

**City Council meeting  
Agenda of business  
July 25, 2016**

The Lord's Prayer

Pledge of Allegiance to the flag

Item  
no.

**A. Roll call**

**B. Approval of minutes**

**C. Communications, reports, and resolutions**

1. Communications from Public Service Director Jay Bennett–City Cemeteries 2<sup>nd</sup> Quarterly Report (2016)
2. Communication from Public Service Director Jay Bennett – Zanesville Municipal Airport Quarterly Report 2<sup>nd</sup> Quarter (2016)
3. Communication from Public Service Director Jay Bennett – City Cemeteries' Bylaws, Rules & Regulations/Rate Revisions.

**D. Proposed ordinances**

4. Ordinance No. 16-73 – Introduced by Council – An Ordinance authorizing the proper city official to dispose of surplus property. (First Reading)
5. Ordinance No. 16-74 – Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids for Management Services for the Riverside Softball and Soccer Complexes. (First Reading)
6. Ordinance No. 16-75 – Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids for Management Services for Gant Park Municipal Stadium Complex. (First Reading)
7. Ordinance No. 16-76 – Introduced by Council – An Ordinance authorizing the proper city official to enter into a lease agreement of a Pierce Pumper for the Department of Public Safety Fire Department through the State Purchasing Agreement, and declaring an emergency. (Emergency or First Reading)

8. Ordinance No. 16-77 – Introduced by Council – An Ordinance authorizing the assessment of liens against certain properties with delinquent bills, and declaring an emergency. (Emergency or First Reading)

**E. Ordinances for action**

9. Ordinance No. 16-68 – Introduced by Council – An Ordinance amending Ordinance No. 00-16 The Classification Plan, and Ordinance No. 13-16A The Unaffiliated Employees Ordinance increasing pay range of the Municipal Court Probation Officer. (Second Reading)
10. Ordinance No. 16-70 – Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids and enter into contracts for cleaning, rehabilitation, and maintenance of potable water supply wells #11 and #16. (Second Reading)

**F. Traffic orders**

None

**G. Miscellaneous and unfinished business**

**H. Private petitions and communications**

**Non-agenda item petitions filed**

Mr. Eric Jones, 221 Luck Avenue, Zanesville, Ohio 43701 speaking on Tenets of democracy.

CITY COUNCIL MEETING – MONDAY, JULY 11, 2016

The Council of the City of Zanesville met in regular session at 7:00 p.m. on Monday, July 11, 2016 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

Mr. Vincent led those present in the Lord's Prayer and the Pledge of Allegiance to the Flag.

The following members of Council answered Roll Call: Mrs. Osborn, Mr. Wolfe, Mr. Foreman, Mr. Roberts, Mr. Baker, Mrs. Norman, Miss Bradshaw, Ms. Gildow, and Mr. Vincent.

Mr. Wolfe made a motion to excuse Mrs. Gentry and it was seconded by Mr. Foreman. A voice vote was taken with all in favor.  
Motion carries. Mrs. Gentry stands excused.

**APPROVAL OF MINUTES**

Mr. Wolfe moved to accept the minutes June 27, 2016 as provided, seconded by Mrs. Osborn.

Motion carried.

**COMMUNICATIONS, REPORTS, AND RESOLUTIONS**

Communication from Rhonda Heskett, Budget and Finance Director-Alternative Tax Budget Information – Pursuant to Ohio Revised Code 5705.281, the County Budget Commission has waived the requirement for taxing authorities within Muskingum County to adopt Tax Budgets. However, the Commission does require taxing authorities to provide information in the form of an Alternative Tax Budget. It has therefore been submitted.

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

With no further discussion, all were in favor of receiving. None opposed.  
Motion carries.

**PROPOSED ORDINANCES**

Ordinance No. 16-61 - Introduced by Council – An Ordinance authorizing the proper city official to apply for an Ohio Water Development Authority Loan for multiple water projects and authorizing the expenditure of funds for the purchase of materials for the construction of said projects, and declaring an emergency.

