

**City Council meeting
Agenda of business
September 28, 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. Resolution No. 15-111 – Introduced by Council – A Resolution in support of City of Zanesville Law Enforcement and Law Enforcement Officers nationwide. (First Reading)
2. Resolution No. 15-96 – Introduced by Council – A Resolution declaring “Beggar’s Night”/”Trick or Treat” for the City of Zanesville. (Third Reading)
3. 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 Third Reading)

D. Proposed ordinances

4. Ordinance No. 15-112 – Introduced by Council – An Ordinance authorizing a partnership agreement between Muskingum County and the City of Zanesville for the creation of a Countywide Analysis of Impediments Plan for Fair Housing and declaring an emergency. (Emergency or First Reading)
5. Ordinance No. 15-113 – Introduced by Council – An Ordinance authorizing the proper city official to enter into a professional contract for grant writing and technical services for brownfield assessments and declaring an emergency. (Emergency or First Reading)

E. Ordinances for action

6. Ordinance No. 15-103 – Introduced by Council – An Ordinance authorizing contracts for administration, network, medical management, and stop loss insurance services related to the City's Employee Health Plan. (Second Reading)
7. Ordinance No. 15-107 – Introduced by Council – An Ordinance authorizing the proper City official to enter into a Professional Contract with Jobes Henderson & Associates for Storm Water Rate Analysis. (Second Reading)
8. Ordinance No. 15-108 – 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. (Second Reading)
9. Ordinance No. 15-109 - Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids and enter into a Professional Contract for providing portable toilets in various city parks. (Second Reading)
10. Ordinance No. 15-110 – Introduced by Council – An Ordinance authorizing the proper City official to allow the private use of a portion of City property. (Second Reading)
11. 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.(Third Reading)

F. Traffic orders
None

G. Miscellaneous and unfinished business

H. Private petitions and communications

CITY COUNCIL MEETING – MONDAY, September 14, 2015

The Council of the City of Zanesville met in regular session at 7:00 p.m. on Monday, September 14, 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. Sharrer, Mr. Tarbert, Mrs. Gentry, Mrs. Norman, Mr. Hutcheson, Mr. Roberts, Ms. Gildow, Mr. Foreman, and Mr. Vincent. Mr. Baker was absent at time of roll call but expected to arrive shortly.

Mr. Vincent: Mr. Baker will be late this evening so if I could get a motion to excuse him until he gets here.

Mr. Roberts moved, seconded by Mr. Tarbert, to excuse Mr. Baker until he arrives. Is there any discussion? All in favor of excusing Mr. Baker until he gets here signify by saying aye.

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

APPROVAL OF MINUTES

Mr. Hutcheson moved to accept the minutes from August 24, 2015 as printed, seconded by Mr. Tarbert.

All were in favor. None were opposed.
Motion carries. Minutes stand approved.

COMMUNICATIONS, REPORTS, AND RESOLUTIONS

Mr. Tarbert: Mr. President I would like to make a motion to amend the agenda. I would like to add in item 3A to allow Judge Joseph to speak on matters concerning Municipal Court without a time limit. And Item 3B to allow our Treasurer Paul DuBeck to speak on issues concerning his office without a time limit.

Mr. Sharrer seconded the motion.

Mr. Vincent: I have a motion and a second to allow Judge Joseph and Treasurer Paul DuBeck to speak as Item 3A and Item 3B.

Mr. Tarbert: Thank you.

Mr. Vincent: Are you a second on that Mr. Sharrer?

Mr. Sharrer: Yes

Mr. Vincent: Is there any discussion? All in favor of that amendment to the agenda please signify by saying aye. All present were in favor. None present were opposed. Motion carries.

Resolution No. 15-102 – Introduced by Council – A Resolution requesting the I.R.S. change the name associated with the City of Zanesville’s E.I.N. number, and declaring an emergency.

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

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.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries.

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

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

Mr. Vincent: Is there any discussion? Mrs. Moyer is here if there are any questions. Alright, we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries. Resolution is passed.

Resolution No. 15-96 – Introduced by Council – A Resolution declaring “Beggar’s Night”/”Trick or Treat” for the City of Zanesville.

Mr. Vincent: We are at second reading.

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

Mr. Vincent: Is there any discussion? All in favor of second reading signify by saying aye. All present were in favor. None were opposed. Mr. Baker was absent.

Motion carries.

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.

Mr. Vincent: We are at second reading.

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

Mr. Baker arrived about 7:06 p.m.

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.

Mr. Vincent: We are now at Item 3A and welcome Mr. Baker. Glad you could join us.

Mr. Baker: I am sorry.

Mr. Vincent: Judge Joseph, if you would like to come to the podium.

Mr. Judge Joseph: Thank you, good evening. I was asked to kind of give an update on the fine situation at the Municipal Court. I have been the Municipal Judge for approximately fifteen years and for about the first fourteen years I thought we had a very effective manner in which to collect our fines. I think we were doing a good job of collecting our fines and court costs. Obviously there were always some that weren't paying but we did pursue them rather aggressively. Then approximately a year and a half ago or so the American Civil Liberties Union started auditing courts around the state concerned about what they felt were some violations of some peoples' rights. They actually filed several law suits against some courts in northern Ohio. They actually did come and audit our files and took no action which I determined to be they felt that we were not in violation of any rights.

But as a result of some of the actions they did take the Supreme Court then issued some directives and suggestions to all Municipal and County Courts about how to go about collecting fines. And they were really kind of restrictive. In other words, one of the things we would do is we would do a fines hearing. We would bring people in who had not paid fines. We would address them one at a time. We might have fifty or sixty in at a time. We would address them about why they were paying, why they were not paying, or setting up a payment plan. The Supreme Court suggested that we needed to appoint an attorney for every one of those people that would come in. It didn't take us long to kind of sit down and decide that would not be cost effective. We decided that we would not pursue even though as I said the ACLU did not feel we were doing anything improper. But with the new directives we decided to try some other method rather than appointing an attorney for every one that we brought in which like I say might be fifty or sixty a day and we would do that several times a month.

One of the things that I decided to do, that I have resisted for fifteen years, was to use a collection agency. Many courts, I would say the majority of the courts in Ohio, use collection agencies. I didn't feel it was necessary. I thought we were doing fine without it. Plus what I didn't like is that under state law once you turn that over a collection agency they can add a thirty percent fee for the collection. So if somebody owed Municipal Court a hundred dollars once we turned it over to the collection agency they would now owe one hundred and thirty dollars. The first one hundred dollars would go to us and the thirty dollars would be the fee to the collection agency. I kind of felt like those people that weren't paying; a lot of them were not paying because of financial burdens. Some were not paying just because they didn't want to. But I really didn't want to add another thirty percent. But when we were faced with the choice of either doing nothing or appointing an attorney for everybody that we brought in, we decided to try the collection agency route. So we gave up our fine hearing process and we went to the collection agency and for approximately five or six months that resulted in a decrease in the amount of fines and the cost that we were collecting. I would like to tell you, and I am glad to tell you, that I have some numbers here to show that once our two new systems kicked into gear for our fine collections our cost collections have gone up significantly. The two new systems are these: we started in January, everybody that was levied a fine in our court was given a six month deadline to pay that fine. We told them at the time we were not going to turn their fines over to the collection agency. They had six months to pay the fines. Everybody in January whether it was January the 2nd or January the 30th everybody that received a fine in January was given a June 12th report back to court date if the fine was not paid. So the first thing we noticed was a lot of people started paying their fines because they did not want to come back six months from now on June 12th. Those that did not pay it; many came back on June 12th and I can tell you some of them didn't show up. For those we issued bench warrants. But when they came back on June 12th we reviewed each one individually and found out why they hadn't paid. Some had been paying payments, some had paid partial payments, some had done some community service, and those that were making legitimate efforts we gave them another month. We told them to come back in July, I can't remember what date, but each month we have a date. They were to come back in July. As long as they were making legitimate efforts and either paid it off or were making legitimate efforts and doing some payment or community service we would continue it for another month. They would keep coming back each month until it was paid in full. Those that appeared in February were given a July date. Those that appeared in March were given an August date. So we are bringing them back. We are finding a lot of them are not coming back because they are paying it off. They don't want to come back. Those that are coming back are; we get a few that come back and haven't done anything. Those are the ones that we tell we gave you six months, you have not paid anything, you have not done any community service, and you made no legitimate effort. Your account is going to the collection agency. Some of them have asked well I just got a job, you know, I can get it paid off before next month so I try to be lenient. Some I have given them another month. But basically what everybody now has is six months to pay their fine. If it is not paid in six months and they have no legitimate reason or

excuse to have not made a good faith effort in either paying it or working it off, it gets turned over to the collection agency.

