

ORDINANCE NO. 16-26
INTRODUCED BY COUNCIL



AMENDING ORDINANCE NO. 00-16, WHICH ADOPTED A CLASSIFICATION PLAN FOR CITY EMPLOYEES; AMENDING ORDINANCE NO. 13-15 (AMENDED), WHICH AUTHORIZED A MAXIMUM SCHEDULE OF POSITIONS; AND AMENDING ORDINANCE NO.13-16 (AMENDED), WHICH ESTABLISHED PAY, BENEFITS AND EMPLOYMENT POLICIES FOR UNAFFILIATED EMPLOYEES

WHEREAS, City Council has previously passed Ordinance No. 00-16, which adopted a Classification Plan for city employees; Ordinance No. 13-15 (Amended), which authorized a maximum schedule of positions; and Ordinance No. 13-16 (Amended), which established pay, benefits and employment policies for unaffiliated employees; and

WHEREAS, the Safety Director requested an amendment to the Classification Plan by creating the position of Code Enforcement Officer/Building Inspector, and the Civil Service Commission approved and point factored said position on February 16, 2016; and

WHEREAS, the position of Code Enforcement Officer/Building Inspector will eliminate the need for one (1) Code Enforcement Officer position; and

WHEREAS, it is necessary to amend the maximum strength ordinance, and the unaffiliated pay and benefits ordinance for the newly created position.

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

SECTION ONE: Ordinance No. 00-16 is hereby amended by adding the position description for the classification title of Code Enforcement Officer/Building Inspector to the classification plan; description attached hereto as Exhibit A.

SECTION TWO: The specified section of Section One of Ordinance No. 13-15 (Amended), which reads:

<u>SECTION</u>	<u>CLASSIFICATION</u>	<u>NUMBER AUTHORIZED</u>
101-4381	BUILDING & CODE ENFORCEMENT:	
	Administrative Secretary to the Safety Director	1
	Building Inspector	1
	Code Enforcement Officer	2
	Crew Supervisor (Seasonal)	1
	Maintenance Worker (Seasonal)	5

Is hereby amended to read:

<u>SECTION</u>	<u>CLASSIFICATION</u>	<u>NUMBER AUTHORIZED</u>
101-4381	BUILDING & CODE ENFORCEMENT:	
	Administrative Secretary to the Safety Director	1
	Building Inspector	1
	Code Enforcement Officer/Building Inspector	1
	Code Enforcement Officer	1
	Crew Supervisor (Seasonal)	1
	Maintenance Worker (Seasonal)	5

SECTION THREE: Section Six (A) of Ordinance No. 13-16 (Amended) is hereby amended by adding classification title as described below:

<u>CLASSIFICATION TITLE</u>	<u>PAY RANGE</u>
Code Enforcement Officer/Building Inspector	10

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

PASSED: _____, 2016

Susan Culbertson
Clerk of Council

Daniel M. Vincent
President of Council

APPROVED: _____, 2016

This legislation approved as to form:

Jeff Tilton, Mayor



Law Director's Office

POSITION DESCRIPTION

City of Zanesville Approved with changes
2/16/16

CLASSIFICATION TITLE: Code Enforcement Officer/Building Inspector

FLSA STATUS/TYPE	Non-Exempt	EMPLOYMENT STATUS	Full-time
CIVIL SERVICE STATUS	Classified	REPORTS TO	Bldg/Code Enforc.Supv. or Building Official
BARGAINING UNIT	None	PAY GRADE	10
DEPARTMENT	Building Standards	CLASS SERIES NUMBER	32101

POSITION QUALIFICATIONS

An appropriate combination of education, training, course work, current certifications and experience may qualify an applicant to demonstrate required knowledge, skills and abilities. An example of an acceptable qualification is completion of a high school degree, GED or equivalent; vocational training and a demonstrable knowledge of building and property maintenance codes. Preference will be given to applicants with current Residential Building Inspector or Building Inspector certifications or applicants with six years of experience in Commercial and Residential Construction having the ability to obtain the aforementioned certifications. Applicants must have access to a privately owned and dependable vehicle.

Ability to document identity and employment eligibility within three (3) days of original appointment as a condition of employment in compliance with Immigration Reform and Control Act requirements.

LICENSURE OR CERTIFICATION REQUIREMENTS

State motor vehicle operator's license. ICC or State of Ohio Certification as a Building Inspector or Residential Building Inspector or have the experience qualifications to obtain an interim certification within one year of employment and permanent certification within three years.

DISTINGUISHING JOB CHARACTERISTICS

Under direction, enforces city property and housing codes. Inspects and approves commercial and residential construction projects for compliance with the Ohio Building Codes.

ESSENTIAL DUTIES AND RESPONSIBILITIES

To perform this job successfully, an individual must be able to satisfactorily perform each essential duty listed below. Reasonable accommodations will be made for disabled persons, covered by the Americans with Disabilities Act, in accordance with its requirements.

Conducts inspections to ensure compliance with property and housing codes. Inspects, approves or disapproves construction for compliance with Ohio Building Codes and City Housing Codes. Inspects sidewalk construction.

Inspects junked cars, vacant buildings, vacant lots and other existing sites to identify health safety hazards and other code violations. Notifies owner regarding code requirements, specifies appropriate corrective measures, solicits and encourages cooperation, establishes timeframe for compliance and ensures owner understanding. Conducts re-inspections as necessary to ensure identified violations were corrected to code. Enforces permit requirements.

Maintains records reflecting inspections conducted violations identified and other pertinent data. Prepares reports as required.

