders, Advisory Circulars  
ODOT Construction and Material Specifications

#### **Scope:**

This procedure is applicable to the sponsors of publicly owned public use airports that do not receive FAA Air Carrier Enplanement Funds or Air Cargo Entitlements. Currently there are 96 airports that meet this program's criteria (see "Airports Eligible for State Grants, by City").

#### **Background and Purpose:**

This Ohio Airport Grant program's intent is to improve the safety of Ohio's general aviation airports, and to maintain the infrastructure of the general aviation airport system.

Funding available for grants under this program in FY2016-2017 biennium will be approximately \$5,200,000 per year.

## Resolution 15-98

### Definitions:

FAA Air Carrier Enplanement Funds: Funding apportioned by FAA to airports that receive scheduled passenger service and have over 10,000 boardings per year. This funding is based on the number of passenger boardings at the airport.

FAA Air Cargo Entitlements: Funding apportioned by FAA to airports that are served by aircraft providing air transportation of only cargo with a total annual landed weight of more than 100 million pounds. This funding is based on the landed weight of cargo at the subject airport.

State Fiscal Year (SFY): The fiscal year that the state government follows, running from July 1 of the preceding calendar year to June 30.

### Procedure:

This procedure establishes the application and selection criteria for the Ohio Airport Grant Program. This program provides state funds for publicly owned public use airports that do not receive FAA Air Carrier Enplanement Funds or Air Cargo Entitlements. ODOT will provide up to **95 percent** of the eligible costs for construction and construction engineering only. The Airport Sponsor is responsible for 100 percent of non-eligible construction costs and also for all costs associated with preliminary engineering, environmental studies, permits and documents, final design engineering, right of way and utilities.

The local match for construction is required to be cash. In-kind contributions cannot be accepted as part of the local share. **Please note: Since grant payments are reimbursements, the Sponsor must pay 100% of eligible costs to the contractor(s) before ODOT can reimburse the 95% share. Sponsor must submit proof that the Sponsor has paid 100% of project costs to the Contractor(s) for the period covered by the pay request.** Proof of payment can be in the form of a copy of the check to the contractor, or a copy of the relevant page of the Sponsor's Disbursement Journal or General Ledger.

### Application Process

A. ODOT will post the updated Standard Procedure on the Office of Aviation Web Page at the beginning of the State Fiscal Year. For State Fiscal Year 2016, Applications must be postmarked by September 1, 2015, and must include the following:

1. Application letter
2. Description of need
3. Detailed cost estimates
4. Executed copy of the Standard Assurances
5. A certified copy of a resolution from the applicant's governing body authorizing the submission of the application

## Resolution 15-98

6. A Project Schedule
7. A Non-Compliance Correction Plan showing how the applicant proposes to remove any obstructions identified by the most recent Airport Inspection Report, thereby bringing the airport into compliance with Federal Aviation Regulations Part 77
8. A detailed drawing of the work to be completed
9. An updated Pavement Maintenance Plan denoting the schedule and costs for pavement maintenance activity must be submitted
10. An itemized list showing the cost and time of performance of all pavement maintenance (crack sealing, crack repair, seal coating) during the last five calendar years
11. An executed easement for any work to be performed on property not owned directly by the airport sponsor
12. A current and accurate General Aviation Airport Security Plan that is consistent with United States Transportation Security Administration publication, "Security Guidelines for General Aviation Airports."

(The material to be submitted with the application is described in more detail following the description of the Selection Process below)

- B. The material submitted with the application will be verified and evaluated by the Office of Aviation.
- C. A selection committee of ODOT Office of Aviation staff will review and rank the proposed projects based on merit and availability of Program funds. It should be emphasized that the ranking process does not require that the selection committee fund projects in order of their ranking. The ranking is a means to help the committee generally prioritize projects. Other factors ODOT determines to be relevant may be taken into consideration, such as the sponsor's past project performance, the geographic distribution of recent projects, the economic impact of the proposed project and safety considerations.
- D. The Administrator of the Office of Aviation will notify the applicants of the selection process results on or about October 1, 2015. Projects not selected for funding may be re-submitted the following year during the application process. Project re-submittals shall provide current data and will be evaluated and ranked as new project submittals.

Special projects outside of the normal Grant Criteria may be awarded at the discretion of the Administrator.

### **Selection Process**

The scoring system for the selection of projects for the Ohio Airport Grant Program is shown below. The scoring criteria include: Effect on Safety, Pavement Condition, Type of Critical

## Resolution 15-98

Based Aircraft, Number of Based Aircraft, Airport Economic Impact, Compliance with Pavement Maintenance Plans and Local Match. The maximum possible score for a given project is 100 points. Not all factors are used for every project (see following table).