The thought it is getting turned over has prompted many to pay. The other option we have that I have resisted for many years is the driver's license. If the fine is for a traffic offense and if it is not paid we can submit that to the Bureau of Motor of Vehicles and the driver's license is suspended until the fine is paid. I have resisted doing that for years because I don't like messing with people's driver's licenses especially if they are employed or whatever. So we have done very little of that but again we have told them if they haven't done anything in six months and they haven't made any effort at all, I mean community service, they get \$10 an hour. If you have a \$200 fine and you work twenty hours in six months it is gone. So when people come up and say I am not employed and then I say then you have plenty of time to do community service. We find that most of them now are working it off or paying it off and I have some numbers here you can pass around just to show you the comparison. This does not show community service which is up too. But as you can see, each month is broken down but in 2014 February through August we collected \$99,612. Pioneer, our collection agency, collected \$2,739 of that. Those same months for 2015 we have collected \$164,337.00. So we are up basically \$65,000 over last year during that same period of time. As you can see Pioneer has collected \$75,000. So they have really got the first couple months of last year and as you can see they collected \$2,700. Part of that was our fault. We were giving them old, some of our dead files, those that hadn't paid for a long time hoping they could generate something. When we started our new program, we gave them files of people who had owed significant amounts of money and hadn't paid anything in the last couple of years and they have generated significant payments from those. Now what we give them, we only give them new files for those people who have not paid in that six month or seven month period and we have given them starting in January. So as you can see, it has been very effective. We are up from \$99,000 to \$164,000 in those same months of the year. So I am very pleased to see that it is working and I think it is even going to work more once people understand what is going on and they see they don't like this coming back after six months and every month thereafter until it is paid in full.

I just had hearings last Thursday. I had a court room full of people. Many who had not paid or only paid partial. I kind of went through and said I will see you next month. I would say at least 75% said no you are not. You are not going to see me next month; I will have this paid off. I am not coming back again. So they have a choice. I went over it again with them about the option of doing community service. They would say oh, I didn't realize. Where do I sign up? We explained it all the first time but after they come back a time or two they get very serious about it and I would expect these numbers will continue to go up. Are there any questions?

Mr. Vincent: Thank you Judge Joseph. Are there questions from Council? Can you give us an example as far as community service and does any of that fit with the City?

Judge Joseph: We used to send quite a bit to the City. I think there were some problems with one particular person and the next thing we had was we didn't want them

at City Hall anymore. I don't know if that has changed. We are sending you some very good people that just happen to owe some fines and we are sending you some not very good people that happen to owe some fines. So I think we had a bad experience with somebody that we sent down here. But you know, any non-profit organization can request people for community service. We send them to Christ's Table. We send them at fair time. We send a bunch of them to the fairgrounds before and after the fair to help prepare for the fair and to clean up. I have sent them down to Y-City when they were doing some special projects and I have sent them up to Zanesville High when they needed some special help. Frankly, if anybody is listening or whatever, if they are a non-profit agency and they have a special need; we are always open to sending them people to help.

Mr. Vincent: I guess we know there are some talented people with skills that are hard to come by.

Judge Joseph: I had a painter at one time and he was a professional painter, and he had gotten into some trouble and he was in jail for several months and he wanted out to work. We sent him, and he painted a bunch of stuff for the fairgrounds and I think he painted some stuff for the City. We had a plumber who did some work for the City. So they are always anxious to go out so we get some work done and a lot of non-profit agencies get some help from people. The animal shelter, we have sent people there. But if the City would want more or any particular agency in the City, just let me know and we always try. If we send you somebody you are not happy with just tell them you do not want them back.

Mr. Vincent: Alright, thank you again Judge Joseph. We do appreciate it.

Judge Joseph: Thank you.

Mr. Vincent: Then we have Mr. Paul DuBeck, our treasurer, here to speak on the mandatory registration forms that came out.

Paul DuBeck: Yes, sir. First let me start by saying I apologize for the poor start, obviously that was not the way it was planned to happen. The news release was to happen before the forms went out; but when you, and I accept full responsibility for it, but when you find out on Tuesday the forms went out last Friday it is a little late. So with that being said; the purpose of what we are doing is we are going to initiate mandatory filing. We had the ability to do it, well, since the original ordinance was passed. But we have never enforced it. We have a clause in there that says in lieu of a tax return our tax administrator can accept a W-2. We are going to take that out. The reason we are going to mandatory is not because House Bill 5 says we have to. But the conditions that House Bill 5 is imposing upon every city, municipality, and village in the State of Ohio to make them uniform has the potential to cost the City tax dollars.

One of the things for example is we are going to a five year net operating loss carry forward. It will be phased in. We currently have no operating loss carry forward. That

has potential to cost us money. Our penalty and interest fees and rates are going to be mandated by the state. We can no longer can set them. Currently we charge 3.5% per month per penalty and interest on unpaid balances. Okay. The state mandates that whatever the fed rate is as of July 1st plus 5% is what we will have for the following year. Currently fed rate is 0.48 to be honest with you plus 5% means we are going to 5% per year which is .46% per month from 3.5%. That is going to cost us some money. The taxes that we collect currently in our ordinance, anything that is \$5 or less we don't collect. You don't owe us. The state says now we are going to raise that to \$10. So anything that you owe \$9.99 or less you don't have to pay. You have to file but you don't have to remit the money. Another thing and I am not going to go through the whole list of all of the changes. I am just giving you some that I think are really could affect the tax revenue for the City of Zanesville. We have an occasional entrant section that currently twelve days in the City before we levy a tax on any wages and then we can go back to day one. On the thirteenth day we can go back to day one and levy the wage tax on you back to day one. The state now said no, that is not good. We are going to allow you twenty days before you can levy a tax and on the twenty-first day you can levy a tax but you can only levy it starting on the twenty-first day. So we just lost twenty days of tax. The reason for the registration was to be able to set up files for disabled, unemployed, retired folks. So when January rolls around and we start sending out tax returns we don't have to send them out to everybody. Granted, I handled it poorly. I should have had a news release before they went out but you know it didn't happen. Once again I can tell you that I accept full responsibility for that. What we are doing is not new? Mandatory tax filing is not new. I want you to realize that currently Coshocton has it, Cambridge has it, and Newark has it. South Zanesville has it. New Lexington has it. We are the last city in the area to go to mandatory tax filings. We thought about it and we thought about it and thought about it. I think one of the things perhaps might have really started pushing me toward this was some conversations I have had with some people that do tax preps that are on the like my age and getting close to retirement saying you know what we wouldn't mind going to work for you in the tax office. We don't need a salary; just give us a percentage of what we collect. I mauled that over several times and I came to the conclusion that they know there are people that should be filing that aren't. We go mandatory there is no getting around it now. That is the purpose of what we are doing. HB 5 does not say we should make mandatory filing. The City Treasurer says I think now is the time to go to mandatory filing because of the requirements of HB 5. Thank you for your time and once again I apologize for the phone calls you folks had to endure because of my mess up.

Mr. Vincent: Thank you Mr. DuBeck. Are there any questions from Council?

Ann Gildow: Paul, for those of us who have W-2 income and we live and work in the City so our employers just send you a check. Does this also mean that we will need to file our whole tax returns as well?

Paul DuBeck: Yes. Myself included. I will file a city tax return every year.

Ann Gildow: My second question is, are you building on and hiring four employees to do this?

Paul DuBeck: No. We will be able to scan. We are going to become a little bit more efficient. We are looking at the process of scanning tax returns. Okay.

Ann Gildow: Will people be able to submit them electronically?

Paul DuBeck: Just like we do right now. Yes. That won't change either. Here is the thing, ma'am. I don't believe that... We sent out ten thousand questionnaires. That is ten thousand addresses in the City. You know if we pick up two thousand tax returns or fifteen hundred tax returns they are not going to be that difficult for the people in the tax office. Currently we have four working in there. They are quite efficient. So if it takes them until June to have all of the audits of the tax returns done where right now they will say they have until the end of June where right now they have them the first of May. That is okay. There is no time constraint on auditing. The time constraint comes on getting them filed by the tax payer and having them paid.

Ann Gildow: What about people who work in the City but don't live in the City?

Paul DuBeck: The City of Zanesville has no authority over non-residents. That is where we count on the W-2's for non-residents.

Mr. Vincent: Is there anything else?

Mr. Tarbert: Can you explain the difference or is there a difference between the mandatory registration and the mandatory filing? This piece of paper you sent out, is that mandatory to return?

Paul DuBeck: Okay. Mr. Tarbert no. Let's put it this way. I can't say that it is mandatory to return it to me right now. What I can say is this though. In January when you get a tax return and somebody fails to send it back, okay? The ordinance that says it is mandatory. Then the legal process stuff starts. We are just trying to get everybody registered so I don't have to send tax returns out to my grandmother, or my mother who is in a nursing home because she has no income. So we are just getting our ducks in a row now and more than likely, the word mandatory probably should not have been on that registration form. I have looked at several of them and we could have put new tax payer registration on it but that wouldn't necessarily apply either because we have current tax payers. But that is what that registration is for. The registration is to set up taxing files.