Investigate complaints regarding code violations.

Maintains public relations with citizens, officials, and local business representatives.

Determines ownership of property to insure legal notification of owners.

Mails legal notices for weed control program and maintains record of notices issued.

~~Determines location of sewer laterals for property owners, plumbers, sewer and drainage staff and others determines amount of tap fee.~~

Processes condemnations through legal notification process to demolition.

Testifies in court concerning code enforcement issues.

Completes daily and monthly reports reflecting inspections conducted. Prepares memorandums for assessment of charges to real property.

OTHER DUTIES AND RESPONSIBILITIES

SCOPE OF SUPERVISION

None

EQUIPMENT OPERATED

Personal vehicle; measuring tape; level; ladder; testing equipment, computer (Tablet or Smart Phone) and camera. Occasionally operates fax machine, copier, computer, electric circuit tester, flashlight, and thermometer.

CONTACTS WITH OTHERS

Property owners; landlords; tenants; contractors ; architects; city officials, staff and general public.

CONFIDENTIAL DATA

Code Complaints (sensitive information).

WORKING CONDITIONS

Good working conditions when working in the office. When working on inspections, the employee is exposed to heat, cold, dampness, noise, dirt, and dust. Exposure to possible accident and health hazards at inspection sites (e.g., dog bites, sewage backups, roaches and rat infestations).

USUAL PHYSICAL DEMANDS

The following physical demands are typically exhibited by position incumbents performing this job's essential duties and responsibilities. These physical demands are not, and should not be construed to be job qualification standards, but are illustrated to help the employer, employee and/or applicant identify tasks where reasonable accommodations may need to be made when an otherwise qualified person is unable to perform the job's essential duties because of an ADA disability.

While performing duties of this job, the employee frequently stands and walks for extended periods of time, uses hands to hold and control equipment; reaches with hands and arms, climbs and balances, and stoops, kneels, crouches, and crawls. Vision demands include close, relatively detailed vision, with the ability to adjust focus when performing inspections. Employee may sit for periods of time when performing administrative work.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES

Knowledge of: building codes and standards; city housing codes; relevant City codified ordinances; code inspection methods and procedures.

Ability to: apply building codes to practical situations, identify violations and formulate corrective action; communicate effectively; develop and maintain effective working relationships with associates, supervisors and general public; post information accurately to written record; exercise sound judgement in dealing with code violations; resolve code complaints; maintain confidentiality of confidential and sensitive information; maintain and promote good public relations as official city representative.

This job description in no manner states or implies that these are the only duties and responsibilities to be performed by the employee filling this position, who will be required to follow instructions and perform any duties required by the employee's supervisor or designee.

MANAGEMENT APPROVAL

_____ / / _____
Department Head Date

EMPLOYEE UNDERSTANDING AND AGREEMENT

I understand, and will effective perform, the duties & requirements specified in this job description.

_____ / / _____



Council-Mayor Government

THE CITY OF
Zanesville

401 Market Street • Zanesville, Ohio 43701

Phone (740) 455-0601, ext.148 • Fax (740) 455-0675

E-mail: civser@coz.org

Civil Service Commission

TO: Tim Smith, Building Inspector

FROM: Civil Service Commission

DATE: February 16, 2016

SUBJECT: Code Enforcement Officer Job Description

The Civil Service Commission met on Tuesday, February 16, 2016 and approved the new job description which was developed for the position of Code Enforcement Officer/Building Inspector. The position was placed in Pay Range 10 to better attract qualified candidates and be within market range for this area.

Please proceed with obtaining Council's approval placing the position on the Maximum Strength Ordinance and approving the pay scale. Please provide the Civil Service Office with a copy of the Ordinance going to Council.

Should you have any further questions or if we can be of further service to you, please do not hesitate to contact the Civil Service office.

Cc: Fred Buck, Director Public Safety
CSC job file

Jeff Tilton,
Mayor

ORDINANCE 16-27
INTRODUCED BY COUNCIL



ESTABLISHING THE ANNUAL SALARY AND BENEFITS FOR THE
PUBLIC SAFETY DIRECTOR OF THE CITY OF ZANESVILLE

WHEREAS, it is the duty of the City Council of the City of Zanesville, Ohio, to establish the annual salary and benefits of certain appointed officials of the City; and

WHEREAS, Ordinance No. 14-12 currently governs the salary and benefits of the Public Safety Director; and

WHEREAS, it is necessary to replace Ordinance No. 14-12 in order to establish wages and benefits related to the Public Safety Director's employment.

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

SECTION ONE: The office of Public Safety Director shall be compensated on an annual salary basis and shall not accrue vacation or sick leave time.

SECTION TWO: The annual salary for the position of Public Safety Director shall be \$57,160.

SECTION THREE: The Public Safety Director will receive longevity pay and health insurance benefits in accordance with the longevity pay schedule and health insurance benefits established for the City's unaffiliated employees.

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

PASSED: _____, 2016

Susan Culbertson
Clerk of Council

Daniel M. Vincent
President of Council

APPROVED: _____, 2016

This legislation approved as to form:

Jeff Tilton
Mayor



Law Director's Office

Rhonda Heskett,
Budget & Finance



ORDINANCE 16-28
INTRODUCED BY COUNCIL

APPROVING A LABOR AGREEMENT WITH ZANESVILLE
PROFESSIONAL FIRE OFFICERS ASSOCIATION, EMPLOYEE
ORGANIZATION AND DECLARING AN EMERGENCY

WHEREAS, Zanesville Professional Fire Officers Association, an employee organization, hereinafter referred to as ZPFOA, has been recognized as the exclusive bargaining agent for permanent City employees occupying the position classification of Fire Lieutenant and Assistant Fire Chief; and

WHEREAS, the City and ZPFOA have reached a tentative agreement which has subsequently been approved by the members of ZPFOA; and

WHEREAS, City Council must adopt the terms of the agreement in order for it to go into effect; and

WHEREAS, pursuant to Ohio Revised Code Section 4117.10 (B), City Council must approve or reject the proposed agreement within 30 days of its introduction or the agreement will be deemed approved, making it necessary for this ordinance to be declared an emergency measure.