Category	Project Type for which Category is Used	Maximum Points	Weight Factor	Total Points
1. Effect on Safety *	Obstruction Removal	10	4	40
2. Pavement Condition (PCI) *	Pavement Rehabilitation	10	4	40
3. Type of Critical Based Aircraft	All Projects	10	1	10
4. Number of Based Aircraft	All Projects	10	1	10
5. Airport Economic Impact	All Projects	10	1	10
6. Compliance with an appropriate Pavement Maintenance Plan	All Projects	10	2	20
7. Local Match	All Projects	10	1	10
<b>Maximum Possible Points:</b>				<b>100</b>

\* Maximum possible total weighted points for any project is 100. Safety projects can receive up to 40 points in Category 1. - Effect on Safety. Paving projects can receive up to 40 points in Category 2. - Pavement Condition. **A project cannot receive points in both Categories 1 and 2.**

A detailed description and explanation of the scoring criteria follows.

### 1. Effect on Safety

The Effect on Safety is based on the location of the proposed obstruction removal project with respect to the Airport Hazard Areas and other airport surfaces as defined by Ohio Revised Code 4563.08, "Hazard Area," Ohio Revised Code 4561.32, "Department of Transportation to adopt rules; studies, investigations," and Federal Aviation Regulations Part 77, "Objects Affecting Navigable Airspace," and FAA Advisory Circular 150/5300-13, "Airport Design."

Type of hazard area or airport surface in which the obstruction to be removed or marked is located	Points
Obstructions that penetrate 5' or more into the approach, or are located within 1200' of the runway threshold	10
Obstructions in the runway safety area	8
Obstructions in the primary surface	6
Obstructions that penetrate less than 5' into the approach, or are 1200' or more from the runway threshold	4

Obstructions in the transitional surface	2
--	---

The Effect on Safety category has a weight factor of 4 for a maximum total point value of 40.

**2. Pavement Condition**

The Pavement Condition Index (PCI) is a visual survey of pavement deficiencies. The pavements are rated on a scale of 0 to 100 with 100 being perfect. This rating looks at items such as cracking, potholes, weathering, loose aggregate and other signs of deterioration of the pavement. The Office of Aviation has collected PCI data on all eligible airport pavements. The PCI values will be provided by ODOT, and can be examined on the ODOT Office of Aviation website at [www.dot.state.oh.us/aviation](http://www.dot.state.oh.us/aviation).

Pavement Condition	Points
Runways with PCI of 0-54	10
Runways with PCI of 55-69	8
Taxiways and Aprons with PCI of 0-54	6
Taxiways and Aprons with PCI of 55-69	4
Pavements with PCI of 70-75	2
Pavements with PCI of 75 or more	0

The Pavement Condition category has a weight factor of 4 for a maximum total point value of 40.

**3. Type of Critical Based Aircraft**

The Type of Critical Based Aircraft refers to the most demanding type of aircraft currently based at the applicant's airport. Points are awarded depending on whether the most demanding aircraft is a pure jet, turboprop, piston twin engine or piston single engine, and on the number of such aircraft.

Type of Critical Based Aircraft	Points
Pure jet	10
Turboprop	6
Piston Twin Engine	2
Piston Single Engine	0

The Type of Critical Based Aircraft category has a weight factor of 1 for a maximum total point value of 10.

**4. Number of Based Aircraft**

The Number of Based Aircraft refers to the numbers of various types of aircraft currently based at the applicant's airport. Points are awarded depending on the total number of based aircraft regardless of type.

<b>Number of Based Aircraft</b>	<b>Points</b>
70 or more based aircraft	10
Between 50 and 69 based aircraft	8
Between 30 and 49 based aircraft	6
Between 20 and 29 based aircraft	4
Between 10 and 19 based aircraft	2
Less than 10 based aircraft	0

The Number of Based Aircraft category has a weight factor of **1** for a maximum total point value of **10**.

**5. Total Economic Impact of the Airport**

This item measures the airport's total economic impact. Airports will be assigned points based on the total economic impact estimated by the Ohio State Airport System Plan.

<b>Total Economic Impact</b>	<b>Points</b>
\$5,000,001 or more	10
\$1,000,001 to \$5,000,000	5
\$1,000,000 or less	0

The Total Economic Impact of the Airport category has a weight factor of **1** for a maximum total point value of **10**.