Mr. Tarbert: I am sure you received the complaints that, at least the ones I received, on that form. Was it taken from another city because asking sixteen year olds to put down the names and social security numbers of other adults in their household?

Paul DuBeck: That is vice versa. We were asking the adults to list any sixteen year olds that might be working in their household.

David Tarbert: Where did the list come from? Because I never got a form but you sent one to my deceased father.

Paul DuBeck: We actually purchased the list from some printing companies. The gentleman who does all of our income tax forms. So that is where. Yeah, I know. My wife got one and I didn't. A lot of it came off of home ownership. Once again, you know the fact that somebody that is deceased got one is one more way of clearing it up and getting it out of the system. I answered several phone calls myself as well as the tax office. I know the biggest concern that I heard more than anything is I am not giving my social security number out to anybody. That is fine. I encouraged everybody and I even made the comment. If you don't feel comfortable putting your social security number down, don't. Because when you file your tax return it will be on your W-2 anyway. So that is okay. That was another tool that we were going to use for cross referencing for people who may have W-2 wages that have a side business that we are not aware of yet because the only thing we see is their W-2 since they don't have to file a tax return.

Mr. Vincent: Is there anything else?

Mr. Sharrer: Mr. DuBeck, I just wanted to thank you for coming up here and giving your little speech because I know it is difficult sometimes. We all make mistakes. We are all human. We all make mistakes and to stand up in front of everybody and say hey, I made a mistake, I messed up.

Paul DuBeck: This is a big one.

Mr. Sharrer: That takes some character. I for one, I appreciate it.

Paul DuBeck: Thank you, sir.

Mr. Vincent: Is there anything else from Council? With that, was there a thought at one time of sending out a letter with this? I just think (interrupted)

Paul DuBeck: Absolutely. We actually started with a bunch of handouts at the fair. Who needs to file. We had them at the City booth and we were trying to give them away. That was the first step. Like I said, I believe sir that a lot of this would have been cut off, alleviated, if I had my ducks in a row and didn't let them get out ahead of me. I think by explaining to everybody ahead of time here is what you are going to get in the mail. Here is why it is. Here is what the reason is for it. I think the uproar would have been a lot more muted than it currently is.

Mr. Vincent: I think a letter explaining this in simple terms would have alleviated a lot of upset. A lot of upset citizens.

Mr. DuBeck: Absolutely. And you know I understand that. I really do. Any time change is involved without explanation; it gets everybody in an uproar. And rightfully so.

Mr. Vincent: A good learning experience. With that I guess I am not. It says it is mandatory, but it is not mandatory is what you are saying tonight?

Paul DuBeck: What I am saying is if you don't want to push the envelope, fill out your form, if you are going to be exempt, that is fine. If we send a tax return and we don't hear from you, obviously, we think you owe us a tax return and we will go the legal route.

Mr. Vincent: For those people like me that annually receive the forms and have an accountant fill it all out and turn them in each year. I am wasting your time by filling this out then?

Paul DuBeck: No, you are not because you are going to get a tax return. I am going to expect you to fill it out and send it to me. As long as you do that then you are right, then you don't have to fill out the form.

Mr. Vincent: Yes.

Paul DuBeck: But if you don't send me a tax return, do you understand what I am saying sir? I am saying if I don't receive that I am assuming you are telling me you have no tax liability and we won't have until April 15th to find out because on April 16th we will be able to take everybody that we haven't received an answer from, a questionnaire from, or a tax return from and then we will proceed.

Mr. Vincent: I guess I am not completely clear. So I file every year a tax return and my wife, we both file all of the forms and they come from the City to us. If we do that we don't need...

Paul DuBeck: Do you already get tax returns from me?

Mr. Vincent: Yes.

Paul DuBeck: Okay.

Mr. Vincent: We get a form as far as to pay taxes from the City. The accountant takes care of it.

Paul DuBeck: That is fine. Normally I would never receive a tax return from the City of Zanesville because the only income I have is W-2 wages. We don't normally send out tax returns to people who only have W-2 wages. If you have other income then you would have a tax account with us.

Mr. Vincent: So yes, a business.

Paul DuBeck: Yes, sir.

Mr. Vincent: I was looking to make it easier on you and the people out there that are in a similar position.

Paul DuBeck: That is fine.

Mr. Vincent: Is there any way to maybe put together some points like that, some tips like that, and maybe get them on the web-site just to help people and maybe save you some phone calls?

Paul DuBeck: Tips like?

Mr. Vincent: Better explaining this.

Paul DuBeck: Yes, absolutely. The income tax administrator and I have talked about that already. It is a matter of getting some points up and then taking them to IT.

Mr. Vincent: Okay, sounds wonderful. Thank you.

Paul DuBeck: I have been so busy answering the phones, I know you find that hard to believe, but I haven't had time to come up with those points yet.

Mr. Vincent: When you get a chance that would be helpful. Thank you, sir.

Paul DuBeck: Thank you! Thank you very much for giving me the time.

PROPOSED ORDINANCES

Ordinance No. 15-103 – Introduced by Council – An Ordinance authorizing contracts for administration, network, medical management, and stop loss insurance services related to the City's Employee Health Plan.

Mr. Vincent: We are at first reading.

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

Mr. Vincent: Is there any discussion? With this I believe it goes to Ways & Means then. If no discussion, all in favor of first reading signify by saying aye.

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

Ordinance No. 15-104 – Introduced by Council – An Ordinance amending Appropriation Ordinance No. 15-23 and declaring an emergency.

Mr. Tarbert moved to waive the readings and it was seconded by Mr. Hutcheson.

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 discussion? With that, I assume Council all received the revised version of addendum A and the letter from Ms. Heskett. Correct? Ms. Heskett, is there anything you wanted to add? Your letter explained it quite nicely but.

Ms. Heskett: No, if anybody has any questions about it I will be more than happy to answer them.

Mr. Vincent: Thank you. Is there anything from Council? 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. 15-105 – Introduced by Council – An Ordinance authorizing a fee schedule by the Civil Service Commission for the cost of entry-level employment testing that required a prepaid exam as hereby provided 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 on waiving of the readings.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion to waive carries.

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

Mrs. Gentry moved for passage, seconded by Mr. Sharrer.

Mr. Vincent: Is there any discussion? Did you see this is basically a \$5.00 increase? If no discussion so we will have roll call vote for passage.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Ordinance No. 15-106 – Introduced by Council – Authorizing the proper city official to enter into a contract for the purchase of vehicles for the police division by state purchase agreement; and declaring an emergency.

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

Mr. Vincent: Is there any discussion on waiving? Hearing none we will have roll call vote on 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. Foreman moved for passage, seconded by Mrs. Norman.

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Mr. Vincent: I do like the idea of going with the all-wheel drive vehicles. Hopefully some better gas mileage too.

Mayor Tilton: There seems to be so far.

Ordinance No. 15-107 – Introduced by Council – An Ordinance authorizing the proper City official to enter into a Professional Contract with Jobes Henderson & Associates for Storm Water Rate Analysis.

Mr. Vincent: A motion for first reading.

Mr. Roberts 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.

Ordinance No. 15-108 – 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.

Mr. Vincent: We are at first reading.

Mr. Roberts moved for first reading, seconded by Ms. Gildow.

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.

Ordinance No. 15-109 – Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids and enter into a Professional Contract for providing portable toilets in various city parks.

Mr. Vincent: We are at first reading.

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

Mr. Vincent: Is there any discussion?

Ms. Gildow: Mr. Bennett is this something where these porta-potties are going to be there for specific occasions or during summers?

Mr. Bennett: It is all of the above Councilperson. This is a three year and we would propose a three year contract with the successful bidder. Then they are put out throughout the year.

Ms. Gildow: And we don't have those now?

Mr. Bennett: We have a contract with a provider now. That is going to expire so this is in preparation to go back out to bid and enter into a contract for the next three years.

Mr. Gildow: Thank you.

Mr. Vincent: Thank you. Is there anything else from Council? Okay, we are at first reading so all in favor of first reading signify by saying aye.

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

Ordinance No. 15-110 – Introduced by Council – An Ordinance authorizing the proper City official to allow the private use of a portion of City property.

Mr. Vincent: We are at first reading.

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

Mr. Vincent: Is there any discussion? Mr. Bennett, I assume this is for means as far as tying into I-70, the interstate fence?

Mr. Bennett: It does. The City had a sliver left and the individual came to my office and was trying to construct a fence and the Code, Building office is doing a great job and said you have one slight problem. To be able to continue and to complete that last tie in that is the City's parcel, some left over property. I met with them. They have been maintaining that sliver as their yard and in some respects. We do have a sanitary sewer through there so in discussion with the property owner they are more than happy to put that last leg of that fence as a gate. So, if we ever needed in we would be able to access without tearing down their investment but also recognizing that we would want to hold harmless if something happens since it is our property that we would be held harmless as well. They are very amenable to all of that.