Mr. Roberts added a note this was discussed in a Public Service Committee meeting and it is the recommendation of said committee to advise Council that the Committee

recommends both waiving the readings and approving this legislation tonight. With that, I will move to waive.

The motion was seconded by Mr. Foreman, with no further discussion from Council.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mrs. Sandy Gentry

Motion carries.

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

Mr. Vincent: Is there any discussion? What came from the meeting and I have had calls on this, up in that area the supply lines are very small. There is very little water pressure and it would be very hard to shower in the areas like Lookout Drive, Venture Lane, and some of the others. It will be a big help. Some people have installed pumps to draw water from the line to give them more pressure, but it is a detriment to their neighbors. This would be very helpful and bring more supply. Some of these areas are served by two inch lines and will need bigger lines in the future, but this will make a difference.

Mr. Bennett explained this is one of four projects that the City would propose to use with the money. One of the other areas is the remaining Linden Avenue, north of Adair, going out to McConnell and on out to improve the water lines in these areas also. The City will try to expedite that project and it will be the first one in order to go ahead of the paving that is due for North Linden Avenue next spring. The other project is a small alley water line in the Laurel Avenue area that will help circulation. The last project proposed with these funds would be the cleaning of water wells 11 and 16. In order for City crews to get that much line laid, between the other work they do, they will start late summer and it will go into the spring of 2017.

Mr. Vincent said there were a lot of great comments made about the City workers and the Water Department as far as their abilities to lay water line and how well they perform. It is very much appreciated and this is saving tax payers money.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mrs. Sandy Gentry

Ordinance is passed.

Ordinance No. 16-68 - Introduced by Council – An Ordinance amending Ordinance No. 00-16 the Classification Plan, and Ordinance No. 13-16A the Unaffiliated Employees Ordinance increasing pay range of the Municipal Court Probation Officer.

Mrs. Osborn moved for first reading, seconded by Ms. Gildow.

Mr. Vincent explained Judge Joseph was not available and the Municipal Court Clerk Vicky Kirk was asked to come in case Council had any questions or if she had information to share.

Vicky Kirk, Municipal Court Clerk, explained in May that Jim Evans of Evans and Associates was requested to point factor the changing job description for the Probation Department. This was in part due to the job duties changing because the position had taken on the title of Program Director for the grant that partially funds the Probation Department. With this grant there are 48 different standards that have to be met every year. If any one of the standards is not met at any time we could lose that funding. It is important and when we had Mr. Evans look at the job description he felt it needed to go from a pay range seven to a pay range nine.

The grant amount is around \$60,020 a year, but not sure on the actual amount. The City contributes some money to for pay and benefits, but without it we would be without that entire amount. The state is in the process now of trying to re-doing the standards for Municipal Court because they are similar to what they have at the Common Pleas Court level. Some of those standards are ones that really do not benefit the Municipal Court Probationers as well as they want to develop them.

Mr. Vincent said so there is increased duty and increased cost, but it is far less than what the grant totals, so very important.

Mrs. Osborn asked if it is an ongoing grant year after year or is this something that will need to be re-evaluated once the grant is over.

Ms. Kirk said the grant is audited once a year to make sure we are meeting the standards. The grant goes from July 1 to July 1 of the following year so it was actually just renewed for the 2016-2017 year. It is something we count on and it is something that is audited every year. So far we have been able to meet those standards.

Mr. Vincent commented there are significant requirements to hold this position.

Ms. Kirk said there is a lot that the position is required to do. He does a pretty good job at it.

A voice vote was taken and all were in favor of first reading. None were opposed.  
Motion carries.

Ordinance No. 16-69 Amended - Introduced by Council – An Ordinance authorizing the proper city official to submit an application to the U.S. Environmental Protection Agency for an award of Brownfields Area-Wide Planning Grant and declaring an emergency.

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

Mr. Bennett asked if the revised copy was available. Yes, it is available and needs a request to amend.

Ms. Gildow would like to propose that we amend Section Two of Ordinance 16-69 in the first line of Section Two the word Resolution should be replaced by the word Ordinance. It was seconded by Mr. Baker.

