

was intent to seek federal funding of any kind to be used in conjunction with this property, then the proposed project will automatically been deemed ineligible for RTP funding.

All land acquisition criteria and procedures are contained in Attachment V, pages 62 thru 74 of this grant application. Please read through this section very carefully and comply with all of the criteria and procedures applicable to your project. Failure to comply with this section of the RTP grant application will automatically cause your application to be deemed ineligible for RTP funding.

If you have any questions regarding the Uniform Relocation Act, please contact:

D’Juan Hammonds

614-265-6417

[Djuan.hammonds@dnr.state.oh.us](mailto:Djuan.hammonds@dnr.state.oh.us).

**How long do I have to complete my project?**

Do not start your project until you have entered into formal agreement with the ODNR. You should plan to complete your project within *15 months of entering into formal agreement with the ODNR*.

**If my staff members or volunteers work on the project, is the value of their time eligible as a project cost?**

Yes, certain types of volunteer and in-kind labor may be counted as part of the awarded project sponsor’s matching share. Please see pages 8-9 for details and documentation requirements.

**My RTP project proposal is for an education program that does not include any construction activities. Do I need to fill out the entire grant application?**

Attachment numbers 2, 3, and 5 are not required if your project proposes only education activities, with no construction activities. Please complete all other application forms to the best of your ability. If a question does not apply to your project, respond with ‘not applicable’.

**What types of equipment purchases are eligible under the RTP program?**

Any equipment purchases must be specifically related to your trail project and to future maintenance of your trail. Equipment cannot be used for other purposes that are not related to trail use. An applicant must demonstrate, **in a convincing manner**, how they will ensure that all purchased equipment will be stored, maintained and applied only to trail use. If there is considerable doubt about the ability of the applicant to use purchased equipment for only trail use throughout the life of the equipment, ODNR reserves the right to deny the equipment purchase request.

**Who can I contact if I have questions?**

D’Juan Hammonds, Program Manager

Ohio Department of Natural Resources

Office of Real Estate

2045 Morse Road, E-2

Columbus, Ohio 43229

Email: [Djuan.hammonds@dnr.state.oh.us](mailto:Djuan.hammonds@dnr.state.oh.us)

telephone: (614) 265-6417 fax: (614) 267-4764

**2016 COTF and RTP Updates**

All grant award recipients must conform to the new Buy America guidance located in **APPENDIX A-4** on page 86 and 87. **Application deadline has been moved to April 1, 2016 and COTF maximum award is \$850,000.00 per project.**

## **Guidelines for the Clean Ohio Trails Fund**

### **Introduction and Purpose**

The Clean Ohio Fund (COF) was originally proposed in the year 2000 and called for a \$400 million bond program to preserve natural areas and farmland, protect streams, create outdoor recreational opportunities, expand a statewide system of recreational trails, and revitalize urban areas by returning contaminated properties to productive use. The Ohio General Assembly voted by an overwhelming bipartisan majority to place this proposal before the voters as State Issue 1, and the voters approved State Issue 1 in November 2000. In July, 2001 the General Assembly enacted legislation (Am. Sub. H.B. 3) spelling out the administrative details of the program. The Ohio Department of Natural Resources will administer the \$25 million Clean Ohio Trails Fund (COTF) grant program in consultation with the Clean Ohio Trails Fund Advisory Board. Sections 1519.05 and 1519.06 of the Ohio Revised Code provide authority for Clean Ohio Trails Fund and the Advisory Board. State Issue 2 (2008) was overwhelmingly approved and reauthorized the Clean Ohio Fund and further allocated an additional \$400 million of which the Clean Ohio Trail Fund is responsible for administering \$6.25 million in grants for recreational trails grants on a yearly basis. In 2014 the Clean Ohio Fund was allocated \$12.50 million to be distributed equally over two funding rounds. In 2015 \$6.19 million was awarded in Clean Ohio Trail Fund grants, an additional \$10.5 million is expected to be awarded in 2016.

#### **I. Revenue**

##### **A. Source and Amount**

State Issue 1 amended the Ohio Constitution by enacting Section 2 of Article VIII. Section 20 authorizes the General Assembly to provide by law for the issuance of bonds and other obligations of the State for paying costs of projects by implementing certain conservation and revitalization projects.

Amended Substitute House Bill 3 requires that 12.5 percent of the net proceeds of general obligations issued and sold by the Ohio Public Facilities Commission be deposited into the Clean Ohio Trails Fund. Approximately \$6.25 million was made available for the COTF each year for four years starting in 2002. State Issue 2 (2008) was overwhelmingly approved, which reauthorized the Clean Ohio Fund and further allocated an additional \$400 million, which includes Clean Ohio Trails Fund monies.

##### **B. Distribution**

Distribution of funds to eligible political subdivisions and nonprofit organizations will be on a statewide competitive basis. Criteria developed by the Ohio Department of Natural Resources, in consultation with the Clean Ohio Trails Fund Advisory Board, will be used to evaluate projects selected for funding and are included in the project selection process.

##### **C. Cost Sharing**

The amount of funds furnished from the COTF for project sponsors will be up to 75 percent of the total approved project costs. The remainder of the cost will be borne by the project sponsor (applicant).

The COTF will operate on a reimbursement basis; meaning a project sponsor must have sufficient cash, donations, or eligible in-kind services to pay for work to be completed, and then be paid back the grant percentage after the sponsor has documented payment for proper eligible work.

## II. Types of Eligible COTF Projects

- A. Construction/development of recreational trails;
- B. Purchase of land or interests in land for recreational trails;
- C. Construction/development of trailhead facilities such as parking, shelters associated with a trail, water, sanitary and access facilities associated with trails, *if such facilities are a relatively small component of a trail construction project.*
- D. Planning, support or certain non-construction ancillary costs associated with a recreational trail project may be eligible for COTF assistance. These include, but are not limited to, appraisals, title work, surveys, engineering design costs, environmental assessments, and archaeological surveys. All costs must reflect actual grant work that was performed. These costs are not eligible as a standalone project. Costs related to preparing a grant application or grant contract administration are not eligible for reimbursement.

## III. Ineligible COTF Projects

- A. Appropriation of land, rights, right-of-way, franchises, easements or other property through the exercise of the right of eminent domain.
- B. Non-capital costs associated with a trail project (Ex. master planning, administration costs, trailheads, Etc.).
- C. Maintenance costs for trails
- D. Purchase or long term lease of recreational trail construction and maintenance equipment
- E. Projects with a useful life of less than 15 years.

## IV. Allowable Costs

### A. Basic Concept

The Clean Ohio Trails Fund is a reimbursable grant program. To be eligible for matching assistance, costs other than design or appraisal costs must be incurred within the project period, stipulated by a signed project agreement.

### B. Construction/Development Projects

Upon receipt of a signed project agreement provided by the Ohio Department of Natural Resources, development/construction costs are eligible for reimbursement and are incurred at the start of actual physical work on the project site. Initial master plan costs are not eligible, but applicable construction drawings may be eligible. Construction drawing costs must be incurred within two years of the date of COTF grant agreement.