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

SECTION ONE: The labor agreement between the City of Zanesville and Zanesville Professional Fire Officers Association, Employee Organization, and on file in the office of the Clerk of Council, is hereby approved.

SECTION TWO: The agreement authorized by this ordinance is intended to take effect January 1, 2016. If necessary due to delays in implementation, the pay provisions within the agreement shall be retroactive to the first day of the first full pay period of 2016. If necessary due to delays in implementation, the Mayor is authorized to determine the date other provisions of the agreement shall take effect.

SECTION THREE: For the reasons stated in the preamble hereto, this ordinance is declared to be an emergency measure. Provided it receives the affirmative votes of six (6) or more members of Council, this ordinance 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: _____, 2016

Susan Culbertson
Clerk of Council

Daniel M. Vincent
President of Council

APPROVED: _____, 2016

This legislation approved as to form:

Jeff Tilton
Mayor



Law Director's Office

MEMO

To: Honorable Members of Council
From: Rhonda Heskett, Budget & Finance Director
Date: March 8, 2016
Re: Proposed Ordinance #16-28

Ordinance #16-28 is for the acceptance of the negotiated labor agreement with Zanesville Professional Fire Officers Association – Fire Lieutenants and Assistant Chiefs. This agreement is for the term 1/1/2016 – 12/31/2018. The changes are explained below.

Article 2 – Officers Association Dues:

The word Auditor has been changed to Treasurer to clarify which city department handles dues.

Article 3 – Hours of work:

Language has been added to section 3.1 (C) to define the 40 hour Assistant Chief's work week; five, eight hour work days, Monday through Friday.

Article 8 – Probationary Period:

The probationary period was changed from six months to twelve months in order to agree with the language in Article 9.

Article 9 – Wages:

Like all of the other negotiated contracts, this bargaining unit will receive a 6% raise over the next three years. Their raises will be 3% January, 2016; 2% January, 2017; and 1% January, 2018. The previous 1% deduction in longevity pay was given back. Language was added throughout this article for the accounting of the 40 hour Assistant Chief's overtime and compensatory time.

Article 12 – Vacation:

Language was added to credit the 40 hour Assistant Chief with the appropriate hours of vacation each year (241 hours). Language was added to clarify that vacation payout upon separation shall never exceed 900 hours. Language was also added to clarify the Assistant Chief's number of personal holidays (2, 8 hour days).

Article 13 – Insurance:

The health insurance has been changed to match all the other recently negotiated unions. Language regarding the specific content of the insurance plan will no longer be spelled out in the agreement. Employees will receive up to a \$1,500 stipend per year if their spouse has

primary coverage through their employer. Payroll deductions for the year 2016 will be \$33.00 for single coverage & \$76.00 for family. For the year 2017 deductions will be \$37.00 single & \$84.00 for family. For the year 2018 deductions will be \$41.00 single & \$88.00 for family. The City provided life insurance increased from \$30,000 to \$40,000. The City will provide one hazmat physical per employee, per year.

Article 14 – SICK/INJURY LEAVE:

For Sick Leave Reciprocity 12 hours of leave were added to the allowable amount of sick time a person can sell back each year. Also, language was added for the 40 hour Assistant Chief's Sick Leave Reciprocity eligibility.

Article 15 – Clothing Allowance:

Clothing allowance went from \$350.00 to \$450.00 per year. An employee may also elect to receive a dress uniform in place of their clothing allowance.

Article 32 – Physical Fitness:

The \$300 annual performance incentive has been rescinded, and the reimbursement for a gym membership went from \$150 a year to \$400 per year. Additionally, a mandatory physical fitness program has been established.

Those are the tentatively agreed changes to the labor agreement, if you have any questions, or would like further clarification, feel free to call me.

Mayor Jeff Tilton

ORDINANCE NO. 16- 29
INTRODUCED BY COUNCIL

RECEIVED
MAR 01 2016
CLERK OF COUNCIL

AUTHORIZING THE PROPER CITY OFFICIAL TO PROVIDE FUNDS
TO THE OHIO FLAGS OF HONOR FOUNDATION AS A DONATION
FOR THE PRESENTATION OF THE OHIO FLAGS OF HONOR IN
ZANES'S LANDING PARK

WHEREAS, the Ohio Flags of Honor Foundation has created a traveling display of the Ohio Flags of Honor as a way to pay tribute to Ohio's fallen soldiers and to raise public awareness and support for Ohio's returning veterans; and

WHEREAS, the Muskingum County Veterans' Council has arranged for the Flags of Honor traveling memorial to appear in Zane's Landing Park June 10 through June 13, 2016; and

WHEREAS, to help defray the costs of presenting the Flags of Honor, the Muskingum County Veterans' Council has requested the City make a donation in the amount of \$500.00 for said display.

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

SECTION ONE: The proper city official is authorized to provide \$500.00 to the Ohio Flags of Honor Foundation as a donation.