**6. Compliance with Pavement Maintenance Plan**

This item measures the extent to which the sponsor has complied with its Pavement Maintenance Plan. Applicants will submit an itemized list showing the cost and time of performance of all pavement maintenance (crack sealing, crack repair, seal coating) during the last five calendar years, and Office of Aviation personnel will inspect airports considered for funding to verify compliance.

<b>Compliance with Pavement Maintenance Plan</b>	<b>Points</b>
Full compliance – all maintenance has been performed as called for in the Pavement Maintenance Plan	10
Partial compliance – some of the maintenance has been performed as called for in the Pavement Maintenance Plan	5
Minimal compliance – none of the maintenance has been performed as called for in the Pavement Maintenance Plan	0

The Compliance with Pavement Maintenance Plan category has a weight factor of **2** for a maximum total point value of **20**.

**7. Local Match**

The Local Match category awards points based on the amount of local match being provided by the applicant as a percentage of total project cost.

<b>Local match as a percentage of total project cost</b>	<b>Points</b>
More than 20%	10
16% to 20%	5
10% to 15%	0

The Local Match category has a weight factor of **1** for a maximum total point value of **10**.

**Grant Amount - State Share**

The state share shall not exceed **95%** of the eligible construction items for Maintenance and Safety Projects and **50%** of the eligible construction items for Capital Improvement Projects. The Deputy Director or the Administrator may increase the state share to up to **100%** in special cases, including projects in economically distressed areas.

**Grant Amount - Airport Sponsor Share**

The Airport Sponsor share shall be **5%** of the eligible construction items.

**Engineering Costs**

**Design** engineering costs are **not** eligible for funding. However, **construction** engineering costs, i.e., project monitoring and inspection, **are** eligible for funding.

**Material to be Submitted with the Application:**

- If the Sponsor is asking for multiple projects, the different projects must be numbered according to the applicant’s priority.
- The Application shall be in letter form (**Appendix A**), and shall contain a detailed

## Resolution 15-98

Description of Need (**Appendix B**), detailed Cost Estimates (**Appendix C**) and an executed (i.e., **signed**) copy of the Standard Assurances (**Appendix D**).

- **Two copies of the entire Application, including cover letter, shall be submitted.**
- Project cost estimates should not include contingency or non-eligible items.
- A complete set of Appendices A through D is necessary for each project requested.
- The Application must include a detailed **project drawing** of the airport showing where the work is to be done (for a sample project drawing see **Appendix F**).
- A certified copy of a **Resolution** from the Applicant's governing body authorizing the submission of the Application must be included.
- The Application must include a **Project Schedule (Appendix G)**.
- Proof of property ownership or an executed easement is required for work located OFF airport property. ODOT will not offer a grant if the required easements have not been obtained.
- A **Non-Compliance Correction Plan** based on the most recent Airport Inspection Report is required.
- Requests for grant payments must include copies of the invoices from the contractor(s), proof of payment to the contractor(s), and a signed Pay Request Form (**Appendix H**).
- Projects involving aprons should be designed with reference to **Appendix I – Apron Material Selection Guidance**.
- A current **Pavement Maintenance Plan** must be submitted **with the application**, and shall denote the time frame and costs for each item as shown in **Appendix J**.
- A **Pavement Work History** that briefly describes any pavement maintenance performed at the airport over the last five years. Include the year the work was performed, a description of the work performed (e.g., crack sealing, seal coat), and the approximate cost.
- In order to comply with Ohio Revised Code 4563.30, "Security of public-use and private-use airports," **applicants must submit a written Airport Security Plan consistent with the most recent security guidelines for general aviation airports published by the United States Transportation Security Administration.** Airport Security Plans submitted prior to the Fiscal Year 2008 Grant Program **DO NOT** meet this requirement. Applicants are encouraged to submit an updated Airport Security Plan **with the application**. Applications that do not include an updated Airport Security Plan will still be accepted, but **an updated Airport Security Plan will have to be submitted prior to execution of the grant contract** (see **Appendix L**, GA Security Plan Guidelines).
- For questions involving environmental requirements, refer to **Appendix L – Contacts** for

Environmental Questions.

- For questions involving FAA standards and guidelines for airport design, airport obstructions, the FAA Airport Improvement Program, etc., see **Appendix M** – Guide to FAA Advisory Circulars.

**Deadline**

The Application must be received by ODOT **postmarked not later than Sept. 1, 2015**. The Aviation Administrator may reject any Application that is not **postmarked** by the deadline. Application material should **not** be faxed to the Office of Aviation. In no event may the requirement for an Application be waived.