### C. Acquisition

Acquisition costs are eligible for reimbursement if incurred after the COTF grant contract is executed or if incurred within two years of the date of COTF grant application with an approved Waiver of Retro Activity (See page 8). Acquisition costs are considered to be incurred on the date when the earliest of any of the following takes place:

1. Participant accepts deed, lease (the lease must be for the minimum of 15 years and be non-revocable) or other conveyance
2. Participant makes full payment for the property
3. Participant makes first payment in a series of payments

Costs of acceptable appraisals and valid incidental costs for the project are eligible for reimbursement only if the grant is approved.

COTF does allow for a waiver of retroactivity. If a grant applicant or potential applicant must purchase a property during a limited window of opportunity before the grant application deadline, or execution of grant agreement, the applicant may make a written request to ODNR for a **Waiver of Retroactivity**. The applicant must provide a location map, a to-scale, dimensioned property map and a description of the circumstances necessitating a purchase prior to grant application or award announcement.

Written requests must be received by ODNR at least ten business days prior to the date of Real Estate closing. Acquisition costs incurred prior to receiving ODNR written approval of a Waiver of Retroactivity are not eligible. **Approval of a Waiver of Retroactivity in no way assures grant selection or “preferred” status.**

#### D. Donations

ODNR encourages the donation of land, cash, materials and labor by non-government, entities. The value of donations may be used as all or part of the project sponsor’s share of project costs. The method of valuation and charges for land, materials, equipment and labor must be approved by ODNR prior to the donations being applied to reimbursement requests in order to be considered as part of the grantees’ matching share.

##### 1. Materials

Prices assessed to donated materials must be documented, should be reasonable and should not exceed current market prices at the time they are charged to the project(s).

##### 2. Equipment

The hourly rate for donated equipment used on a project shall conform to ODOT’s Rolling Stock & Allied Equipment Costs. [2015 ODOT Equipment Rates](#). If equipment rate is not included in this ODOT rate schedule, costs shall not exceed local fair-rental value (excluding operator). Project sponsors must supply documentation signed by the donor stating the date(s); number of hours used per date; the type and model of the equipment used; price per hour or day; and total cost claimed as a donation.

##### 3. Real Property

The value of donated real property shall be established by an independent appraiser. Appraisers will be selected by the local sponsor from the current ODNR/ODOT appraiser list. ODNR will review the Uniform Standards of Professional Appraisal Practice (USPAP) analytical narrative appraisal and, if disputes arise as to fair market value, the property will be re-appraised by another appraiser chosen by ODNR. Project sponsors will pay for the appraisals, which are eligible for reimbursement. COTF does allow for a waiver of retroactivity for properties that have been donated within the last two years. Prior to taking possession of donated properties applicants must submit a written request for a waiver of retroactivity and have it **approved** by ODNR. (See IV. C. on page 7)

##### 4. Labor

Volunteer labor services may be contributed by professional and technical personnel, consultants, skilled or unskilled labor. **Administrative labor is not eligible**. Each hour of service may be counted as part of the local sponsor’s matching share if the service is part of an approved project. The records of donated contributions must include daily time sheets. The value for a person donating non-skilled services should be figured at the same rate as that paid to an entry level laborer (\$15.00/hour). If the donor is professionally skilled in a

trade or service, the rate this individual is usually paid may be claimed for matching assistance. A letter from the donor's employer, on company letterhead, must document this rate. In-kind labor information can be found here: [ODNR Billing Link](#)

5. **In Kind Services**

In-kind labor may be contributed by the sponsor's professional, technical, skilled or unskilled staff. *Administrative labor is not eligible for reimbursement.* Each hour of service may be counted as a reimbursable expense if the service is a component of the approved project. Records of in-kind contributions of personnel services must include daily time sheets. In-kind labor information and daily time logs can be found here: [ODNR Billing Link](#)

6. **Planning (Preparation of Construction Drawings/Documents)**

In cases where the assistance of an architect, landscape architect, consultant, or engineer is required for a project, a share of this cost may be borne by program funds. To be eligible for reimbursement, planning costs must reflect actual grant work that was performed. *Consultant costs for preparing a COTF application are not eligible.*

V. **Administration**

A. **General Responsibility**

The ODNR, Office of Real Estate administrates the COTF program and insures both the successful performance of the project and the continued operation and maintenance of aided facilities for public recreational trail use. The Office of Real Estate performs on-site inspections of projects to insure compliance with the intent of the program. In addition, as mandated by Amended Substitute H.B. 3, ODNR has worked cooperatively with the Clean Ohio Trails Fund Advisory Board (COTFAB) to develop criteria and procedures for selecting projects for funding from the COTF.

B. **Eligible Applicants**

1. Political Subdivisions of Ohio
  - a. cities, villages
  - b. counties
  - c. townships
  - d. special districts such as park districts, joint recreation boards, or conservancy districts
  - e. jointly sponsored projects between political subdivisions
2. Non-profit organizations that own/operate public park and recreation facilities.

C. **Acquisition Projects**

Acquisition of land and easements may be accomplished through purchase or gift/donation. The fair-market value standard will be used as the basic measure for determining COTF assistance on acquisitions. A project sponsor must secure an analytical narrative appraisal from a qualified appraiser from a list provided by ODNR for each parcel to be acquired. An appraisal report is also required for all projects involving the donation of real property. If the appraisal is acceptable, the fair market value of a donated parcel can be used as all or part of the non-state share. **Land transfers from one public agency to another are not eligible.**

**D. Development/Construction Project**

Developing or constructing a site, area or facility for public recreational trail use may be accomplished by contract. Project sponsors must comply with all applicable state and local requirements regarding contracts and bidding. The State reserves the right to require the submission of plans and specifications for any development or construction project selected for funding prior to bidding and construction. The State encourages in-kind contributions, including new building materials and equipment. The value of the eligible contributions may be used as all or part of the matching share of project costs and must be documented and approved by the State prior to project approval. Bidding policies and procedures can be found here: [ODNR Billing link](#)

**2. Discrimination Prohibited**

The applicant-recipient agrees that no person shall, on the basis of race, color, religion, creed, gender, national origin, age, or disability be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity for which the applicant-recipient receives financial assistance.

**3. Ownership**

A project sponsor must own, have an easement, or have a long term non-revocable lease for a COTF project area. A long term lease or easement must be for a minimum of 15 years beyond the project closeout date.

**E. Project Evaluation**

In selecting projects for funding, the Director of the Ohio Department of Natural Resources has established criteria, in consultation with the Clean Ohio Trails Fund Advisory Board, which must be satisfied by an applicant. The criteria emphasize the following:

1. Synchronization with the [Ohio Trails Plan](#) or a Regional Trails Plan dated after 2007;  
[Trails for Ohioans Link](#)
2. Completion of regional systems and links to the statewide trail system;
3. A combination of funds from various state/Federal agencies;
4. The provision of links in urban areas that support commuter access and show economic impact on local communities;
5. The linkage of population centers with public outdoor recreation areas and facilities;
6. The purchase of rail lines that are linked to the statewide trail plan; and
7. The preservation of natural corridors.

Other criteria established by ODNR and in consultation with the Clean Ohio Trails Fund Advisory Board will also be used to select projects for funding.