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

PASSED _____, 2016

ATTEST: _____
Susan Culbertson
Clerk of Council

Daniel M. Vincent
President of Council

APPROVED: _____, 2016

This legislation approved as to form:

Jeff Tilton
Mayor



Law Director's Office

Department of Public Service
Jay D. Bennett, Public Service Director



ORDINANCE NO. 16 - 30
INTRODUCED BY COUNCIL

AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO APPLY FOR AN OPWC (OHIO PUBLIC WORKS COMMISSION) GRANT AND ZERO INTEREST LOAN AND EXECUTE CONTRACTS IN CONNECTION WITH THE ROUND 31 STATE ISSUE 1 PROGRAM IF APPROVED.

WHEREAS, the City of Zanesville is eligible for Round 31 State Issue 1 Financial Assistance contingent upon proper application submittal and State approval; and

WHEREAS, authorized legislation by City Council is appropriate to submit applications and execute contracts in connection with the State Issue 1 Financial Assistance Program for Round 31.

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 apply for a grant and zero interest loan application and execute contract(s), if offered, for Round 31 State Issue 1 Financial Assistance Program and infrastructure improvement for OPWC Round 31.

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

PASSED: _____, 2016

ATTEST: _____
SUSAN CULBERTSON,
Clerk of Council

DANIEL M. VINCENT,
President of Council

APPROVED: _____, 2016

THIS LEGISLATION APPROVED AS TO FORM

JEFF TILTON,
Mayor



LAW DIRECTOR'S OFFICE



**ORDINANCE NO. 16 - 31
INTRODUCED BY COUNCIL**

AN ORDINANCE RELATING TO A PROPERTY LICENSE AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE THE AGREEMENT FOR IMPROVEMENTS FOR A RECREATIONAL TRAIL, AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Natural Resources owns in fee real property located in Muskingum County and commonly referred to as Canal Park Trail (known as "the Property"); and

WHEREAS, the City of Zanesville desires to improve portions of the Property through the use of Ohio Department of Transportation (ODOT) and Ohio Department of Natural Resources (ODNR) Trail grant programs; and

WHEREAS, while the primary purpose of the Property is for the provision of access to the canal and other ODNR facilities, certain recreational uses are compatible and provide public benefits; and

WHEREAS, ODNR is willing to grant to the City of Zanesville permission to use portions of the Property for constructing improvements and for limited recreational trail purposes, subject to certain conditions and provided that such use does not unreasonably interfere with ODNR's use of the Property for its other necessary purposes; and

WHEREAS, in consideration for use of the Property, the City of Zanesville will pay ODNR \$1.00 and perform maintenance for the constructed trail improvements for the duration of the License period; and

WHEREAS, it is expected that a portion of the TIF Service Payment revenues generated by the adoption of Ordinance No. 15-100 can be specifically dedicated for ongoing maintenance of the improvements for a consecutive period of thirty (30) years; and

WHEREAS, staff is attaching a similar ODNR License Agreement (with Zanesville Noon Rotary Club) as an example since ODNR will require several months to generate a License Agreement for the City of Zanesville; and

WHEREAS, City participation in the construction of trail facilities is solely for the purpose of facilitating recreation opportunities and providing alternate forms of transportation connectivity to all of our community. However, the City will not execute a License Agreement with ODNR without securing the necessary grant funding to construct the trail project; and

WHEREAS, to ensure the timely submission of the grant, this ordinance needs to be passed as an Emergency measure.

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

Section 1. The City Council hereby authorizes the Director of Public Service to execute a 30-year License agreement with the Ohio Department of Natural Resources (ODNR) substantially in the form of the ODNR and Zanesville Noon Rotary License agreement, attached hereto as Attachment 1 (Agreement), granting the City of Zanesville permission to non-exclusive use of ODNR-owned property more particularly described in Attachment 1 for the development and operation of recreational trails.

Section 2. The Public Service Director is hereby required to not execute a License agreement with the Ohio Department of Natural Resources (ODNR) should the City of Zanesville not receive sufficient funding from granting sources for construction of the Canal Park trail in FY 2016.

Section 3. 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: _____, 2016

ATTEST: _____
SUSAN CULBERTSON,
Clerk of Council

DANIEL M. VINCENT,
President of Council

APPROVED: _____, 2016

THIS LEGISLATION APPROVED AS TO FORM

JEFF TILTON, Mayor



LAW DIRECTOR'S OFFICE

STATE OF OHIO

DEPARTMENT OF NATURAL RESOURCES

PROJECT: Zanesville Rotary Club Canal Park

COUNTY: MUSKINGUM

AREA: MUSKINGUM RIVER LOCK # 10

NUMBER: 22101304

LICENSE

WHEREAS, the State of Ohio through the Department of Natural Resources, Division of Parks and Recreation, ("ODNR") by authority of Section 1541.01 of the Revised Code of Ohio, has undertaken the administration, management and use of certain lands belonging to the State of Ohio; known as Muskingum River Park; and

WHEREAS, the Zanesville Rotary Club, desires to construct and operate a canal park upon a portion of said State land (the "Project"); and

WHEREAS, by and in accordance with the authority vested in the Director of the Department of Natural Resources under Section 1501.01 of the Revised Code of Ohio, the Director has determined that the construction and operation said canal park is in the public interest and deems the giving of this License advantageous to the State.

NOW, THEREFORE, this agreement for a non-exclusive License ("License") is made and entered into between the State of Ohio, acting by and through the Director, Department of Natural Resources (the "State" or "ODNR"), and the Zanesville Rotary Club, whose address is 822 Adair Avenue, Zanesville, Ohio 43701 ("Licensee").