Please include a **name, phone number and email address** for the primary contact for the project, and for any consultant involved in preparation of the application

**ODOT Review and Action**

Upon review of the Application, ODOT will advise the Applicant by letter if additional information is required. ODOT will take no action on the Application until the Applicant has submitted all required information.

ODOT will complete its review of completed Applications and notify Applicants of its action. Applicants with acceptable projects will receive a non-binding Notice of Project Approval (NPA), which could lead to Grant Funds and contract execution, on or about **October 1, 2015**. **Once the NPA has been received by the Applicant, neither the project scope of work nor the dollar amount awarded can be increased without written concurrence from ODOT.**

**Project Performance**

The Grantee shall perform the project in accordance with the most recent State of Ohio, Department of Transportation, Construction and Material Specifications; supplements to the Specifications as issued; and Appendices E, F, and G of this Application Procedure. Items that are not covered by the Construction and Material Specifications shall be governed by the latest applicable FAA Advisory Circular (AC). Upon Grantee's receipt of the Notice of Project Approval the Grantee shall:

- within two weeks, submit a written acceptance to ODOT that the project will be performed as requested in the Application and as specified in the Notice of Project Approval.
- submit a Project Schedule (see Appendix G) with the above verification of the project
- submit all bid documentation, project plans and specifications, engineer's cost estimate and the safety/phasing plan to ODOT for review and approval prior to release to prospective bidders
- project plans and specifications should follow the format described in **Appendix E** – Format for Project Plans

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- provide ODOT with copies of a bid tabulation and the name of the contractor selected and the engineering contract cost, within three (3) working days of the bid opening.

### **BID TABULATIONS MUST BE SUBMITTED TO ODOT BY MAY 15, 2016**

- execute the Grant Contract within 30 working days of receipt
- notify ODOT of ALL meetings (i.e. pre-construction) relating to the project, the starting date for the project, project completion and request a final project inspection
- submit final Pay Request Form (**Appendix H**) within 30 days of project completion

The Grantee shall further adhere to the following requirements:

- all work on asphalt paving projects shall be performed between April 1 and October 30
- all apron area asphalt paving projects shall adhere to **Appendix I**, Apron Material Selection Guidance, if not using FAA specifications.
- whenever project work is in progress, the Grantee shall have present a quality assurance inspector or his/her representative who shall be a registered professional engineer. The inspector must have prior experience in the type of work being supervised.
- scope of work for a runaway resurfacing project shall include allowance for a minimum 1% gradient on both sides of the runway centerline, and longitudinal paving points shall be offset a minimum of 18 inches on either side of the existing joints, a joint matching device shall be used to ensure even joints.
- the scope of work for a runway resurfacing project shall include a stipulation that all paving be accomplished using a 40 foot (minimum) ski on the paver.
- contractor haul vehicles shall comply with the most recent version of ODOT Construction and Material Specifications Sections 105.12 and 105.13. Haul vehicles are not to exceed 57,000 pounds maximum gross weight, and the contractor shall be financially responsible for and shall repair all damage caused by its vehicles on haul roads, ramps, aprons, taxiways, hanger streets, and runways.
- when the scope of work includes marking of a runway, the new marking and any existing lighting shall reflect the required minimum approach slope ratio, refer to AC 150/5300-13 (series), for marking layout refer to AC 150/5340-1J.

## Resolution 15-98

- for any project type, a **project safety/phasing plan must be submitted** to ODOT, with copies to FAA if necessary, per AC 150/5370-2E, Operational Safety on Airports During Construction.
- for all projects which involve physical change, an FAA form 7460-1 must be submitted to FAA, with ONE COPY to be sent to ODOT. (Due to the length of the time required by FAA for review, this form should be submitted promptly to FAA to avoid project delay.)
- Applicant will comply with all applicable National Environmental Policy Act, Ohio Environmental Protection Agency and U.S. Army Corps of Engineers regulations concerning wetlands and water quality, and with all provisions of the Endangered Species Act.

### GRANT ADMINISTRATION

#### Contract Execution

Upon ODOT's receipt of the final project bid amount, the Applicant will receive one (1) executed copy of a Grant Contract specifying the amount of the grant and the Eligible Project(s). The Applicant shall execute and return one copy with original signatures, within thirty (30) working days of receipt, to the Administrator of the Office of Aviation.

All Grant Contracts must be executed no later than **June 15, 2016**. If Contracts are not executed by the deadline date, the Sponsor risks losing the grant funds and project work could be delayed or denied.