**F. Matching Requirements**

Payments to project sponsors will reimburse up to 75 percent of the total cost of the acquisition or development/construction undertaken by the project sponsor. The recipient must provide not less than 25 percent of the project cost. In addition, items of value, such as contributions of land, easements or other interests in land, eligible labor, or eligible materials may be considered as contributing toward the percentage of the cost of a recreational trail project that must be provided by the grant recipient (project sponsor). The Ohio Department of Natural Resources will approve the documentation of the fair market value of donated land, labor, materials or services. The value of any donation must be estimated at the time of application.

**G. Method of Payment**

Payments to local project sponsors will be made on a reimbursement basis, up to 75 percent of total approved project costs. Grantees must submit billings showing actual expenditures made in a timely manner. Upon acceptance of the expenditures by the Department of Natural Resources, payment from the state will be made to the grantee.

**VI. Availability to Users**

Projects acquired, developed and constructed with COTF program assistance shall be open to entry and use by all persons regardless of race, color, religion, creed, gender, nationality, age, disability, or residence.

**A. User Fees**

User fees are permitted at areas and facilities assisted with program funds, but such fees must be reasonable and not exceed fees charged at comparable public facilities. Fees must be approved by the Department of Natural Resources prior to implementation.

**B. Non Residents**

Discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited, except to the extent that the reasonable differences in admission or other fees may be maintained on the basis of residence.

**VII. Responsibilities After COTF Project Completion**

**A. Operation and Maintenance**

All areas, trails and facilities acquired, developed, and constructed with COTF program assistance must receive adequate maintenance to insure continuing public use in a safe and sanitary manner. Areas must be open to the general public during reasonable hours of operation.

**B. Retention**

The project sponsor is obligated to maintenance and use of the project for a minimum 15 years beyond project close out.

**C. Penalties**

Failure to comply with the provisions of the COTF program shall be considered just cause for ODNR to withhold future payments to the project sponsor, withhold action on all pending projects of the grantee for the infraction in question and/or withhold from current or future reimbursements due to the project sponsor the amount of assistance previously paid out for the project(s) involved. ODNR may also notify other state or federal agencies of the compliance failure.

Failure to complete your project within the required 15 month period will result in a one-time point penalty/reduction applied to next application or applications the grant sponsor submits for funding consideration through the COTF or RTP grant programs. Point reductions will be -10 points for each 6 months of extension requested by the grant sponsor.

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**ORDINANCE NO. 16 - 33**  
**INTRODUCED BY COUNCIL**

**AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO PURSUE GRANT FUNDING THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION ALTERNATIVES PROGRAM FOR THE DEVELOPMENT OF THE ROTARY CENTENNIAL TRAIL LOCATED BETWEEN THE Y-BRIDGE AND THE SIXTH STREET BRIDGE, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the State of Ohio, through the Ohio Department of Transportation, administers financial assistance for public alternative transportation purposes, through the Transportation Alternatives Program (TAP); and

**WHEREAS**, the City of Zanesville desires financial assistance through the TAP 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 ODOT and ODNR 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**, the cost of resurfacing the trail is estimated to be \$280,000. The ODOT TAP funding provides grant resources in the amount of 95% of the total construction cost, thus the City would be required to provide \$14,000 funds towards the project, if selected for funding; and

**WHEREAS**, an ordinance is required in order for the City to pursue said funding and through this Ordinance , the City Council authorizes an application to ODOT for a grant for funding for the trail development; 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 Transportation for grant assistance through the Transportation Alternatives Program for the Canal Park trail development project.

**Section 2.** The City of Zanesville does agree to obligate the necessary funds in FY 2017 that is required to satisfactorily complete the proposed project, if selected, under the terms and conditions of the TAP funding.

**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.

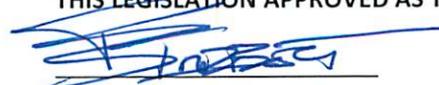
**PASSED:** \_\_\_\_\_, 2016

**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**



# OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223  
JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR

February 29, 2016

City of Zanesville  
Mr. Jay Bennett  
401 Market Street  
Zanesville, Ohio 43701

## Re: INVITATION TO APPLY FOR ODOT TRANSPORTATION ALTERNATIVE (TAP) FUNDS

*Project Sponsor: City of Zanesville*  
*Project Name: Zanesville Canal Park Trail*

Thank you for your interest in the ODOT Transportation Alternatives Program. Please consider this letter your invitation to apply for Transportation Alternative (TAP) funds as described in your previously submitted Letter of Interest.

ODOT received a total of 50 LOIs, requesting more than \$53 Million in Transportation Alternative funding. Historically we have maintained a budget of approximately \$11 Million per year.

The **2016 TAP Application** must be submitted electronically. The application can be accessed at: <http://www.dot.state.oh.us/Divisions/Planning/LocalPrograms/Pages/LocalFundingOpportunities.aspx>. The link will take you to Local Programs' Local Funding Opportunities web page. Click on "Transportation Alternatives" along the top of the description box. Click the "Click here to access application form" button. The application will open on Tuesday March 1<sup>st</sup>, 2016. Once the application is completed in full and submitted the applicant will receive notification of the submission. **Applications MUST be submitted on or before May 15, 2016.**

Applications will be reviewed and ranked according to established TAP criteria in accordance with MAP-21, by both the ODOT District and ODOT Central Office. The applicant is responsible for the 5 percent non-federal share of the construction costs and also for all costs associated with preliminary engineering, environmental studies and documents, final design, right of way and utilities. Local cash match must be identified and secured at time of application submittal. In-kind contributions are not acceptable as the local match.

Should you have any questions regarding your TAP project application, please contact either Jeff Shaner, 614-644-6394 or [Jeffrey.Shaner@dot.ohio.gov](mailto:Jeffrey.Shaner@dot.ohio.gov), or your District's Local Programs Manager.

Respectfully,

A handwritten signature in blue ink, appearing to read "Jeff Shaner".

Jeff Shaner  
Local Programs Manager

c: Randy Comisford, District 5 LPA Manager

# TRANSPORTATION ALTERNATIVES PROGRAM

2016

Guidance

## I. Purpose & Eligibility

The Transportation Alternatives Program (TAP) provides funds for projects that advance non-motorized transportation facilities, historic transportation preservation, and environmental mitigation and vegetation management activities. ODOT encourages adding alternatives to planned transportation projects rather than stand-alone projects. TAP funded activities must be accessible to the general public or targeted to a broad segment of the general public.

ODOT's TAP funds are for those projects sponsored by local governments outside the county boundaries of Metropolitan Planning Organizations (MPOs), unless the local is within a small MPO (population less than 200,000) that has opted to join the ODOT program.

ODOT is providing this guidance to those eligible entities who completed an online Letter of Interest (LOI) for which ODOT determined met the minimum eligibility guidelines. The application must be for the same project scope submitted in the LOI and be, for rating purposes, submitted under only one of the qualifying categories as follows:

### **Bicycle and Pedestrian Facilities**

For the purposes of the TAP Program, a pedestrian is not only defined as a person traveling by foot but also "any mobility impaired person using a wheel chair." Projects proposed under this category that connects activity centers such as businesses, schools, libraries, shopping areas, recreational areas, etc. will receive higher priority.