Mr. Vincent: It sounds like a very nice win-win situation. We don't have to maintain that grass, they have taken care of it. They take care of their home. They don't have to put in a fence across the back they can tie into existing fence, so it is pretty nice.

Mr. Bennett: Their young children can be kept inside safely.

Mr. Vincent: It sounds good.

Mr. Roberts: Jay, has anybody checked with ODOT to insure they agree?

Mr. Bennett: We have. They have no problem with that tie in.

Mr. Vincent: Is there anything else? Okay all in favor of first reading signify by saying aye.

All were in favor. None were opposed.

Motion carries.

ORDINANCES FOR ACTION

Ordinance No. 15-100 – 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.(Second Reading)

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

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. 15-91 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.

Mr. Vincent: We are at third reading.

Mr. Hutcheson moved for third reading and 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.

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 Secret Auditorium for the November 6, 2015 program honoring veterans.

Mr. Vincent: We are at third reading.

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

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

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

TRAFFIC ORDERS

When we brought it up at the last meeting it was amended to 200 feet and it should be 100 feet so it should be as follows:

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 100 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.

Mr. Tarbert moved to receive Traffic Order 15-10. It was seconded by Mr. Roberts.

Mr. Vincent: Is there any discussion? Okay, hearing none, all in favor of receiving signify by saying aye.

All were in favor. None were opposed.

Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

No information provided.

PRIVATE PETITIONS AND COMMUNICATIONS

Eric Jones, 221 Luck Avenue, Zanesville, OH 43701 speaking in regard to Rules for Speaking before Council.

Mr. Eric Jones: Hello everybody. What I wanted to do was to speak on the 15-44 real quick. On the petition to address Council and the rules for speaking before Zanesville City Council real quick. From my understanding 15-44 is not in effect yet but it takes thirty days before it goes into effect so I think I am still under the old rules. And if such, I think I will start with the third one which basically says no person who addresses Council shall make personal, impolite, repetitive, disrespectful, and that whole thing there. The reason I am bringing that up is that is going to be in Mr. Vincent's personal domain. Whatever he decides is profane or whatever it does, that by definition is sort of tyranny. Anybody that decides with no checks or balances, no kind of over site, just by the very nature of the word. All tyranny is is an arbitrary use of power. Alright and so, if I would look at Mr. Vincent and say Mr. Vincent is a liar, he is a tyrant, and he is a traitor. I have said this a million times. Now, the way I see things, it says a position that is not contradicted need not be proven. Therefore, if he doesn't say I am not a liar, I am not a tyrant, I am not a traitor; it is to be accepted as true. I don't do anything. All I do is make

the charge, if he doesn't respond; it is to be accepted as true. Now as I keep coming back to this I said that since there is no override, because the Mayor, I don't think the Mayor has ever vetoed anything that has happened at City Council. Is that correct?

Mayor Tilton: Correct.

Mr. Eric Jones: I don't think any of the Councilors up there have ever tried to overrule Mr. Vincent on anything. I don't know how long that goes. I can go back ten, twenty, thirty years. There is a fancy word in the law, it is called desuetude. It is a \$1.50 word. All it means basically is if you don't do something for a period of time, you can't. If you don't use something for any length of time for over like say twenty years; then you can't do it. Technically, you can't even do it. You guys can't technically try to overrule him. Now, I know that is stretching it just a bit. Don't panic. But right now what I am saying is we should understand that Mr. Vincent by the very nature of this is a tyrant. Thank you very much.

Mr. Vincent: Thank you Mr. Jones. With that I will repeat as far as Council does have the option to override the President's ruling. This Council is very much aware of that and that it was talked about at length in the revision of this. And what is needed to do that. I will be perfectly fine with that. I think Council has demonstrated repeatedly expressing their wishes on things that they want to happen especially relating to people wanting to speak and extending speaking times. So I am quite confident with Council as far as people speaking and them allowing them to speak when they have something that they need to share and to finish up on for something of value. Alright, thank you.

Larry Emerson, 13290 Pear Orchard Road, Dresden, OH 43821 speaking in regard to mandatory people registration.

Mr. Larry Emerson: I come to speak tonight on this people registration as I call it because it is actually registering people. I thought when Mr. DuBeck got up to speak that I would understand it a little more clearly, but actually I didn't. Mr. Tarbert asked a very pertinent question that I thought was very direct because he kept talking about mandatory filing. But the paper says mandatory registration. No one is complaining about having to file and pay taxes. I mean, we all complain about it, nobody likes to pay taxes, but we all accept that as something we are going to have to do. But what I am hearing the people complain about is the mandatory registration. They are saying that we are not on parole, we are not sex offenders, and we are not Jews in Nazi Germany that we have to register where we live to the government. It is not about the taxes, it is personal human rights issue that people do not feel they should have to register. Now, I am not affected by this. I don't live in the City and I get a tax return mailed to me because I pay taxes to the City every year at my home address. Another thing that I am worried about, the thing that worried me about it right from the get-go was I thought and several of my people have told me, well, we have just thrown them in the trash. We are not going to do it. So what is going to happen then? As a landlord the next thing you know they are going to be up there wanting you to pass a Resolution to make me send in a list of everybody that lives in every one of my houses. It wouldn't do you very much

good anyway because people move. I mean, I have people that have been in houses seven or eight years, the average is probably two. And there are probably thirty or forty percent of my houses that at the end of the year don't have the same person there that lived there at the first of the year. So this is not going to be very effective. And it is not going to be very well obeyed as far as the registration because the people think of it as a personal, they are not worried about paying their taxes, they know they are going to have to pay taxes. But they do not want to have to register that I live here or I live there. They feel like your nuts and I am not a sex offender. I shouldn't have to register as to where I live. And I did not understand when you asked the question and his answer, I did not really understand completely on what he was explaining about the difference between mandatory registration and mandatory filing. I am not speaking for my group tonight because we are going to want a little bit more information on it here later on. Okey doke. Thank you much. Does anybody have anything to ask me?

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

Mr. Hutcheson: Mr. President. I move we adjourn.

Mr. Sharrer seconded.

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

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

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

The meeting adjourned about 7:52 p.m.

David Tarbert, 5th Ward Council
Daniel Vincent, President of Council



RESOLUTION NO. 15-111
INTRODUCED BY COUNCIL

RESOLUTION IN SUPPORT OF CITY OF ZANESVILLE LAW ENFORCMENT
AND LAW ENFORCEMENT OFFICERS NATIONWIDE

WHEREAS, the City of Zanesville acknowledges the increase of law enforcement officers killed in the line of duty and mourns for the families and communities suffering said loses; and

WHEREAS, the City of Zanesville wishes to stand with the law enforcement officers who stand behind the thin blue line in an effort to protect and serve our community; and

WHEREAS, the City of Zanesville wishes to acknowledge the increase risk to law enforcement officers and the Zanesville Police Department's fearless dedication and sacrifice despite the risks; and

WHEREAS, the City of Zanesville supports and agrees with the National Fraternal Order of Police that additional education and action are necessary, including but not limited to expansion of federal regulations protecting law enforcement officers as a protected class within hate crime legislation and to fully fund the State and local law enforcement assistance programs that provide our men and women in the field with the resources and equipment they need to do their jobs and get home to their families at the end of their shift; and

WHEREAS, the City of Zanesville shall continue to authorize and invest in the safety and protection of our Zanesville Police Department; and

WHEREAS, to honor all law enforcement officers, especially the twenty-eight officers lost this year as they protected their communities, we ask every law enforcement officer in the City of Zanesville to activate their red and blue lights for one minute on the first day of every month at 11:00 A.M.

NOW THEREFORE BE IT RESOLVED, this Council stands behind the thin blue line and supports our Zanesville Police Department and law enforcement nationwide.