WITNESSETH: That ODNR in consideration of ONE DOLLAR (\$1.00) as specified under Item Two below and the covenants and agreements hereinafter contained does hereby give unto the Licensee a License with the right, privilege and authority to construct and operate a canal park upon ODNR owned property known as Muskingum River Park, Lock #10 upon the following terms and conditions:

1. Location of Canal park. The canal park shall be constructed on a portion of land south of the Y-Bridge, Main Street, between the river's edge and entire canal north of the West Sixth Street. The portions of said State land affected by this License are situated in Muskingum County. The exact location of the canal park is more particularly shown on Exhibit A, attached hereto and made a part hereof.
2. Term and Consideration. The initial term of this License shall be for a period of 25 years beginning the date this License is signed by the Governor and ending December 31, 2040.

Consideration for the initial term of this License shall be ONE Dollar (\$1.00) and other valuable considerations. This License may be renewed for an additional 25 year term by mutual consent of ODNR and Licensee.

3. Notice of Entry to ODNR. Prior to any construction and improvement under this License, Regional Park Manager shall be given two (2) business days notice.
4. Use. Operation of the canal park shall remain open to the public at all times.
5. Maintenance. ODNR shall continue to maintain the area, as in the past, to mow and remove trash and snow plow.
6. Sign. Licensee may install and maintain a new sign at own cost with ODNR prior consent to sign design.
7. Compliance with Laws. Licensee must acquire all local, state and federal permits required for use of this License.
8. Taxes and Assessments. Licensee shall be solely responsible for the payment of all taxes and assessments levied as a result of its use of this License.
9. Liability. Licensee agrees to construct and operate the canal park in a good and responsible manner for the purpose for which it is intended. ODNR shall have no responsibility for the construction or operation of the canal park. Licensee shall occupy and use the property subject to this License at its own risk and expense and shall save ODNR, its officers, agents and employees, harmless from any all claims for damage to property, or injury to, or death of, any person, entering upon the property subject to this License.
10. Clearing Permitted. Licensee may clear the licensed property of all trees, hedges and underbrush from the ground up. The clearing of the licensed property shall be the minimum necessary for the Project. Brush, branches, and refuse arising from the Licensee's use of the licensed property shall be removed and disposed of or destroyed without delay. The use of any chemicals or herbicides is prohibited unless expressly permitted in writing by the Director or the Director's authorized agent. Burning on the licensed property or adjacent land shall be under the supervision of the Chief of the Division of Parks and Recreation and in accordance with his instructions. Licensee shall take all reasonable precautions to prevent and suppress all forest fires on the area covered by this License and agrees to comply with the forest fire laws of the State of Ohio.
11. Damage to the Property. Licensee shall pay ODNR for any damage to the property covered by this License, which results from Licensee's use of the property.

Licensee shall fully repair all damage, other than ordinary wear and tear, to fences, roads and trails caused by the Licensee in the enjoyment of this License.
12. Change of Licensee's Address. The Licensee shall immediately give written notification to the Ohio Department of Natural Resources, 2045 Morse Road E-2, Columbus, Ohio 43229 in the event of any change in the Licensee's address.
13. Termination. This License may be terminated by ODNR upon the breach of any conditions contained herein by Licensee, or by giving written notice of cancellation to Licensee.

14. Relocation. Since the ownership of land by ODNR is exclusively for the purpose of providing services to the public, should the public interest ever require the use of the herein Licensed land for purposes which would render it either wholly or in part unserviceable for the herein Licensed use, then the Licensee shall move the conflicting portion or portions of the canal park without cost to ODNR to a location which will not interfere with public use, within six (6) months after notice in writing by ODNR of the necessity to do so.
15. Removal of Property. Upon the termination, in any manner whatsoever, of this License, and in the absence of an agreement to the contrary, the Licensee may, within twelve (12) months, remove all structures and other property which have been placed upon the premises by the Licensee, but upon failure to remove such structures and other property within such period, such structures shall become the property of ODNR. If at the end of such time the Licensee has not removed such property from the premises, ODNR may remove such property and the Licensee shall reimburse ODNR for any expense, incidental to such removal, which is in excess of the salvage value of such property.
16. No Warranty of Title. It is mutually understood and agreed that ODNR does not warrant the title to the lands upon which the licensed property is located, and the rights, privileges, and authority granted herein shall be subject to any easements, rights-of-way, mineral reservations or other rights upon, over, across, or under said lands now outstanding in third persons. It is further understood and agreed that this License shall in no manner limit the right of ODNR, its nominees and assigns, to grant additional licenses of any kind whatsoever across and upon the lands affected by this License, so long as such additional licenses shall not interfere with the rights and privileges herein granted to the Licensee. ODNR also retains to itself, its nominees or assigns, the right to use said lands for its own purposes, so long as such use does not interfere with the rights and privileges herein granted.
17. Nature of Interest. The Licensee understands that this License merely gives Licensee the right to occupy the licensed property and that this License does not grant or convey to the Licensee any interest in the property.
18. Assignment. ODNR reserves the right to assign any or all of its rights or interests under the terms of this License, without the consent of the Licensee, to any individual, corporation, firm or other entity, public or private or any governmental agency, municipal, county, state or federal. The Licensee shall be notified of any such assignment. The Licensee shall have no right to assign this License in whole or in part.
19. Certification of State Funds. Obligations of the State are subject to the provisions of Section 126.07 of the Ohio Revised Code.
20. Nondiscrimination. There shall be no discrimination by Licensee based on gender, race, color, religion, ancestry, national origin, age, military status, handicap or disability, as defined in Ohio Revised Code Section 4112.01.
21. Ethics/Conflicts of Interests Compliance. Licensee, by signature on this document, certifies that Licensee: (i) has reviewed and understands the Ohio Ethics Code and conflict of interest laws as found in Ohio Revised Code Chapter 102 and in Ohio Revised Code Sections 2921.42 and 2921.43, and (ii) will take no action inconsistent with those laws. The Licensee understands that

failure to comply with Ohio's ethics and conflict of interest laws is, in itself, grounds for termination of this License and may result in the loss of other contracts or grants with the State of Ohio.