Provision for Bicycle and Pedestrian Facilities - This may include activities such as separated multiuse paths, bike lanes, widened outside lanes or roadway shoulders, geometric improvements, turning lanes, traffic signs, new sidewalks, and sidewalk gap closures. Also eligible are bicycle parking racks, bicycle lockers, designated areas with safety lighting, and covered bicycle shelters.

Upgrading facilities to meet Federal, State and/or local responsibilities for compliance with ADA requirements (such as ramps, and/or other necessary design features) is also eligible. This category may also include traffic calming improvements to reduce conflicts in heavy pedestrian areas. Traffic calming improvements could include roundabouts, bulb-outs, speed humps, raised crossings, raised intersections, median refuges, narrowed traffic lanes, lane reductions, full- or half-street closures, automated speed enforcement, variable speed limits, and demarcations with color, texture, and/or pattern.

Some amenities that make these facilities safer or more accommodating to users, such as vegetative management (see eligibility description below), street furnishings for pedestrians (including lighting, trash receptacles, and seating apparatuses) are also eligible. Street parking construction costs, stand-alone parking lot projects for future bicycle or pedestrian facilities are ineligible, however, parking facilities (with restrooms) at a trailhead of an existing bicycle/pedestrian are eligible for funding.

For all bicycle and pedestrian projects please review the following criteria outlined in [The Guide for the Development of Bicycle Facilities, 2012](#) and [ODOT's L & D Manual](#), and [A Policy on Geometric Design of Highways and Streets](#), where applicable. Pedestrian facility projects must be American's with Disabilities Act (ADA) compliant.

Conversion of abandoned railway corridors for the purpose of creating shared use (includes acquisition and construction) - This category includes the acquisition, rehabilitation and development of corridors for bicycle and pedestrian use. The acquisition of right-of-way can be a stand-alone project; however, there must be a planned trail use. Eligible railway corridors must either have been authorized for abandonment, have abandonment proceedings pending or have been set aside for future transportation use under applicable federal or state laws.

## Ordinance 16-33

Preservation of an abandoned rail corridor must lead to the development of a pedestrian and/or bicycle facility and is not intended to solely preserve the rail corridor for future use. Sponsors must comply with federal regulations involving property acquisitions contained in the "Uniform Act." (Talk to your ODOT District representative. Also, see [https://www.fhwa.dot.gov/real\\_estate/uniform\\_act/index.cfm](https://www.fhwa.dot.gov/real_estate/uniform_act/index.cfm)).

### **Community Improvement Activities**

Archaeological planning and research - This category is limited to research on sites relating to impacts from implementation of a transportation project eligible under United States Code of Federal Regulations Title 23 – Highways. This category is not for routine excavations. All work must be done in compliance with the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* or the *Secretary of the Interior's Standards for Historic Preservation Projects* and must be managed under the direction of qualified professionals who are educated and experienced in archaeology.

Construction of turnouts, overlooks and viewing areas- This category allows for the construction of overlooks, turnouts and viewing areas that allow for the visual enjoyment of significant scenic or historic view sheds. Significant view sheds can include Ohio Scenic Byways and recognized historic districts or historic sites.

Historic Preservation and Rehabilitation of historic transportation facilities - Historic transportation buildings are buildings or structures associated with the operation, passenger and freight use, construction, or maintenance of any mode of transportation where such a building is listed in or eligible for listing in the National Register as determined by SHPO. Historic structures and facilities include, but are not restricted to, tunnels, bridges, trestles, canals, viaducts, stations, rails, non-operational vehicles, and other transportation features related to the operation, passenger and freight use, construction, preservation or maintenance of any mode of transportation. Funds for operation of historic transportation facilities are ineligible. Any Historic structure or site must be on or eligible for the National Register of Historic Places. If the structure or site is found not to be on or eligible for the National Register the project will not be eligible. All work must be done in compliance with the *Secretary of the Interior's Standards for Historic Preservation Projects*.

Vegetation management- Practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control. Routine maintenance of landscaping / vegetation is not eligible.

### **Environmental Mitigation Activity**

Including pollution prevention and pollution abatement activities and mitigation to address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in 23 U.S.C. 133(b)(11), 328(a), and 329; or to reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats

### **Recreational Trails**

Includes projects that will provide and maintain recreational trails for both motorized and non-motorized recreational trail use. This category provides funds for all kinds of recreational trail uses. Examples are pedestrian uses like hiking, running, and wheelchair use, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off road motorized vehicles.

Conversion of abandoned railway corridors for the purpose of creating shared use (includes acquisition and construction) - This category includes the acquisition, rehabilitation and development of corridors for bicycle and pedestrian use. The acquisition of right-of-way can be a stand-alone project; however, there must be a planned trail use. Eligible railway corridors must either have been authorized for abandonment, have abandonment

proceedings pending or have been set aside for future transportation use under applicable federal or state laws. Preservation of an abandoned rail corridor must lead to the development of a pedestrian and/or bicycle facility and is not intended to solely preserve the rail corridor for future use. Sponsors must comply with federal regulations involving property acquisitions contained in the "Uniform Act." (Talk to your ODOT District representative. Also, see [https://www.fhwa.dot.gov/real\\_estate/uniform\\_act/index.cfm](https://www.fhwa.dot.gov/real_estate/uniform_act/index.cfm)).

Eligible projects under Recreational Trails category can include maintenance and restoration of existing recreational trails, development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails, and construction of new recreational trails (with restrictions for new trails on Federal lands). Recreational trail projects offering a transportation component will take priority over those that are only recreational.

### **Safe Routes for Non- Drivers**

The construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs, and projects that are otherwise eligible under ODOT's Safe Routes to School Program.

### **II. Ineligible Costs**

Though not a comprehensive list, these are some activities that will not be funded with federal dollars and are the sponsor's responsibility. Items that are ineligible for funding by the TAP program can be included in the construction contract as nonparticipating items with the funding provided by the sponsor.

Landscaping and scenic enhancements as independent projects- However, landscaping and scenic enhancements could be eligible as part of the construction of any Federal-aid highway project under 23 U.S.C. 319, including TAP-funded projects.

Acquisition of scenic easements and scenic or historic sites.

Administrative costs - Some examples of actions considered to be administrative are application preparation; consultant selection and management; coordination with ODOT, etc.

Public art - Items of public art include, but are not limited to: statuary, decorative banners, flag displays (including flagpoles), murals, fountains, clock towers, etc.

Standard roadway or bridge infrastructure items, such as roadway paving or structural work, will not be considered for funding unless incidental to the TAP project.

Parking - The exception is if the facility is related to a bicycle trailhead, or to access a turnout, overlook, viewing area, or historic transportation facility.

Mitigation - A work item that serves to mitigate (compensate for) an environmental impact (including historic, natural, or cultural).