PASSED: _____, 2015

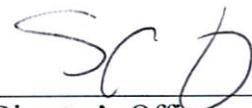
Susan Culbertson
Clerk of Council

Daniel M. Vincent
President of Council

APPROVED: _____, 2015

This legislation approved as to form:

Jeff Tilton, Mayor



Law Director's Office

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	2.00 (80&92) [1.45 (91)] [1.42 (15)] [.40 (19)] [1.70 (45)]
General Sinking	277,767.00	.80 (80&91&92)
Fire Pension	104,163.00	.30 (80&91&92)
Police Pension	<u>104,163.00</u>	.30 (80&91&92)
Total	\$1,150,820.00	3.40 (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

APPROVED: _____, 2015

Jeff Tilton, Mayor

Daniel M. Vincent
President of Council

This legislation approved as to form:



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 1st, 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
General Fund:				
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	
General Fund Estimated Total:	\$664,727.00		8.97	
Sinking & Bond Retirement:				
80	\$219,755.00		0.80	
91	\$57,864.00		0.80	
92	\$148.00		0.80	
Sinking Fund Estimated Total:	\$277,767.00		2.40	
Firemans Fund:				
80	\$82,408.00		0.30	
91	\$21,699.00		0.30	
92	\$56.00		0.30	
Police Fund Estimated Total:	\$104,163.00		0.90	
Police Fund:				
80	\$82,408.00		0.30	
91	\$21,699.00		0.30	
92	\$56.00		0.30	
Fire Fund Estimated Total:	\$104,163.00		0.90	
RECAP:	District#		Inside 10 Mill.	
	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	
TOTAL	\$1,150,820.00	\$0.00	13.17	0.0

SCHEDULE B		
LEVIES <u>OUTSIDE</u> 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES		
FUND	Maximum Rate Authorized to Be levied	County Auditor's Estimate of Tax Rate Yield of Levy
GENERAL FUND:		
Levy authorized by voters on		
not to exceed years / Expires: Last Collection Yr:	None	None
SPECIAL FUNDS:		
Levy authorized by voters on		
not to exceed years / Expires: Last Collection Yr:	None	None
Levy authorized by voters on		
not to exceed years / Expires: Last Collection Yr:	None	None
Levy authorized by voters on		
not to exceed years / Expires: Last Collection Yr:	None	None
TOTAL		
	0.00	\$0.00

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

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.



ORDINANCE NO. 15- 112
INTRODUCED BY COUNCIL

**AN ORDINANCE AUTHORIZING A PARTNERSHIP AGREEMENT
BETWEEN MUSKINGUM COUNTY AND THE CITY OF ZANESVILLE
FOR THE CREATION OF A COUNTYWIDE ANALYSIS OF IMPEDIMENTS PLAN FOR FAIR HOUSING
AND DECLARING AN EMERGENCY**

WHEREAS, The Federal Fair Housing Act of 1968 made it illegal to discriminate in the area of housing because of a person’s race, color, religion, or national origin. Sex was added as a protected class in the 1970’s. In 1988 the Fair Housing Amendments Act added familial status and disability to the list, making a total of seven federally protected classes; and

WHEREAS, The City of Zanesville and Muskingum County each have their own Analysis of Impediments to Fair Housing Plans and said plans are required to be updated by June 2016; and

WHEREAS, They City and the County wish to undertake a collaborative Analysis of Impediments Plan as required by the State of Ohio Development Services Agency, Office of Community Development (OCD) and the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, City staff proposes to enter into a partnership agreement with Muskingum County for completion of the countywide Analysis of Impediments Plan; and

WHEREAS, The City and County desire to hire a consultant to complete the Plan which is due to the State of Ohio Development Services Agency, Office of Community Development and the U.S. Department of Housing and Urban Development by June 2016.

WHEREAS, The timeframe to complete the Plan will take many months and include public engagement and legislative action necessitating immediate action by Council.

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

SECTION ONE: The Director of Community Development is hereby authorized to enter into an Agreement with Muskingum County, attached as Exhibit A, for the completion and submission of an Analysis of Impediments Plan to the State of Ohio Development Services Agency, Office of Community Development and the U.S. Department of Housing and Urban Development.

SECTION TWO: 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

JEFF TILTON,
Mayor

THIS LEGISLATION APPROVED AS TO FORM



LAW DIRECTOR'S OFFICE

Agreement
Between
Muskingum County and City of Zanesville
for the creation of a countywide Analysis of Impediments (AI)

THIS AGREEMENT is entered into effective the day of _____, 2015 by and between Muskingum County (herein called County) and the City of Zanesville (herein called City) to undertake a collaborative Analysis of Impediments (AI) Plan as required by the State of Ohio, Development Services Agency, Office of Community Development (OCD) and the U.S. Department of Housing and Urban Development (HUD).

WHEREAS, The Federal Fair Housing Act of 1968 made it illegal to discriminate in the area of housing because of a person's race, color, religion, or national origin. Sex was added as a protected class in the 1970's. In 1988 the Fair Housing Amendments Act added familial status and disability to the list, making a total of seven federally protected classes.

WHEREAS, Provisions to affirmatively further fair housing are long-standing components of the U. S. Department of Housing and Urban Development's (HUD) housing and community development programs.

WHEREAS, The Analysis of Impediments is a thorough examination of the availability of a variety of sources related to fair housing to the protected classes of housing consumers.

WHEREAS, both the County and City support Fair Housing regulations as they are designed to protect our citizens from housing discrimination.

WHEREAS, both the County and City will collaboratively select and enter into contract with a consultant who will create the Analysis of Impediment.

NOW, THEREFORE, it is agreed between the parties hereto that:

Section One: Both the County and the City agree to contribute \$3,500 each for a total of \$7,000 to be paid to the awarded consultant for completion of the Analysis of Impediment.

Section Two: If the County and the City request revisions to the Analysis of Impediment that exceed the contracted time and cost, both the County and the City have agreed to equally contribute a maximum of \$95.00 per hour (\$47.50 each) for the additional work.

Section Three: This agreement is in effect until the State of Ohio Department of Development Services, Office of Community Development accepts the Analysis of Impediment.

Section Four: The County or City may terminate this Contract in whole, or in part, when both parties agree that the continuation of the project is not in the best interest of both parties. Within 30-days of the request to terminate the Contract, both parties shall agree in writing the cause for termination and address any outstanding terms of this agreement including payment to the contractor

COUNTY

Muskingum County Commissioners
401 Main St
Zanesville, OH 43701
Phone (740) 455-7100
Fax (740) 455-3785
Commissioners@muskingumcounty.org

CITY

City of Zanesville
401 Market Street
Zanesville, OH 43701
Phone (740) 455-0601
Fax (740) 455-0744
Mayor@coz.org

IN WITNESS WHEREOF, the parties hereto have executed this Grant Agreement on the last day and year set forth below.

COUNTY:

Muskingum County Commissioners

CITY:

City of Zanesville

Name: _____
Jerry Lavy, President of Commissioners

Name: _____
Jay Bennett, Community Development Director

Name: _____
Jim Porter, Commissioner

Name: _____
Todd Sands, Commissioner

Date: _____

Date: _____

Approved to Form:

City of Zanesville Law Director:

Name: _____
Scott T. Hillis

Date: _____
9/23/15

ORDINANCE NO. 15- 113
INTRODUCED BY COUNCIL

AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO ENTER INTO A PROFESSIONAL CONTRACT FOR GRANT WRITING AND TECHNICAL SERVICES FOR BROWNFIELD ASSESSMENTS AND DECLARING AN EMERGENCY.

WHEREAS, the City of Zanesville has properties known as brownfields within city limits; and

WHEREAS, brownfield properties impact the quality of life for residents who live in close proximity to them, and brownfield sites are typically vacant or severely underused and therefore do not generate the amount of tax revenue and employment opportunities that these properties otherwise could; and

WHEREAS, the City of Zanesville is required by the Ohio Revised Code to perform a qualification based selection process for professional services. The City developed a request for qualifications, solicited statements of qualifications, and reviewed all documents to determine that SME was the best proposal for securing U.S. Environmental Protection Agency (EPA) grant funds for brownfield assessments; and

WHEREAS, the EPA has a competitive grant program available to assess brownfields and the anticipated grant application period is open for a period of not to exceed six weeks at the beginning of October.

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 enter into a professional services contract with SME for the pursuit of grant funding from the EPA to assess brownfields.

SECTION TWO: That there is no cost to the City of Zanesville to prepare and submit a grant application for funding by SME. If awarded an EPA grant, the City will compensate SME for assessment work under the terms and conditions of the cooperative agreement and contract.

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

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement is made as of _____ 2015, by SME, a Michigan corporation, whose address is 43980 Plymouth Oaks Boulevard, Plymouth, Michigan 48170-2584, and the City of Zanesville (the "City"), an Ohio public body, whose address is 401 Market Street, Zanesville, Ohio, 43701.

RECITALS

- A. The City of Zanesville is required by the Ohio Revised Code to perform a qualification based selection process for professional services. The city developed a request for qualifications, solicited statements of qualifications and reviewed all documents to determine that SME was the best proposal for securing U.S. Environmental Protection Agency (USEPA) grant funds for brownfield assessments
- B. A Coalition consisting of the City, Muskingum County Ohio, and the Zanesville-Muskingum County Port Authority are seeking a USEPA Cooperative Assistance Agreement (the "Cooperative Agreement") for brownfield assessment activities to be conducted within boundaries of Muskingum County (the "County").
- C. The City desires to contract SME to provide a USEPA Brownfield Assessment Grant and if successful, provide qualified environmental services for the coordination, direction, conduct, and/or oversight, as appropriate, of brownfield assessment activities conducted at specific sites within boundaries of the Coalition funded under the Cooperative Agreement.
- D. The contractual budget for environmental services will be determined by the Cooperative Agreement but will be no less than the full amount of the consulting budget.