A voice vote was taken on the amendment with all present in favor of the motion. Motion carries.

Mr. Roberts moved to waive the readings on Ordinance 16-69 as amended and it was seconded by Mr. Baker.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mrs. Sandy Gentry

Motion carries.

Mrs. Norman moved for passage and seconded by Mr. Baker. No further discussion.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mrs. Sandy Gentry

Motion carries. Ordinance is passed.

Ordinance No. 16-70 - Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids and enter into contracts for cleaning, rehabilitation, and maintenance of potable water supply wells #11 and #16.

Mrs. Osborn moved for first reading, seconded by Mr. Foreman.

Ms. Gildow asked if this would be the correct time to recommend that we pass this as an emergency.

Mr. Vincent asked Mr. Bennett if there is any rush on this Ordinance. Mr. Bennett said with the application going in to OWDA at the end of this month it could go another reading. Mr. Vincent asked if they waived the readings at the next meeting we would still have 30 days holding and we are still fine? Mr. Bennett said yes, that would be perfect.

Mr. Vincent asked if there is anything else. There was no response, so a voice vote was taken with all present in favor.

Motion carries.

Ordinance No. 16-71 - Introduced by Council – An Ordinance authorizing the proper city official to execute a change order to Brian Addis Architect, LLC for the design build project for Secrest Auditorium, and declaring an emergency.

Ms. Gildow moved to waive the readings, seconded by Mr. Roberts.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mrs. Sandy Gentry

Motion carries.

Mrs. Norman moved for passage, seconded by Miss. Bradshaw.

Mrs. Osborn asked what the additional work performed was.

Mayor Tilton shared the extra work was on the west wall. There was an opinion that the wall coating was asbestos so we had to have it tested. We found out that it was not asbestos, but that was the additional cost.

Vincent: So it was good news and less expensive for testing and the negative results.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mrs. Sandy Gentry

Motion carries. Ordinance is passed.

Ordinance No. 16-72 - Introduced by Council – An Ordinance authorizing the purchase of real property identified as Muskingum County Tax Parcel Numbers 83-09-01-02-000 and 83-09-01-03-000 (Also known as 454 Cliffwood Avenue), and declaring an emergency.

Mr. Roberts stated this also came before the Public Service Committee earlier tonight and it was suggested to Council that this be passed as an emergency tonight and with that I will move to waive.

It was seconded by Mr. Foreman.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mrs. Sandy Gentry

Motion carries.

Mr. Foreman moved for passage, seconded by Mr. Wolfe, with no further discussion.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mrs. Sandy Gentry

Motion carries. Ordinance is passed.

## **ORDINANCES FOR ACTION**

Ordinance No. 16-67 Amended - Introduced by Council – An Ordinance authorizing the proper city official to enter into Lease Agreement No. 001-0645290-301 with TCF Equipment Finance and declaring this ordinance to be an emergency due to the financing timeline.

Mr. Foreman moved to waive the readings, second by Mr. Roberts.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mrs. Sandy Gentry

Motion carries.

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

Mr. Bennett explained he wanted to make sure he met with the Fleet Manager and the Street Superintendent to go back to the previous purchase the City had made in 2003 of a Regen Sweeper. He wanted to check the data on what was spent on parts, equipment, labor, for the first five years. After review of the information Mr. Bennett is satisfied the City within that five-year time frame if we chose to trade it in and get another one and measured that 30% tire wear I felt like we would have that met and he is fairly satisfied that we would be fine with that five-year term to give ourselves an option to trade it in or go ahead and keep it.

Mr. Wolfe asked Mr. Bennett about Section Two of this Ordinance the terms are slightly different than the previous one. Does that include the purchase agreement in there, but we would still have the option to trade it in at that \$70,000 figure?

Mr. Bennett said correct. That commitment is within the packet from the last time from Southeastern Equipment that they would give us that \$70,000 trade-in.

Mr. Wolfe then stated this assumes we would purchase it, correct?

Mr. Bennett agreed it is a lease purchase and if we want to trade at that time and do another one and we would go with Southeastern we would receive that benefit.

Roll call vote for passage.