Operation of historic transportation facilities

Transportation Museums

## Ordinance 16-33

**Any action or work taken prior to FHWA project authorization will make the entire project ineligible for compensation.**

### **III. Funding Provisions**

The TAP program is not a grant program but a cost reimbursable, pay-as-you-go program. Prior to construction the project must be approved by ODOT and authorized by the Federal Highway Administration (FHWA). ODOT will provide up to 95 percent (this is due to the use of Toll Revenue Credit) of the construction cost up to a maximum amount. The applicant is required to provide a minimum of 5 percent of the construction cost, and all costs associated with the engineering plans, environmental studies and documentation, right-of-way plans, right-of-way acquisition and environmental remediation, if necessary. Right-of-way acquisition costs are only allowable for conversion of abandoned railway corridors to shared use path facilities. The local government match must be in cash. In-kind contributions will not be accepted. Should the project be sold and administered by ODOT, the match amount must be provided prior to advertising for bids.

### **IV. Sponsor Responsibilities**

Upon funding notification, the project sponsor shall meet with an ODOT Transportation Alternatives representative to review project development requirements, and Federal and State laws, rules and regulations.

To comply with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act, projects must have an environmental review to assess and/or mitigate effects on social, economic and environmental factors. Similarly, work involving sensitive historic structures or archaeological sites must conform to the U.S. Secretary of the Interior's standards and guidelines for archaeology and historic preservation.

The sponsor must carry out and comply with all Federal, State and local laws, and acquire environmental approvals and any required permits from the appropriate Federal, State and local agencies. Also, the sponsor must acquire building and other local permits, if applicable.

Engineering and architectural designs for all facilities must conform to the Americans with Disabilities Act.

The sponsor must provide all plan development and design work.

The sponsor is responsible for "all costs" over and above the approved awarded funding amount. Funding for project costs in excess of those awarded initially will not be provided. Therefore, obtaining realistic cost estimates for the services to be performed are extremely important to insure that adequate funding is provided. For this reason, the services of a professional engineer, architect, or contractor must be obtained to assist in the development of the required project services and cost estimates. Costs for professional services associated with preparation of the application are not eligible for reimbursement. Sponsors should carefully control increases and overruns as they may jeopardize completion of the entire project. If the Sponsor decides not to complete a project, the applicant will reimburse all federal expenditures to ODOT.

The sponsor must adhere to the original project scope. Make sure the application provides for the complete termini and a detailed project description.

If a plaque or sign is used on the project, ODOT must be identified as providing part of the funding for the project.

The applicant must commit to manage and maintain the project after completion. A facility must be open to the public for a period of not less than 10 years, or an otherwise agreed to term depending on the project.

Proceed to project development as quickly as possible if awarded funds.

## Ordinance 16-33

### V. Application Process

Each annual solicitation for new projects will consist of a two-step application process, beginning with the Letter of Interest (LOI). The LOI will serve to provide information on the applicant, the project, and criteria (items 1 through 10 below) to determine project eligibility. The LOI Online Form must be completed on or before February 2, 2016. The district is responsible for reviewing the information in order to determine the project's eligibility. If the project does not meet all eligibility criteria, the LOI is incomplete, or any information is found to be false the project will be deemed to be ineligible. Project eligibility will be determined according to the information provided on the LOI as follows:

1. Applicant must be a local governmental entity, Regional Transportation Authority, Transit Agency, Natural Resource or Public Land Agency.
2. Proposed project must have a direct relationship to surface transportation, or well-defined benefits as a recreational trail facility. The proximity to a transportation facility alone is not sufficient to establish a relationship. In order to determine if there is a direct relationship to surface transportation, the applicant may have to ask and answer some questions. For example, how is the project related to surface transportation through present or past use as a transportation resource? Is there a direct connection to a person or event nationally significant in the development of surface transportation? What groups and individuals benefit? Is a relationship substantial enough to justify the investment of transportation funds?
3. Proposed project must demonstrate a clear public benefit
4. Proposed project must be accessible to the general public or targeted to a broad segment of the general public, and be available for public use throughout its reasonable life
5. Proposed project must meet criteria for at least one of eligible categories
6. If the project is categorized as historic, it must be listed on or been determined by the State Historic Preservation Office to be eligible for the National Register of Historic Places
7. If the project is not categorized as an acquisition project, all proposed work must be on existing public right-of-way, owned by the project sponsor
8. Local cash match must be committed and identified
9. Applicant must demonstrate a commitment to maintain the project after construction is complete
10. Applicant must have no maintenance issues with past performance concerning liability, negligence or safety

The TAP Program Manager will submit all LOIs to the ODOT District TAP Coordinators for review to determine eligibility. The Office of Local Programs will review for concurrence.

Sponsors of proposed projects that have been determined eligible will be sent an email with a link to the online application. The email will contain both the application form and guidance to help complete the application.

### VI. Process Timeline

Funding rounds take place annually according to the following time line:

**January-** Each cycle will begin with an announcement of the solicitation and a due date for the LOI (generally the first of February). The LOI will serve to provide information on the applicant, the project, and criteria to determine project eligibility.

## Ordinance 16-33

**February** - The LOI must be received by deadline. If the project does not meet all eligibility criteria or the LOI is incomplete, the project will be deemed to be ineligible. The District Transportation Alternatives Program Coordinator will review LOI to determine eligibility and the Office of Local Programs will review for concurrence.

**March**- Sponsors of proposed projects that have been determined eligible will be sent an email with a link to the online application. The email will contain both the application form and guidance to help complete the application. Sponsors are to complete online application by deadline.

**May- Applications are due no later than May 16, 2016.** The district will contact the applicant to discuss the project and may schedule a field review requesting applicant attendance. The projects will be reviewed and scored according to established criteria.

**June**- Upon completion of the field review, the district will then complete the District assessment and evaluation and forward to the Office of Local Programs. Concurrently with the review and evaluation by the districts, the Office of Local Programs will review and score applications based on category-specific criteria.

**July**- Final project evaluation and selection by the Project Selection Committee will be made up of Office of Local Programs' personnel, at least three district Transportation Alternative Program Coordinators. The district members will be taken on a volunteer basis. The committee will review the combined district and Office of Local Programs' scores and make funding recommendations to the Deputy Director based on scores, merit and availability of funds. It should be emphasized that the ranking process does not require the selection committee to fund projects in order of their ranking. The ranking is a means to help the committee generally prioritize and rank projects. Other factors the Selection Committee determines to be relevant may be taken into consideration such as geographical distribution and whether the project is stand alone or in conjunction with another planned project.

**August**- After project evaluation and selection, letters will be sent out to both award recipients and to those applicants whose projects were not selected for funding. Announcement of awards is expected late summer/early fall 2016. From the time that the project award notification is made the sponsor will have one month to contact the District TAP Manager to begin the process of programming the project with ODOT. Final approval is pending a review of the project and estimate with the ODOT District Office.

# Ordinance 16-33

## **Attachment A** **SELECTED\* FEDERAL REQUIREMENTS**

### **National Environmental Policy Act (NEPA)**

This act requires Federal agencies to disclose and consider, through an Environmental Assessment and, sometimes, through an Environmental Impact Statement, any significant effect a project may have on the environment (including cultural, natural, social and historical resources). Except in unusual circumstances, a TE project will be processed as a categorical exclusion (CE). A CE does not mean that no environmental work is required, only that there is not a significant environmental effect; therefore, less documentation is required.