22. Campaign Contributions. The Licensee affirms that, as applicable to it, no party listed in Division (I) or (J) of R. C. Section 3517.13 of the Ohio Revised Code or spouse of such party has made, as an individual, within the two previous calendar years, one or more contributions totaling in excess of \$1,000.00 to the Governor or to his campaign committees.
23. Findings for Recovery. If the potential compensation to Licensee under this License exceeds \$25,000, Licensee warrants that it is not subject to an "unresolved" finding for recovery under R.C. 9.24. If this warranty is found to be false, this License is void ab initio and Licensee shall immediately repay to the ODNR any funds paid under this License.
24. Effective Date. The "Effective Date" of this License is the date that the later of Licensee or ODNR executes this License.
25. Entire Agreement/Waiver. This License states the entire agreement between the parties, and supersedes and replaces all oral and written representations, agreements, memoranda and correspondence between, by or for the parties relating to the premises, and shall be construed in accordance with and governed by the laws of Ohio. No amendment or modification of this License shall be binding unless made by written instrument of equal formality signed by both ODNR and the Licensee. Waiver by either party of performance by the other party of any of the provisions of the License shall not be construed as a waiver of any further right to insist upon full performance of the terms hereof.
26. Severability. In the event that any one or more of the provisions, sections, words, clauses, phrases or sentences contained in this License, or the application thereof in any circumstance is held invalid, illegal or unenforceable in any respect for any reason, the validity, legality and enforceability of any such provision, section, word, clause, phrase or sentence in every other respect and of the remaining provisions, sections, words, clauses, phrases or sentences of this License, shall not be in any way impaired, it being the intention of the parties that this License shall be enforceable to the fullest extent permitted by law.
27. Counterparts. This License may be executed in any number of counterparts, each of which is considered an original. This License may be executed by each party upon a separate copy and attached to another copy in order to form one or more counterparts.
28. Headings. The headings in this License have been inserted for convenient reference only and shall not be considered in any questions of interpretation or construction of this License.

IN WITNESS WHEREOF, ODNR and the Licensee have caused this agreement to be executed by their duly authorized officers.

LICENSEE

Zanesville Rotary Club:

By: _____
Stacy Clapper, President

Date: _____

**STATE OF OHIO
DEPARTMENT OF NATURAL RESOURCES**

By: _____
JAMES ZEHRINGER, Director

Date: _____

APPROVED:

By: _____
GARY OBERMILLER, Chief
Division of Parks and Recreation

Date: _____

APPROVED:

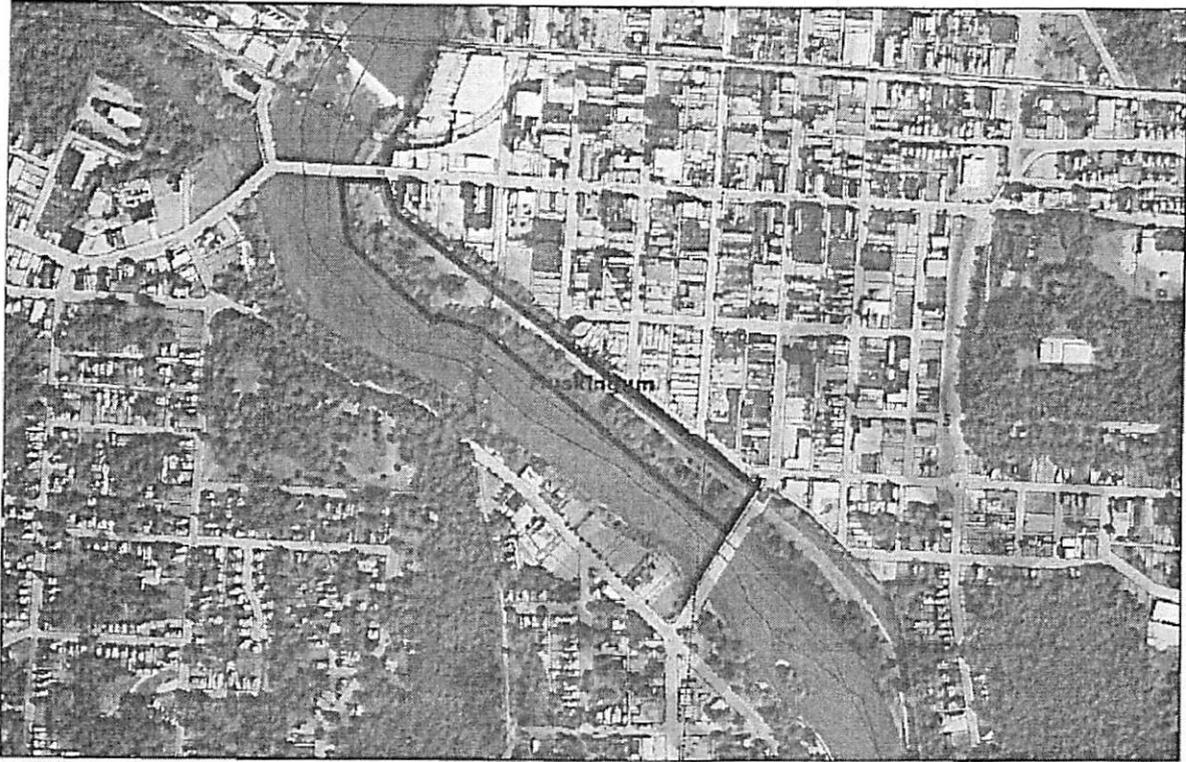
MICHAEL DEWINE
Ohio Attorney General

BY: _____
Assistant Attorney General

Date: _____

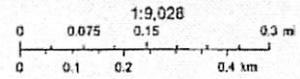
EXHIBIT A

Muskingum River-Zanesville Rotary Club



November 23, 2015

- | | | | |
|---|--|-----------------------------------|--|
| <input type="checkbox"/> Lakes (ODNR) | <input type="checkbox"/> Natural Areas and Preserves | <input type="checkbox"/> Parks | <input type="checkbox"/> Current Township |
| ODNR Lands | <input type="checkbox"/> Wildlife | <input type="checkbox"/> Forests | <input type="checkbox"/> Land Subdivision |
| <input type="checkbox"/> All other Divisions or Offices | <input type="checkbox"/> Watercraft | <input type="checkbox"/> Counties | <input type="checkbox"/> Statewide Parcels |



Office of Information Technology
ODNR - Office of Information Technology



ORDINANCE NO. 16 - 32
INTRODUCED BY COUNCIL

AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO PURSUE GRANT FUNDING THROUGH THE RECREATIONAL TRAILS FUND FOR DEVELOPMENT OF THE CANAL PARK TRAIL AND AMENITIES LOCATED BETWEEN THE Y-BRIDGE AND THE SIXTH STREET BRIDGE, AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio, through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes, through the Recreational Trails Program; and

WHEREAS, the City of Zanesville desires financial assistance under the Recreational Trails Program; and

WHEREAS, the City of Zanesville through Ordinance No. 16-31 authorized the execution of a 30 year license agreement on said property (only if improvements are funded through grants) and is agreeable to the intent of this application; and

WHEREAS, it is expected that a portion of the TIF Service Payment revenues generated by the adoption of Ordinance No. 15-100 can be specifically dedicated for ongoing maintenance of the improvements community development for a consecutive period of thirty (30) years; and

WHEREAS, an ordinance is required in order for the City to pursue said funding and through this Ordinance, City Council authorizes an application to the Recreational Trails Fund for a grant for trail development and trail side amenities; and

WHEREAS, to ensure the timely submission of the grant, this ordinance needs to be passed as an Emergency measure.

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

Section 1. The City Council hereby authorizes the Director of Public Service to file an application with the Ohio Department of Natural Resources for grant assistance through the Recreational Trails Fund for Canal Park trail development and trail side amenities.

Section 2. That the City of Zanesville does agree to obligate the necessary funds in FY 2017 required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms and conditions of the Recreational Trails Fund.

Section 3. 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: _____, 2016

ATTEST:

SUSAN CULBERTSON,
Clerk of Council

DANIEL M. VINCENT,
President of Council

APPROVED: _____, 2016

JEFF TILTON, Mayor

THIS LEGISLATION APPROVED AS TO FORM

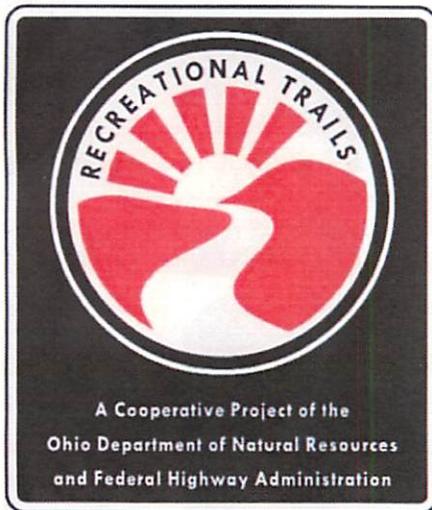


LAW DIRECTOR'S OFFICE



The Recreational Trails Program
& Clean Ohio Trails Fund
Grant Program Information and
Application for Ohio Applicants

2016



Grant Basics

Two recreational trail assistance programs, the **Recreational Trails Program** and the **Clean Ohio Trail Fund Program**, are offered annually through ODNR. The following pages contain a very brief overview of these grant programs; please read the grant guidelines on pages 6-21 for more detailed information.

Recreational Trails Program (RTP): This is a **reimbursement** grant program that provides up-to-80 percent project funding. This grant program is federally funded and is administered by the ODNR in cooperation with the FHWA. <http://www.fhwa.dot.gov/environment/rectrails/>

The following types of projects are eligible for RTP funding:

- New recreational trail construction (non-motorized and motorized)
- Trail maintenance/restoration
- Trailside and trailhead facilities (for example, parking restrooms, potable water, etc.)
- Purchase/lease of recreational trail construction and maintenance equipment
- Acquisition of easements and property for recreational trails or recreational trail corridors
- Educational programs promoting trail safety and environmental protection (These projects cannot exceed 5 percent of Ohio's annual RTP apportionment.)