TERMS AND CONDITIONS

In consideration of the mutual covenants and agreements contained in this Agreement, it is agreed as follows:

- General Agreement. SME shall prepare a USEPA Assessment Grant Application at no cost for fiscal year (FY) 2016 and if unsuccessful, FY2017. If the Coalition is awarded the grant, SME will conduct environmental assessments at certain brownfield sites to be selected by the Coalition (the "Services"). SME shall also coordinate activities for the Coalition in accordance with the Work Plan (attached as Exhibit A) and the Cooperative Agreement, including the arrangement of periodic meetings with the Coalition to review certain proposed activities to be undertaken as part of the Cooperative Agreement.
- Qualifications. SME shall employ adequate professional and technical staff, duly registered, certified and/or licensed as required by law or USEPA Assessment Grant guidance or policy, qualified to perform the services required by this Agreement or that it will, at its sole expense, engage sub-contractors or consultants who are so qualified. If sub-contractors or consultants are employed or retained by SME, the Coalition shall be so informed and SME shall be responsible for any payments due to the sub-contractors or consultants.
- Work Product. All reports, drawings, letters, work sheets, plans, supportive data, documents and other materials, whether produced or stored on paper, electronically or otherwise, which are produced by SME in the course of and for the purpose of meeting the terms of this Agreement and the Cooperative Agreement ("SME's Work Product") are the property of the Coalition. In order to fulfill the requirements of the Cooperative Agreement, the Coalition may obtain copies of any of SME's Work Product on paper, on mylar, on electronic disk or any other format requested by the Coalition which SME is capable of producing, and the Coalition shall pay the nominal cost of reproducing such documents in the requested format. SME's Work Product shall not be disclosed to any third party without the Coalition's prior permission. Any reuse or modification of SME's Work Product by the Coalition or anyone obtaining it through the Coalition will be at the Coalition's sole risk and without liability to SME. The Coalition will defend, indemnify and hold SME harmless from all third party claims, demands, damages, actions and expenses (including reasonable attorney's fees, expert fees, and other costs of defense) arising from or in any way related to the reuse or modifications of SME's Work Product by the Coalition or anyone obtaining it through the Coalition.

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4. Equipment and Supplies. SME shall provide all necessary equipment and supplies as necessary for the performance of the Services.
5. Independent Contractor. No SME employee or agent is or shall for any reason be considered to be an employee of the Coalition. The Coalition shall neither have nor exercise any control or direction over SME's employees or agents except as provided in or contemplated by this Agreement.
6. Payment for Services. On the condition the grant is awarded to the Coalition, SME shall be compensated by the City of Zanesville for professional services rendered and for use of necessary equipment and supplies on a time and materials basis in accordance with SME's fee schedules, which shall be an integral part of this Agreement (attached as Exhibit A). SME shall have the right to amend or adjust said fee schedules by no more than 20% through written notice to the Coalition no more than once during the term of this Agreement and only after one year has elapsed from the date the USEPA Cooperative Agreement is executed. Prior to commencement of any environmental assessment work at certain brownfield sites within the County, SME will provide the Coalition with an estimate for the proposed work. SME will issue all invoices for work performed to the Coalition. The Coalition will pay for all work upon approval of invoiced amounts by the Coalition within sixty (60) days from the invoice date.
7. Reporting. SME shall provide the Coalition with a quarterly report outlining the status of ongoing assessment activities within the County and the status of the Cooperative Agreement in general.
8. Insurance. SME shall provide certificates of insurance to the Coalition which prove SME has not less than \$1,000,000 coverage for comprehensive general liability and property damage and proof of worker's compensation insurance. The comprehensive general liability and property damage certificate shall name the Coalition, their officers, employees, and representatives as additional insureds, without exceptions, and shall carry a thirty (30) day notice of cancellation. Proof of insurance, as stipulated above, shall be provided to the Coalition within ten (10) working days after the date of this Agreement.

SME shall also provide automobile liability insurance which includes:
 1. Coverage that complies with the requirements of the Ohio Law.
 2. Coverage for Owned, Hired and Non-owned vehicles.
 3. Residual liability coverage with a combined single limit of at least \$1,000,000 for both bodily injury and property damage.
SME shall also provide proof of professional liability insurance which shall insure against acts which are in the nature of professional services performed by architects and engineers. Professional liability coverage shall be provided in an amount not less than \$1,000,000 per claim and \$2,000,000 in aggregate. SME shall maintain such during the term of this Agreement.
9. Indemnity. SME shall hold the Coalition (including their officers and employees) harmless from and indemnify them for and against any and all liability, claims, damages, expenses, (including the reimbursement of reasonable attorney fees), cause of actions, suits, judgments, awards or other requirements to pay any funds as a result of injury (including death) to any person or damage to any property, but only to the extent arising out of SME's negligent performance of services under this Agreement and those of the SME's subconsultants or anyone of whom SME is legally liable. SME's defense obligation under this clause is limited to reimbursement of reasonable defense costs to the extent of SME's actual indemnity obligations hereunder.
10. Compliance With Legal Requirements. Consistent with the applicable professional standard of care, SME and its representatives shall, in performing their duties under this Agreement, comply with all applicable laws, rules and regulations.
11. Contacts With the City. SME shall designate in writing to the Coalition who shall be SME's principal contact for the Coalition.
12. Term. This Agreement shall be for a period of three years from the date of the cooperative agreement funds allocated to the applicable contractual services are expended.
13. Termination. This Agreement may be terminated at any time by mutual agreement or by either party,

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upon 30 days prior written notice to the other, if the other party fails or refuses to perform any of its duties and responsibilities under this Agreement. If the failure to perform is remedied within 30 days after notice, then the termination notice shall be void.

14. **Effects of Termination.** Upon termination of this Agreement, neither party shall have any further obligations except for (i) obligations occurring prior to the date of termination, and (ii) obligations or promises made in this Agreement which are expressly made to extend beyond the terms of this Agreement. Upon receiving notice of termination not requested by or agreed to by SME, SME shall immediately discontinue all services (unless the notice directs otherwise). Upon payment for Services accepted by the Coalition, SME shall deliver copies of all data, drawings, specifications, reports, estimates, summaries and such other materials it has accumulated in performing its obligations under this Agreement, whether completed or in the process. Unless the termination results from SME's default or failure to perform according to this Agreement, an equitable adjustment shall be made in the compensation to be paid SME on a time and expense basis, but no amount shall be paid on profit anticipated for services not yet performed by SME.

15. **Notices.** Any notice required to be given under this Agreement shall be deemed effectively given when personally delivered or mailed by prepaid certified mail, return receipt requested, to the addresses first written above, or delivered to the contact persons for either party.

16. **Governing Law and Remedies.** This Agreement shall be construed and enforced in accordance with the law of the State of Indiana.

17. **Publication, Reproduction and Use of Material.** The Coalition shall have unrestricted authority to publish, disclose and otherwise use, in whole or in part, any reports, data, or other materials prepared under this Agreement.

18. **Waiver of Breach.** Neither party's waiver of a breach of any provision of this Agreement shall not operate as, or be construed to be, a waiver of any subsequent breach of the same or another provision.

19. **Headings.** The headings in this Agreement are only for reference purposes and shall not affect the meaning or interpretation of this Agreement. The recitals, however, are intended to be an integral part of this Agreement.

20. **No Assignment.** This Agreement and the rights and obligations under this Agreement are unassignable and non-transferable without the consent of the other parties. It shall, however, be binding upon any successors or permitted assigns of the parties.

21. **Entire Agreement.** This Agreement supersedes all previous agreements between the parties relating to its subject matter. No other oral statements or prior written material not specifically incorporated in this Agreement shall have any effect and no changes or additions to this Agreement shall be effective unless made in writing and signed by the parties.

22. **Effective Date.** The Parties have signed this Agreement as of the date first written above.

<p>SME</p> <p>By: _____</p> <p>Its <u>Vice President</u> _____</p>	<p>City of Zanesville</p> <p>By: _____</p> <p>Its _____</p>
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EXHIBIT A
SCOPE OF SERVICES

1.0 SCOPE OF SERVICES

We developed the following scope of services based on the City of Zanesville's Request for Qualifications, Section 2: Technical Specifications.

TASK 1 – PREPARE AND SUBMIT A USEPA BROWNFIELD ASSESSMENT GRANT APPLICATION

SME will assist the City of Zanesville with the preparation of the application for the U.S. EPA Community-Wide Assessment Grants for Petroleum and Hazardous Substances for fiscal year 2016. In the event that the application is unsuccessful, the scope will include assisting the City in revising the application for fiscal year 2017. There are no Area-Wide Planning Program Grants for fiscal year 2016 but SME will assist the City with the preparation of application for fiscal year 2017.