### **Section 4(f) of the U.S. Department of Transportation Act**

The FHWA cannot approve a project that uses land from a Section 4(f) resource (publicly owned parks, recreation areas, wildlife and waterfowl refuges, and national, state, or local historical sites) unless the project sponsor is also the owner/administrator of the park, or FHWA determines that no feasible alternative exists. In such a case, all efforts must be made to minimize harm to the resource. Note that this Section does not apply to restoration, rehabilitation or maintenance of historic transportation facilities if the work does not adversely affect the resource's historic qualities.

### **Section 106 National Historic Preservation Act (NHPA) of 1966**

Federal agencies are required to consider the potential effects of a project on a property that is listed in or eligible for the National Register of Historic Places.

### **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, As Amended**

This act provides requirements in the real property acquisition and provides for relocation payments. Note that all Transportation Alternative projects are subject to the Act except those that do not involve acquisition of additional property or relocations.

### **Brooks Act**

Federally assisted consultant contracts for engineering and related design services must use qualification-based selection procedures, which disallow price as a factor in the selection process. Note that Ohio's procedures mirror the Brooks Act.

### **Competitive Bidding**

Construction projects must be advertised and awarded to the lowest responsible and responsive bidder through open competitive bidding.

### **Predetermined Minimum Wage (Davis-Bacon)**

The minimum prevailing wage rate must be paid to all workers on Federal-aid highway projects that exceed \$2,000. Note that if the project is a transportation facility and is eligible solely on function (e.g., restoration of a railroad



ORDINANCE NO. 16- 34

**AN ORDINANCE ESTABLISHING SANITARY SEWER RATES.**

**WHEREAS**, Chapter 925.01 of the Codified Ordinances of Zanesville pertains to sanitary sewer rates; and

**WHEREAS**, it is now necessary to increase sanitary sewer rates as noted herein to maintain the integrity of plant and system operations.

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

**SECTION ONE:** Chapter 925.01 of the Codified Ordinances of the City of Zanesville is hereby amended in the following manner:

**Currently reads:**

<b>Residential</b>	\$4.28 min. monthly bill per unit
plus	
for each 100 cubic feet	\$3.41 per 100 cubic feet
<b>Multiple Family Dwelling</b>	\$8.60 min. monthly bill per unit
plus	
for each 100 cubic feet	\$3.41 per 100 cubic feet
<b>Business Rate</b>	\$17.20 min. per monthly bill per unit
plus	
for each 100 cubic feet	\$3.99 per 100 cubic feet
above 100,000 cubic feet	\$3.00 per 100 cubic feet
<b>Outside City Sewer Rates</b>	A 30% surcharge will be added to the above rates.

**Shall be amended to read:**

<b>Residential</b>	\$4.98 min. monthly bill per unit
plus	
for each 100 cubic feet	\$3.66 per 100 cubic feet
<b>Multiple Family Dwelling</b>	\$10.00 min. monthly bill per unit
plus	
for each 100 cubic feet	\$3.66 per 100 cubic feet
<b>Business Rate</b>	\$19.40 min. per monthly bill per unit
plus	
for each 100 cubic feet	\$4.29 per 100 cubic feet
above 100,000 cubic feet	\$3.20 per 100 cubic feet
<b>Outside City Sewer Rates</b>	A 50% surcharge will be added to the above rates.

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

**PASSED:** \_\_\_\_\_, 2016

**ATTEST:** \_\_\_\_\_  
Sue 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- 35  
INTRODUCED BY COUNCIL

AN ORDINANCE TO AMEND AND REVISE THE ZONING MAP AND  
MAKE PERMANENT ZONING IN THE CITY OF ZANESVILLE, OHIO  
AS HEREIN PROVIDED

WHEREAS, an application has been duly made requesting a zone change from RM-1 Low-Density Multi-Family Residential to C-4 Highway Commercial; and

WHEREAS, proper notification of the intent of this Council to consider this request to rezone the below described property was given to abutters within 200 feet of the requested rezoning and in a newspaper of general circulation; and

WHEREAS, after testimony and discussion the Zanesville Planning Commission recommended to City Council that the zone change request further identified on Exhibit "A", be approved.

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

SECTION ONE: The application for rezone change with respect to the real property hereinafter described and shown in Exhibit "A" is hereby approved and the zoning with respect to said property is so changed.

SECTION TWO: The Zoning Map of the City of Zanesville, Ohio, and the same is hereby amended and revised by changing the zoning as follows:

From RM-1 Low-Density Multi-Family Residential to C-4 Highway Commercial, situated in the City of Zanesville, County of Muskingum, and State of Ohio, and bounded and described as follows:

Auditors Parcel #85-31-02-19-000 & 85-31-02-18-000, also known as lot 35 and part of lot 36 of the Richland Place Subdivision, recorded in Deed Volume 2623, Page 260, said Deed Volumes being located in the Muskingum County Recorder's Office.

SECTION THREE: This Ordinance shall take effect upon the approval of the Mayor and 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

[Print](#) | [Back](#)

### Muskingum County GIS



Notes

Rhonda Heskett,  
Budget & Finance Director

ORDINANCE NO. 16-24  
INTRODUCED BY COUNCIL

PROVIDING APPROPRIATIONS FOR USE DURING THE FISCAL YEAR 2016, AND  
DECLARING AN EMERGENCY

**WHEREAS**, City Council must establish an annual budget for the operations of the City of Zanesville for the fiscal year 2016; and

**WHEREAS**, said budget must be passed and be in effect on or before April 1, 2016; and

**WHEREAS**, In order to maintain the daily operations of municipal departments within the City it is essential this ordinance become effective prior to thirty days after passage.

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

**SECTION ONE:** The City of Zanesville's FY 2016 working budget is attached as Exhibit 1, and with Council's approval shall be amended as necessary to meet the daily operations of the City.

**SECTION TWO:** Out of the monies known to be in the Treasury and estimated to come into the Treasury during the period from January 1, 2016 through December 31, 2016, from the collection of taxes and from all other sources of revenue, there is hereby appropriated the following amounts set forth in the columns designated as "Appropriations." Each of the following sections numbered 101.0000.41102 etc. (Revenues) and 101.1021. etc. (Appropriations), is hereby declared to be a separate and distinct section for purposes of this ordinance.

**SECTION THREE:** The amounts presented in the budget for the years, 2014 and 2015 are provided for informational purposes only.