#### Standard Assurances

Upon execution of the Grant Contract, the Standard Assurances listed in Appendix D are incorporated in and become part of the Grant Contract.

#### Request for Payment

Not later than thirty (30) days after project completion, the Grantee shall submit to the Administrator of the Office of Aviation:

- Copies of any invoices from the contractor to include the cost of each item of the project
- a copy of the signed contract between the project contractor and the Grantee showing such a breakdown of project costs
- **Proof that the Grantee has paid 100% of project costs to the Contractor(s).** This can be in the form of a copy of the check from the Sponsor to the Contractor, or a copy of the relevant page of the Grantee's Disbursement Journal or General Ledger.
- A signed Pay Request Form (**Appendix H**)

## Resolution 15-98

### **Payment of Grant Funds**

Expenditures are reimbursable upon receipt of the Pay Request Form (**Appendix H**) to the extent that such expenditures are:

- made in conformance with the Application, the Criteria and the Grant Contract
- necessary in order to accomplish the project
- reasonable in amount for the goods or services purchased
- actual net costs to the Grantee (i.e. the price paid minus any refunds, rebates, or other items of value received by the Grantee that might reduce the costs actually incurred)
- incurred for work performed after the execution of the Grant Contract

Payment of the **Final Pay Request** will be made after all work as called for in the Grant Contract has been completed and a **Final Inspection** has been performed by the Office of Aviation.



(Ordinance No. 13-78)

PID No. 89247

Project No. \_\_\_\_\_ (2015)

**FINAL RESOLUTION NO. 15 - 99**

**THE FOLLOWING FINAL RESOLUTION ENACTED BY THE CITY OF ZANESVILLE, HEREINAFTER REFERRED TO AS THE LEGISLATIVE AUTHORITY OR LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE STATED DESCRIBED PROJECT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, on the 9<sup>th</sup> day of September 2013, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

**The project consists of surface repairs and related work on SR 666, 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 within the city limits, 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.**

**In view of the fact that the LPA's share of the project is now estimated in the amount of Thirty Two Thousand Six Hundred Seventy Two and - - - - 00/100 Dollars, (\$32,672.00) less Ohio Public Works Commission in the amount of Thirty Two Thousand Six Hundred Seventy Two and - - - - 00/100 Dollars, (\$32,672.00), leaving a balance of Zero and - - - - 00/100 Dollars, (\$0.00) therefore, the City will not be required to deposit any funds at this time. The LPA's ultimate share of the cost will be determined when final actual costs and allocations are determined.**

**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 same to this legislative authority; and

**WHEREAS**, this legislative authority desires the Director of Transportation to proceed with the aforesaid highway improvement; and

**WHEREAS**, due to a September 18, 2015 deadline submittal and receiving notification on August 19, 2015 of this need, this ordinance should be considered an emergency.

NOW, THEREFORE, be it resolved:

- I. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- II. That the LPA enter into a contract with the State, and that Public Service Director be, and is hereby authorized, to execute said contract for improving the described project.
- III. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.
- IV. For the reasons stated in the preamble hereto, this Final Resolution is declared to be an emergency measure. Provided it receives the affirmative vote of six (6) or more members of City Council, this Final 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.

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

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 \_\_\_\_\_, 2\_\_\_\_, 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 \_\_\_\_\_, 2\_\_\_\_\_.

ODOT Project No. \_\_\_\_\_ PID No. **89247**  
(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 or Local Public Agency (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**, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment (if applicable) 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 surface repairs and related work on SR 666, lying within the City of Zanesville; and**

**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 (if applicable) 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. In view of the fact that the LPA's share of the project is now estimated in the amount of **Thirty Two Thousand Six Hundred Seventy Two and - - - - 00/100 Dollars, (\$32,672.00) less Ohio Public Works Commission in the amount of in the amount Thirty Two Thousand Six Hundred Seventy Two and - - - - 00/100 Dollars, (\$32,672.00) leaving a balance of Zero and - - - - 00/100 Dollars, (\$0.00) in the amount of Zero and - - - - 00/100 Dollars (\$0.00),** therefore, the City will not be required to deposit any funds at this time. The LPA's ultimate share of the cost will be determined when final actual costs and allocations are determined.
5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, 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 for the PROJECT in accordance with the provisions of the statutes relating thereto, including, but not limited to, Title 23, U.S.C., Section 116;
- 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, City Hall  
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 or 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 material) 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 Muskingum 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.

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- 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.

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

By: \_\_\_\_\_  
Stephen H. Johnson  
Chief, Transportation

Date: \_\_\_\_\_