8 Ayes  
0 Nays  
1 Absent Mrs. Sandy Gentry  
Motion carries. Ordinance is passed.

Ordinance No. 16-63 – Introduced by Council – An Ordinance authorizing the proper city official to establish a Municipal Facilities Capital Project Fund.

Mrs. Osborn moved for third reading and passage, seconded by Mr. Foreman with no further discussion.

Roll call vote for passage.  
8 Ayes  
0 Nays  
1 Absent Mrs. Sandy Gentry  
Motion carries. Ordinance is passed.

#### **TRAFFIC ORDERS**

None

#### **MISCELLANEOUS AND UNFINISHED BUSINESS**

Mayor Tilton: As you know we were looking to re-build Kidzville this fall, but after talking to the designer and looking at how big this project is and how many volunteers and equipment we will need, we are looking at next spring to build it. Tonight I am asking for community leaders to step forward and help us lead this project in different areas like logistics, donations, and taking food donations to feed the crews. During the winter we will have meetings once a month to make sure we have everything in place so next spring we can hit this project and get it done.

The Mayor also announced that the Y-Bridge Arts Festival will take place again at Zane Landing on August 5 from 8:00 to 10:00 and Saturday, August 6<sup>th</sup> from 11:00 a.m. to 9:00 p.m.

Mr. Vincent said that is a lot to pull together for Kid-Z-ville and we want to do it right. It will be exciting and I am sure we have a very giving community and many people will step up.

Mayor Tilton said from what he understands when the first Kidzville was built, it happened the same way. Different people took care of different parts of the project and it was done. So that is just what we are looking for is some of those people to step forward again and take over those roles.

Mr. Vincent said like a Kidzville reunion for some of the people who helped before.

Mr. Baker then asked the Mayor if he anticipates having a list of various tasks or jobs with the categories so people know exactly what the needed is and how to fulfill it.

Mr. Bennett said we have a list. If anybody is interested in signing up to lead any part of the project whether it helps the Mayor, fund raising, volunteerism, recruiting, organizing, or taking care of getting tools donated. There is a push I have heard from various individuals and groups saying we would like to buy a brick or have something with some sort of remembrance. Those things can be done. Fund raising can happen. We would prefer to keep that outside of the City. Mr. Bennett sees people almost daily who come up and say when is Kidzville going to be built; I still have my pin from the first one. So buying pins with Kidzville II on them. Those are all fund raising things to sponsor so it will be a huge effort. They are planning a five day build; Wednesday through Sunday. They are talking 140 volunteers on the Wednesday and Thursday dates and Friday, Saturday, and Sunday 220 per day. It is a massive effort to come in and build it. We need the folks as the Mayor asked for leaders to come and say I will lead this part of the project in cooperation with these other individuals. The designer has job descriptions. There is a blue print for this. This is not the first time it has been done either here or across the country. We have all of that information and we are just looking for community leaders to step forward. If they wish to do so, please contact Mr. Bennett's office or the Mayor's office.

Mr. Vincent: We do have people, I think a group of women that lead it before and they had personal experience.

Mr. Bennett said he has had his net out there casting for Tara Poorman. She has eluded his net so far, but he understands from some folks who she works with that they are going to make her available to us again.

## **PRIVATE PETITIONS AND COMMUNICATIONS**

### **Non-agenda item petitions filed**

Mr. Eric Jones, 221 Luck Avenue, Zanesville, OH 43701 speaking on tenets of democracy.

Mr. Eric Jones stated instead of speaking on tyranny he will do it this way on democracy. He requested Council to do homework of reading two books. He feels Council should have already read if they plan to support the Constitution. One is Roberts Rules of Order and second is the Federalist Papers. What he is going to do is give quick three minute lessons. First are the tenets of democracy. Basically there are six of them:

1. The quality of rights of the members
2. The majority rules
3. Minority has rights-one of them is to be heard.
4. Right of discussion. That is just between the members.