**SECTION FOUR:** 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 of the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

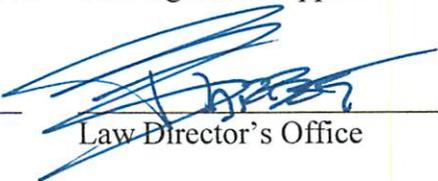
PASSED \_\_\_\_\_, 2016

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

**THE CITY OF ZANESVILLE  
WORKING BUDGET 1/1/2016 - 12/31/2016  
ORDINANCE #16-24 (Exhibit #1)**

		<u>BUDGET 2016</u>	<u>ACTUAL 2015</u>	<u>ACTUAL 2014</u>
<b>101</b>	<b>GENERAL FUND</b>			
	BALANCE AVAILABLE	\$3,014,226	\$3,306,636	\$4,019,315
<b>REVENUES:</b>				
101.0000.41102	Real Estate Taxes	\$990,000	\$994,837	\$993,772
101.0000.41103	Personal Property Taxes	0	9	13,967
101.0000.41104	Sales & Intangible Taxes	750,000	757,004	718,623
101.0000.41106	State Liquor Tax	45,000	45,744	46,772
101.0000.41107	State Cigarette Tax	2,000	1,608	1,980
101.0000.41108	Inheritance Tax	0	156,599	394,562
101.0000.41110	Admission Tax	1,000	878	1,855
101.0000.41117	Special Assessment Tax	9,000	615	213
101.0000.42101	Taxi License	250	340	240
101.0000.42102	Curb and Street Cut Permits	1,500	1,975	330
101.0000.42103	Theaters, Shows and Dance Licenses	2,020	2,021	2,021
101.0000.42104	Bowling and Billiard Licenses	1,500	1,500	1,500
101.0000.42105	Cable TV Franchise Fee	340,000	292,268	301,966
101.0000.42106	Mechanical Amusement License	10,000	10,000	4,800
101.0000.42107	Gas/Electric/Phone Deregulation Fees	0	0	0
101.0000.42108	Electrician Licenses	5,000	4,490	6,313
101.0000.42109	Parking Lot Licenses	150	110	104
101.0000.42113	Pawnbroker Licenses	400	0	600
101.0000.43101	Residential Building Permits	\$15,000	\$17,823	\$17,712
101.0000.43103	Vacant Property Registration Fees	10,000	7,200	8,900
101.0000.43105	Stormwater Drainage Permits	5,000	6,101	2,150
101.0000.43107	Right-of-Way Fees	44,900	44,900	41,500
101.0000.44101	Court Fines and Costs	\$350,000	\$315,412	\$236,326
101.0000.45101	Sale of Assets	\$15,000	\$300,014	\$0
101.0000.46100	Government Administrative Charges	\$570,000	\$264,090	\$580,660
101.0000.46103	Postage Charges	15,000	16,579	16,555
101.0000.46105	Civil Service Testing Fees	5,000	4,565	1,400
101.0000.46110	Commercial Building Charges	30,000	52,421	36,539
101.0000.46111	Recreation Activity Revenue	10,000	3,390	3,917
101.0000.46119	Building Rent	7,200	6,400	12,050
101.0000.46125	Bandwagon Rental	2,000	1,440	720
101.0000.47326	Indigent Defense Fees Reimbursement	\$48,000	\$0	\$0
101.0000.48205	Transfer from Income Tax Fund	\$10,679,208	\$10,371,407	\$9,046,542
101.0000.48824	Transfer from Unclaimed Monies Fund	1,450	1,069	4,918
101.0000.49101	Interest Income	\$10,000	\$12,214	\$18,168
101.0000.49106	Ohio PUSTR Compensation	19,200	149	0
101.0000.49140	Returned Check Charges	100	60	30
101.0000.49175	Interfund Receivable	7,602	0	0
101.0000.49195	Other Grants	0	15,658	0
101.0000.49199	Miscellaneous Revenues	135,000	132,765	91,749
	<b>TOTAL RECEIPTS</b>	<b>\$14,137,480</b>	<b>\$13,843,655</b>	<b>\$12,609,454</b>
	<b>TOTAL AVAILABLE FUNDS</b>	<b>\$17,151,706</b>	<b>\$17,150,291</b>	<b>\$16,628,769</b>

Department of Community Development  
Jay D. Bennett, Director



**ORDINANCE NO. 16 – 20 Amended  
INTRODUCED BY COUNCIL**

**AN ORDINANCE AUTHORIZING A PARTNERSHIP AGREEMENT BETWEEN MUSKINGUM COUNTY AND CITY OF ZANESVILLE FOR THE APPLICATION AND ADMINISTRATION OF THE PY 2016 COMMUNITY HOUSING IMPACT AND PRESERVATION PROGRAM (CHIP).**

**WHEREAS**, the City of Zanesville will be the Partner and Muskingum County will be the Grantee of the Partnership; and

**WHEREAS**, the Grantee, in conjunction with the Partner, is applying for PY 2016 Community Housing Impact and Preservation Program (CHIP) funding from the State of Ohio, Development Services Agency, Office of Community Development; and

**WHEREAS**, Grantee and Partner wish to set forth the responsibilities and obligations of each in administering the grant, if funded, utilizing the State’s CDBG, HOME and Ohio Housing Trust Fund (OHTF) funds; and

**WHEREAS**, Grantee and Partner understand this agreement is contingent on PY 2016 CHIP funding from the State of Ohio, Development Services Agency, Office of Community Development (OCD); and

**WHEREAS**, the Grantee will hire an administrative consultant on behalf of the partnership and those services are detailed in an administrative services agreement; and

**WHEREAS**, this agreement is in effect until the CHIP funds are expended and the funded activities are complete and closed out. The Grantee nor the Partner cannot terminate or withdraw from the partnership agreement while it remains in effect.

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

**SECTION ONE:** That City of Zanesville authorizes the Partnership with Muskingum County, and that Muskingum County be the Grantee of the CHIP Application.

**SECTION TWO:** The City of Zanesville authorizes participation and partnership for the 2016 Community Housing Impact and Preservation (CHIP) Program Application with the State of Ohio, Development Services Agency, and to provide all information and documentation required in said Application submission.

**SECTION THREE:** That City of Zanesville hereby understand and agrees that participation in said Program will require compliance with program guidelines and assurances.

**SECTION FOUR:** That City of Zanesville hereby commits itself to provide the Partner’s local share of funding, described in the Application, if necessary.

**SECTION FIVE:** This Ordinance must accompany said Application, which must be filed with the Ohio Development Services Agency by May 6, 2016.

**PASSED:** \_\_\_\_\_, 2016

ATTEST:

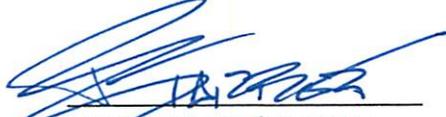
\_\_\_\_\_  
SUSAN CULBERTSON,  
Clerk of Council

\_\_\_\_\_  
DANIEL M. VINCENT,  
President of Council

APPROVED: \_\_\_\_\_, 2016

\_\_\_\_\_  
JEFF TILTON,  
Mayor

THIS LEGISLATION APPROVED  
AS TO FORM

  
\_\_\_\_\_  
LAW DIRECTOR'S OFFICE

**PETITION TO ADDRESS COUNCIL**  
**RULES FOR SPEAKING BEFORE ZANESVILLE CITY COUNCIL**

Members of the public should understand that Council meetings are not public forums. These meetings are held to conduct City business and certain portions of the meetings may be deemed to be limited public forums. In a limited public forum, Council has the right to impose reasonable content-based restrictions as long as the restrictions remain viewpoint neutral. Council can impose reasonable time, place and manner restrictions to ensure the efficient administration of municipal business. Courts have upheld rules that limit public content to the agenda item at hand do not violate the First Amendment and that speakers can be cut off for being repetitious or irrelevant as long as they are not targeted because officials disagree with their views. With that in mind, Council wants to ensure that citizens have a right to express any views that are relevant to the affairs of the jurisdiction while working to ensure the efficient administration of City business.