We will assist the City in identification of community groups and developers whose support is crucial to the grant's success. The scope of services will include preparation of template letters for community support as well as those for needed from the Ohio EPA and the Bureau of Underground Storage Tank Regulations (BUSTR). These letters will then be provided to the City or support groups to place on their letterhead. We will also assist the City conduct a preliminary community-wide inventory of potential hazardous substance and petroleum brownfields sites to be described in the grant application. We will research local demographics and health and welfare information to help demonstrate the need for the grant to improve the health and welfare of the community.

There is no cost of the preparation and submittal of the grant application for USEPA fiscal years 2016 and 2017.

TASK 2 – IMPLEMENT THE APPROVED USEPA BROWNFIELDS ASSESSMENT GRANT WORK PLAN

COMMUNITY OUTREACH:

Community outreach is an important component to the success of the City of Zanesville's grant project. The primary objectives of community outreach will be to introduce the Assessment Grant program to community stakeholders and describe its operation, outline the key benefits, outline the impacts of brownfields, describe the principles and issues of brownfield redevelopment and financing, describe how the grant activities fit into an overall redevelopment program for a brownfield site, and describe the involvement and input expected from the community throughout the program. Further objectives of the program will be to inform community representatives about the actions that are likely to occur on a site once it has been determined eligible and included in the grant program. SME will assist the City of Zanesville with satisfying public notice requirements. These tasks include press releases to local newspapers, local Neighborhood Associations and other project partners. Additionally, we will assist City of Zanesville staff and local stakeholders in communicating site prioritization and assessment results with the public through the City of Zanesville's website, notification of community organizations, neighborhood partner newsletters, and public meetings. We invite public and private opportunities for citizen participation throughout all phases of the project. We plan to 1) attend meetings of the City and advisory committees, and 2) prepare presentations to provide information about the project's progress, as requested, throughout the term of the contract. If health threats are identified, SME will work with the City of Zanesville to engage the appropriate county health departments.

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The following are examples of informational presentations, conference seminars, and/or meetings that SME has presented to grantees and communities, illustrating the variety of our services and knowledge:

- "USEPA Grant Kick-Off Meeting"
- "Brownfields Financing"
- "Revitalization of Broadway and State Street – A Brownfield Redevelopment"
- "Brownfield Redevelopment Case Studies"
- "Introduction to USEPA Grant Program" – public meeting
- "Lowering the Cost of Business through Green Initiatives"
- Numerous meetings with communities and developers discussing potential projects and associated brownfield financing incentives, and discussing strategies/ideas on targeting other community related grant and loan incentive programs.

Community outreach activities will be billed on a time and materials basis in accordance with the fee schedule in Exhibit B.

QUALITY ASSURANCE PROJECT PLAN (QAPP):

SME will prepare a QAPP for USEPA approval before Phase II ESAs or other data collection activities can be conducted. SME will prepare the QAPP according to USEPA Region 5 guidance and submit it to the USEPA for review and approval. SME will use our template developed and improved during the preparation of over 40 Brownfield Assessment QAPPs. The cost for preparation of the QAPP is \$5,000.

SITE ELIGIBILITY DETERMINATIONS:

Prior to expenditure of grant funds on a site, a property must be determined "eligible" for funding. A site is "eligible" if it meets the definition of a brownfield under CERCLA, the Grantee is not a potentially liable party for the site, and the USEPA concurs with the determination of eligibility. SME will prepare the Site Eligibility Determinations and submit them to the USEPA, and will coordinate with the City of Zanesville, as needed, to secure property access agreements with property owners. Eligibility determinations range in cost from \$250 to \$1,000 depending on the USEPA Project offices and enforcement status of the site.

PHASE I AND II ENVIRONMENTAL SITE ASSESSMENTS (SITE ASSESSMENT STUDIES):

SME anticipates we will conduct most Phase I ESAs in conformance with the requirements of the American Society for Testing and Materials (ASTM) Standard on Environmental Site Assessments for Commercial Real Estate, designation E 1527-13 (Standard E 1527-13). Phase I ESAs conducted according to the Standard E 1527-13 satisfy the requirements of All Appropriate Inquiries (AAI) as defined in CERCLA, the governing statute for the USEPA Brownfields Redevelopment Grant Program. The Phase I ESAs will identify recorded and observable areas defined as recognized environmental conditions (RECs), and identify and evaluate the impact of data failures and other data gaps. As part of the Phase I ESAs, we will conduct interviews with current and former property owners and neighboring property owners. Additionally, if requested by the project Property owner and approved by the City of Zanesville, Phase I's will be designed to satisfy the additional requirements of the OAC§3745-300-06 of the Ohio Voluntary Action Program (VAP).

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SME will also conduct Phase II site assessments to further assess RECs identified in the Phase I ESAs that may indicate the presence of environmental impact. As previously indicated, the QAPP will be approved prior to initiating Phase II site assessment work. Many consultants operate under the assumption that "the purpose of a Phase II site assessment is only to evaluate the RECs identified in the Phase I ESA." They follow this approach without regard to other big-picture redevelopment issues such as proposed redevelopment design, number of parcels being assembled, presence of redevelopment-inhibiting soil conditions, planning for management of excess soil, potential remediation alternatives, and high-risk exposure pathways, such as vapor intrusion. The result is a Phase II assessment design that simply provides for collection of a few surface and subsurface samples near each REC to identify if contamination is present, not one that provides adequate information to support redevelopment. Although appropriate, this approach is may be short-sighted and may not provide other types of information needed to evaluate and support brownfield redevelopment planning. Where desired by the City of Zanesville, SME will broaden the Phase II site assessment design scope to capture as much information as possible concerning the site issues that may affect redevelopment. Additionally, Phase II site assessments must be designed to satisfy the specific requirements of the Ohio VAP under OAC§3745-300-07 or the Bureau of Underground Storage Tank Regulations (BUSTR). Phase II ESAs may include collection and laboratory analysis of samples from environmental media (i.e., soil, groundwater, soil gas), as well as the completion of hazardous materials assessments for asbestos and lead-based paint. As funds allow, we will complete contaminant characterization and risk assessments as determined necessary upon completion of Phase II ESAs.

Prior to beginning a Phase II site assessment, SME will work with the City of Zanesville to develop a Phase II site assessment strategy and will prepare a Health and Safety Plan (HASP), and a Sampling and Analysis Plan (SAP) or 'Work Plan', which will be submitted to the USEPA for review and approval. The project SAP will describe the types, media, and locations for samples to be collected; identify the chemical analysis parameters for each sample; document sampling and analysis procedures; and define data quality objectives. The project HASP will include information specified in the OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER) rules (29 CFR 1910.120), including definitions of site risks, chemical health and safety data, exposure information, health and safety procedures, emergency procedures, and local medical and hospital information. Once the SAP (work plan) is approved, SME will begin the Phase II site assessment field work, sampling, chemical analyses, and technical reporting. The sampling will be performed in accordance with ASTM Standard E1903-97, Ohio Bureau of Underground Storage Tank Regulations (BUSTR) and/or Ohio VAP guidance, as appropriate. We will prepare and maintain schedules and budgets for each assessment activity.

The results of our Phase I ESAs and Phase II site assessments will be documented in technical reports that will include data tables, maps, and a discussion of methods and results. The Phase II site assessment reports will characterize the contaminants and assess cumulative risks by performing a risk assessment. These technical reports will meet USEPA, Ohio EPA, and ODNR requirements.

Our estimated travel time/costs will be based on travel from Columbus. Actual proposed fees will be based on site-specific conditions.

The following is an estimate of the costs of Phase I and II assessments:

Phase I ESA

ASTM Phase I for small to medium large sites - \$2,200 to \$3,000;

ASTM Phase I for medium to large industrial sites - \$3,000 to \$8,000;

VAP Phase 1 - \$8,000 to \$12,000.

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Phase II Site Assessment

Small sites with few Recognized Environmental Conditions (RECs) - \$8,000 to \$15,000;

Small to medium sites with several RECs or medium to large sites with few RECs - \$15,000 to \$25,000;

Medium to large sites with several RECs - \$20,000 to \$35,000;

Large sites or small VAP sites - \$50,000 to \$75,000;

Large VAP sites - \$75,000 to >\$200,000.

CONDUCT CLEANUP PLANNING:

SME will perform cleanup planning for properties with an imminent potential for redevelopment or title transfer and that also require remediation activities prior to or concurrent with redevelopment. The following are examples of issues that will be addressed in development of cleanup and reuse approaches for each property:

- levels of contaminants relative to applicable cleanup criteria and exposure pathways;
- type of future use and site plan options;
- remediation options, including use of institutional and engineering controls and exposure mitigation strategies and the ability to incorporate these into the site use plan and redevelopment design;
- green/sustainable technologies and implementation procedures;
- impacts on surrounding properties and neighborhoods; and
- subsurface conditions and buildability issues.