RTP funding is available to: Cities, villages, counties, townships, special districts such as park districts, joint recreation boards and conservancy districts, jointly sponsored projects between political subdivisions, state government agencies, federal government agencies, and non-profit organizations.

Clean Ohio Trails Fund (COTF): This is also a **reimbursement** program that provides up-to-75 percent project funding. This grant program is state funded and is administered by the ODNR.

The following types of projects are eligible for COTF funding:

- New recreational trail construction. Emphasis is on linear trails.
- Acquisition of property and easements for recreational trails or recreational trail corridors
- Trailhead facilities may be considered if a relatively small component of a trail construction project.
- Planning, appraisals, title work, surveys, engineering design costs, environmental research, and archaeological surveys associated with a specific recreational trail project may be eligible.

These costs are not eligible as a standalone project.

COTF funding is available to: Cities, villages, counties, townships, special districts such as park districts, joint recreation boards, or conservancy districts, jointly sponsored projects between political subdivisions, and non-profit organizations.

Frequently Asked Questions

Please see grant guidelines for additional details

I am not sure which grant program is better suited for my project. Is there a difference between the types of projects funded through the two grant programs?

Yes, generally speaking, the emphasis of the COTF is on longer trails and building linkages between long distance trails. Also, thus far, considerably more funding has been available through the COTF than through the RTP each year, so the COTF usually provides funding for bigger projects. Applicants to the RTP are encouraged to build linkages between trail systems, but RTP funded projects can also include loop trails, such as loop trails within parks. The COTF generally does not fund loop trails.

How much money is available through the two programs?

This can vary depending on appropriations, but typically there are 1.6 million dollars available annually through RTP and 6.25 million dollars available annually through the COTF. The RTP is funded through the federal transportation bill, whereas the COTF was funded through State Issue One in 2000. In 2008 the passage of State Issue 2 reauthorized \$400 million for the future funding of the COTF. Ten COTF grant cycles have been funded to date (December, 2015).

Can I apply for both grants (RTP and COTF)?

Yes, if you are unsure which program is a better fit for your project, you may apply for both grants.

Do I need to fill out two separate grant applications if I'm applying for both grants?

No, the same application can be submitted for both grant programs; however there are a few sections within the application that must be completed separately for each grant program. These are identified in the application.

Can I make changes to my project after it has been selected for funding?

All proposed grant projects are competitively scored and selected on the basis of merit. Under most circumstances grantees may not deviate from the scope of an approved project. Occasionally circumstances arise whereby the project sponsor may request authorization to revise the scope of an approved project. Such changes are made at the sole discretion of the Director of ODNR or his/her designee.

Can I complete my grant application on-line?

Not at this time. Due to plan and map requirements a submittal via postal service is required.

Can I fill out an electronic grant application?

To request a blank application in WORD format please contact D'Juan Hammonds at 614-265-6417 or Djuan.hammonds@dnr.state.oh.us.

When is the grant deadline?

Applications for both grant programs must be postmarked by February 1st of each year. **The application deadline for 2016 has been moved to a postmarked date of April 1st, 2016.**

Where do I send my completed grant application?

Mail **ONE** copy of the application by certified mail to the Ohio Department of Natural Resources at any time prior to the postmark deadline. *Send all applications and inquiries to:*

Ohio Department of Natural Resources
Office of Real Estate
Attn: D’Juan Hammonds or Marlin Holloway
2045 Morse Road, E-2
Columbus OH 43229-6693

Faxed applications will **NOT** be accepted. Original signatures are required. The deadline is final, and no extensions will be given. Applicants should keep a copy of the application for their records. *Please do not submit applications in hard 3-ring binders of any kind. We will accept applications that are in soft 3-ring binders. Please do not send multiple copies of your grant application.* Refer to the checklist on pages 88-89 to be sure you have included all required forms.

How are awarded projects selected?

All applications undergo extensive review, often including an unscheduled site visit. After project site visits have been completed, professional staff members score all applications. Projects and scores are then reviewed by the grant advisory board and approved by ODNR administration. At the completion of this process award announcements are made.

What is meant by reimbursement?

If your project is selected for funding you must have adequate funds on hand to pay for your project. Paid invoices are submitted to the ODNR throughout the life of your project. ODNR then pays back the eligible grant percentage after receiving proper documentation. Reimbursement time turnaround is estimated at 4 weeks for COTF and RTP.

My project proposal includes construction on land that is owned by others. Is this allowable?

All grant assisted construction projects must be located on property that is owned, leased (minimum 15-year non-revocable lease with 15 years remaining at the time of project closeout) or on an easement held by to the project sponsor. If property negotiations are incomplete at the time of application, a signed letter of intent from the property owner is required.

Under the RTP program any property being acquired, leased, already owned, and/or used for the trail project contained within this grant application must have been acquired following the rules set forth in the Federal Uniform Relocation Act [Uniform Relocation Act Link](#) and contained in Attachment V: Land Acquisition Criteria and Procedures, pages 62-74.

If the grant applicant is already in possession of the property where the proposed RTP project will be constructed, the applicant must prove either the Uniform Relocation Act was followed when possession of the property took place or the applicant can prove there was no intent to seek Federal Funding in conjunction with the acquisition of the property in question. If the property in question was purchased after September 2, 1971 and the acquisition procedures were not in accord with the Federal Uniform Relocation Act, yet at the time of application and last known displacement from project lands, there was no plan or intent by the applicant to seek Federal financial assistance, then the applicant should include a signed Certification for Development Projects with their application. See Appendix A-1, page 83. If the applicant cannot prove that the Uniform Relocation Act was followed when the property in question was purchased and/or there