Zanesville City Council welcomes, values, and appreciates the varied opinions and comments from members of the public. However, to ensure that the meetings are respectful, peaceful, and orderly, it is necessary to establish rules to prevent disruption and allow City business to be accomplished in an efficient and productive manner. Members of the public will be permitted to address Council for the purpose of commenting on legislation being considered by Council and/or for the purpose of commenting regarding City actions or services that the speaker believes should or should not be taken by Council or issues that should be addressed by Council or the Administration.

Addressing Council shall not be utilized for the following purposes:

1. To debate or make personal or critical attacks against members of the public or businesses.
2. To speak in support or opposition of candidates for public office or to announce that a speaker is a candidate for public office.

It is strongly recommended, but not required, that prior to submitting a Petition, the citizen contact their Council Representative (or any Council Representative) to discuss and possibly resolve the Citizen's concern. This would also provide an opportunity for the Council Representative to act as an advocate for the Citizen if warranted. **For assistance, call the Clerk of Council at 740-455-0601 ext 149 or email [council@coz.org](mailto:council@coz.org)**

Remarks are Limited to 3 minutes unless additional time is granted by Council (which shall be granted in 3 minute increments). To extend a speaker's time, a member of Council shall make a motion to waive this rule and extend the speaker's time by 3 minutes, followed by a second of the motion, and a majority vote in favor by Council. This time limit shall not apply to Special Guests, Subject Experts, City Employees, Elected Officials and City Administration who are invited to provide information, reports, or testimony to Council and they are not required to fill out a Petition to Address Council. Numerous courts have upheld ejections from Council meetings based on speakers going off topic, being unduly repetitive, yelling, or refusing to stop speaking after their allowed time expired. The 3 minute time limit will be strictly enforced.

Speaking before Council is limited to only once for each Communication, Resolution or Ordinance, and only once for a Private Petition/non-Agenda item per Council meeting. A completed petition is required for each request. All comments must be directed to the President or Council as a body.

The following General Rules of Decorum shall apply to all individuals addressing Council:

1. Individuals desiring to address Council shall wait to be recognized by the President. After having been recognized, he or she shall approach the podium, state his or her name and address and then proceed to address Council as a whole and not any individual.
2. All comments will be made in a courteous and respectful manner by all parties and not in an overly loud or boisterous manner.
3. No person who addresses Council shall make personal, impolite, repetitive, disrespectful, hostile, disparaging, slanderous, offensive, threatening, obscene, or profane remarks. Speakers shall not conduct themselves in a manner that disrupts or impedes the orderly conduct of the meeting or otherwise constitutes disorderly conduct. "Disruption" has been held to include any conduct that violates generally or specially established rules such that the orderly conduct of the meeting is harmed. The following example has been held to being disruptive- "speaking too long, by being repetitious, or by extending discussion of irrelevancies."
4. All comments made by the public shall be made from the speaker's podium. No comments shall be made from any other location (other than members of Council and the Administration), and anyone making "out of order" comments may be subject to removal.
5. The President shall have the sole discretion to determine whether or not a speaker's conduct is violating these Rules of Decorum. If in the President's discretion the rules are being violated, the President may take any action necessary to preserve the due conduct of the meeting, including but not limited to: (1) verbal warnings; (2) denial or termination of speaking privileges; (3) removal from the meeting; (4) banning an individual from speaking at future Council and Committee meetings; and (5) request for law enforcement to remove or arrest the individual (ORC 2917.12). These possible sanctions by the President need not be progressive in nature.

No repetition of remarks shall be permitted nor speaking on the same subject matter will be allowed at more than three meetings, unless there has been a substantive change to the legislation or situation as determined by the President.

To accommodate special needs or circumstances that are in the best interest of the City, Council may temporarily suspend any of these rules, by motion, second and 2/3 majority vote (6 votes), which includes the opportunity to address Council without written notice.

If a speaker does not speak on a matter concerning the legislative or administrative responsibilities of city government, the President may terminate the right to speak and refer the speaker to more appropriate public forum.

Signs and banners are not permitted in Council Chambers. This prohibition does not apply to charts, diagrams, enlarged photographs, or other demonstrative exhibits or visual media utilized by a speaker in presenting testimony to Council.

Any variance or waiver of these rules shall be by a 2/3 majority vote (6 votes) of Council.

PETITION TO ADDRESS COUNCIL

IT IS ADVISED THAT YOU READ AND FAMILIARIZE YOURSELF WITH THE ABOVE-LISTED RULES AS WELL AS ALL RULES SET FORTH IN CHAPTER 111 OF THE CODIFIED ORDINANCES OF THE CITY OF ZANESVILLE PRIOR TO SPEAKING BEFORE COUNCIL.

Those desiring to address Council must complete a "Petition to Address Council." These Petitions are available in the Clerk's office, online, by email request, and in Council Chambers. To speak on a non-agenda item, the completed Petition must be provided to the Clerk of Council by noon on Wednesday the week prior to the Council meeting to be eligible to speak at the meeting. To address Council on an item that is on the agenda, the Petition must be provided to the Clerk of Council fifteen minutes prior to beginning of the meeting. Council will not consider an incomplete Petition to Address Council, which requires the following: Name, Organization Representing (if any), Address, Telephone Number, Email Address (optional), Ordinance/Resolution Number and if For or Against the legislation, and if not speaking on an agenda item list the Subject. Also required is a Signature and Date to indicate "I Have read the restrictions and guidelines regarding speaking before Council, including those set forth in Chapter 111 of Zanesville's Codified Ordinances. I understand and agree to abide by these rules and acknowledge that my failure to abide by these rules may result in my request to speak being denied or terminated". It is recommended that any available supporting documentation be submitted with the Petition to ensure that Council and City Administration have the information necessary to effectively respond to the concern. All documents submitted to Council become public documents, so please ensure that all personal and private information is redacted (deleted or removed).

NAME: Eric Jones

REPRESENTING AN ORGANIZATION (IF YES, PLEASE LIST): MYSELF

ADDRESS: 221 Luck Ave

TELEPHONE: 740 588-1839

EMAIL (OPTIONAL):

COMMUNICATION/RESOLUTION/ORDINANCE #: \_\_\_\_\_ FOR OR \_\_\_\_\_ AGAINST

IF YOU ARE NOT SPEAKING ON AN AGENDA ITEM, YOU MUST INDICATE YOUR SUBJECT BELOW:

WASP-MEM vs Women's Duties

I HAVE READ THE RESTRICTIONS AND GUIDELINES REGARDING SPEAKING BEFORE COUNCIL, INCLUDING THOSE SET FORTH IN CHAPTER 111 OF ZANESVILLE'S CODIFIED ORDINANCES. I UNDERSTAND AND AGREE TO ABIDE BY THESE RULES AND ACKNOWLEDGE THAT MY FAILURE TO ABIDE BY THESE RULES MAY RESULT IN MY REQUEST TO SPEAK BEING DENIED OR TERMINATED.

SIGNATURE: Eric Jones

DATE: 03/07/16