To develop the plans, SME will obtain input from a variety of sources including the City of Zanesville, the developer, USEPA, BUSTR, DERR and VAP. SME will evaluate each approach with respect to technical feasibility, cost, and "fit" with the proposed redevelopment. For properties with high market potential or developer interest, cleanup planning and documentation activities may include preparation of an Analysis of Brownfield Cleanup Alternatives (ABCAs - feasibility study), Remediation Work Plan (RWP), Remedial Action Plan (RAP), evaluation of institutional and engineering controls, and/or DERR and VAP documents. These and other applicable documents will be provided to the developer/owner, USEPA Region 5, and/or the Ohio Department of Environmental Response and Revitalization (DERR), as appropriate, for review, comment, and approval prior to finalization or initiation of activities described therein. As appropriate, SME will prepare requests for Environmental Covenants and No Further Action (NFA) Letters to obtain Covenant-Not-To-Sue (CNS) status under the VAP.

For each site requiring cleanup planning, we will prepare and maintain schedules and budgets. Additionally, we can identify financing options and implementation plans for future cleanup and reuse. If future funding becomes available through additional grants, SME will implement site-specific cleanup and remediation activities. Urban redevelopment planning and market research may be completed, as related to environmental site reuse.

Cleanup planning will be performed on a time and material basis in accordance with the fee schedule in Exhibit B.

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ACRES DATABASE

We will assist the City of Zanesville in developing the ACRES database Property Profile for each site that received Assessment Grant funding and updating the profiles as additional assessment and redevelopment data is generated. SME can, if desired, set up and maintain the databased. This will be a time and material costs added to the Phase 1 and Phase 2 cost and generally requires 0..5 to 0.5 hours of time by an administrative assistant.

PROJECT REPORTING AND PROGRAMMATIC ACTIVITIES:

SME will work with the City of Zanesville's staff to track the project budget, prepare quarterly and annual reports, coordinate with USEPA staff, and perform other programmatic activities to support the effective functioning of the City of Zanesville's grant project. We will attend meetings with the City and advisory committees as requested.

Time spent on project related meetings will be performed on a time and material basis in accordance with the fee schedule in Exhibit B. Programmatic costs will not be incurred.

TASK 3 - IDENTIFY, ACQUIRE AND MANAGE ADDITIONAL BROWNFIELD REDEVELOPMENT FINANCING

SME will assist the City of Zanesville in identifying additional federal, state, and local sources of financing to support brownfield redevelopment in the community. SME will work with the City of Zanesville to determine which funding sources will best meet the proposed project(s) goals and timeline, and will establish a strategy for pursuing these additional funding sources. SME anticipates that the City of Zanesville may pursue additional USEPA Brownfields Grants and Ohio EPA-associated incentives. Furthermore, insurance recovery is a possible source of funds for the remediation of contaminated sites. Each of these additional funding sources is discussed in the following subsections.

USEPA BROWNFIELDS REDEVELOPMENT GRANTS

At the request of the City of Zanesville, SME will provide advisory support in the preparation of applications for one or more of the following USEPA Brownfields Grants: Assessment (hazardous substances and/or petroleum), Cleanup, and RLF. SME will secure a copy of the current Proposal Guidelines for Brownfields Assessment, Cleanup, and RLF Grants for the appropriate fiscal year when published by the USEPA and will support the City of Zanesville by collecting information and develop responses to the threshold and evaluation criteria. USEPA Brownfield Assessment Funds cannot be expended to apply for federal grants.

Once awarded, and if the appropriate contract (e.g., the proposed contract) is in effect, SME will assist the City of Zanesville with the implementation and management of these additional federal grant funds on a time and materials basis.

USEPA CLEANUP GRANT

SME will advise the City of Zanesville concerning applying for Cleanup Grant funds to support cleanup of an eligible brownfield site that the County or City of Zanesville owns; the County or City of Zanesville cannot be liable for the contamination on the target property. An USEPA Cleanup Grant will enable the City of Zanesville to support the cleanup of a site identified and assessed during completion of the Assessment Grant project, furthering the City of Zanesville's goal of redeveloping impacted sites.

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If the City of Zanesville is awarded an USEPA Brownfields Cleanup Grant, SME will provide the contractual tasks assigned to the environmental consultant in the associated approved Grant Work Plan. SME will prepare a Quality Assurance Plan and Community Involvement Plan, to initiate the cleanup project. SME then will establish cleanup goals; identify and evaluate environmental response alternatives; select and document the safest, most cost effective, and most sustainable remedial option with input from the City of Zanesville and the community; prepare remediation specifications and bid documents; assist in identifying and competitively retaining one or more remediation contractors; monitor environmental response actions; and verify achievement of remediation goals. Grant specific costs for cleanup will be billed based on a time and materials basis in accordance with our fee schedule.

Upon request, we will provide specific details on acquiring and managing USEPA Cleanup Grants, including information associated with community engagement, cleanup planning, preparation of bid plans and specifications, bidding and contractor selection, cleanup activities monitoring, remediation verification and reporting, and project monitoring and reporting.

USEPA Brownfield Assessment Funds cannot be expended to apply for federal grants.

USEPA BROWNFIELDS RLF GRANT

If the City of Zanesville is awarded an USEPA Brownfields RLF Grant, and if the appropriate contract (e.g., the proposed contract) is in effect, SME will provide the contractual tasks assigned to the environmental consultant in the associated approved Grant Work Plan.

Upon request, we will provide specific details on acquiring and managing USEPA RLF Grants, including information associated with establishment of the RLF program, the marketing of loans, community engagement, eligibility determination, approving and executing loans, approving and executing sub-grants, cleanup planning, cleanup activities monitoring, remediation verification and reporting, and project monitoring and reporting.

USEPA Brownfield Assessment Funds cannot be expended to apply for federal grants. Time and material costs associated with managing the RLF grant will be based on our fee schedule.

OHIO INCENTIVES

At the request of the City of Zanesville, SME will assist in the preparation of applications for available incentives through various Ohio programs. With approval, potential funds can be accessed to supplement brownfield site cleanups or conduct environmental response actions at brownfield sites. The

Ohio EPA SABR offers funding, outreach, and educational assistance and works in partnership with other Ohio programs such as the Targeted Brownfield Assessment and JobsOhio Revitalization to assist communities in making productive use of their brownfields.

Time and material costs associated with seeking Ohio Incentives will be based on our fee schedule.

EXHIBIT B
FEE SCHEDULE

FEE SCHEDULE – PERSONNEL AND EXPENSES

PERSONNEL

Technician I.....	Per Hour.....	50.00
Technician II.....	Per Hour.....	60.00
Technician III.....	Per Hour.....	70.00
Technician IV.....	Per Hour.....	80.00
Laboratory Technician.....	Per Hour.....	80.00
Field Engineer/Geologist/Specialist.....	Per Hour.....	65.00
Staff Engineer/Geologist/Architect/Specialist.....	Per Hour.....	80.00
Senior Staff Engineer/Geologist/Architect/Specialist.....	Per Hour.....	95.00
Project Engineer/Geologist/Architect/Consultant.....	Per Hour.....	115.00
Senior Project Engineer/Geologist/Architect/Consultant, Project Manager.....	Per Hour.....	130.00
Senior Consultant, Senior Project Manager, Certified Industrial Hygienist.....	Per Hour.....	165.00
Certified Professional (Ohio VAP).....	Per Hour.....	165.00
Principal Consultant, Chief Consultant, Project Director.....	Per Hour.....	185.00
Drafter.....	Per Hour.....	70.00
CADD Operator.....	Per Hour.....	80.00
Senior CADD Operator.....	Per Hour.....	85.00
Log Processor.....	Per Hour.....	65.00
Administrative Assistant.....	Per Hour.....	55.00
Senior Administrative Assistant.....	Per Hour.....	65.00

Minimum 4 Hours Per Day for field work

Overtime rate (Applies to all field work in excess of 8 hours per day, before 8:00 am or after 5:00 pm Monday through Friday or anytime Saturday, Sunday, or Holiday)..... Standard Rate x 1.5

Expert Testimony and Depositions (including preparation time)..... Premium of 50% added to hourly rate

TRANSPORTATION AND EXPENSES

Transportation Charge, SME or Private Vehicle.....	Per Mile.....	0.75
Out-of-town Travel Subsistence.....	At Cost + 10%	
Lodging and Other Expenses.....	At Cost + 10%	
Subcontract Expenses, Equipment Rental.....	At Cost + 10%	
Direct Expenses (Prints, Permits, Maps, etc.).....	At Cost + 10%	
Hard Copies of Report.....	Per Copy.....	75.00
Plotting 24 x 36 (Black & White).....	Each.....	10.00
Plotting 24 x 36 (Color).....	Each.....	20.00