5. The right of information. You can ask and receive information from the President of Council.

6. Fairness and good faith.

You can say a lot of things about me. He feels he is doing this the right way. He is coming down here trying to have discussion and conversation. He says Mr. Vincent is a tyrant. Mr. Vincent is free to stand up and say why he is not a tyrant. We are going to start with the quality or rights of the members. If you understand that you are the members; Mr. Jones is not. According to 15-44 he is an invitee. There are no citizens of Zanesville. Even though the Mayor said the citizens of Zanesville, he meant to say the residents of Zanesville. That has been taken away by Ordinance. Ordinance 15-44 says we are invited and this meeting belongs to you, the. Aristocracy, you can call them the elite. At the end of the day we have been opted out. The only way to get back in is to come down and declare that you do not consent to being an invitee and that you want to be a citizen. Now each time he comes here he is going to try to build on those six things. He said it would be nice if Council did their homework. It is not that hard. Read the Declaration of Independence, the Constitution, especially if you want to support the Constitution. My time is up, thank you.

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

Mr. Roberts moved to adjourn and Mrs. Osborn seconded the motion. A voice vote was taken with all in favor. None were opposed.

Motion carries.

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

The meeting was adjourned about 7:30 p.m.



Council-Mayor Government  
Jeff Tilton, Mayor

# The City of Zanesville

401 Market Street, Zanesville, Ohio 43701

Phone: (740) 455-0601 x101

Email: jay.bennett@coz.org



## Department of Public Service

Jay D. Bennett, DIRECTOR

# MEMO

**TO:** Honorable Members of Council

**FROM:** Jay D. Bennett, Public Service Director

**DATE:** July 8, 2016

**RE:** City Cemeteries 2<sup>nd</sup> Quarter Report (2016)

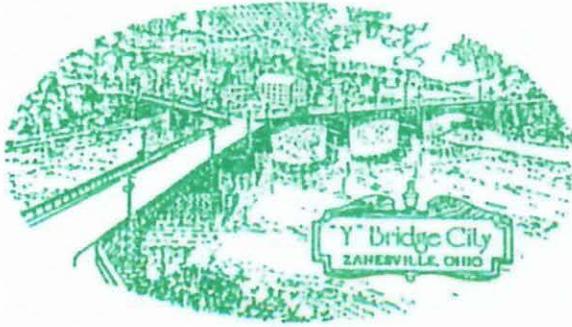
**CC:**

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In accordance with Ohio Revised Code, please find attached the 2<sup>nd</sup> Quarter Report of 2016 for the City of Zanesville Cemetery Division from Jeff Johnson, Cemeteries/Parks Superintendent.

JDB/bc

Attachment



# City of Zanesville

**JEFF JOHNSON**

**SUPERINTENDENT, CEMETERIES & PARK MAINTENANCE**

401 Market St., Zanesville OH 43701

740-455-0637

## *Cemetery Division*

2016 2nd Quarter Report

	<b>Interments</b>	<b>Lot Sales</b>	<b>Transfers</b>
April	9	7	0
May	7	2	0
June	5	2	1
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<b>Total</b>	<b>21</b>	<b>11</b>	<b>1</b>

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	<b>Cemetery Operating</b>	<b>Cemetery Development</b>	<b>Cemetery Endowment</b>
April	7,790.45	3,523.50	391.50
May	4,860.00	1,986.75	220.75
June	5,998.60	1,980.00	220.00
	-----	-----	-----
<b>Total</b>	<b>\$18,649.05</b>	<b>\$7,490.25</b>	<b>\$832.25</b>

**Total: \$26,971.55**



Council-Mayor Government  
Jeff Tilton, Mayor

# The City of Zanesville

401 Market Street, Zanesville, Ohio 43701

Phone: (740) 455-0601 x101

Email: jay.bennett@coz.org



**Department of Public Service**

Jay D. Bennett, DIRECTOR

## MEMO

**TO:** Honorable Members of Council  
Jeff Tilton, Mayor

**FROM:** Jay D. Bennett, Public Service Director 

**DATE:** July 25, 2016

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

**CC:**

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

JDB/bc

Attachment

# ZANESVILLE MUNICIPAL AIRPORT

## QUARTERLY REPORT

APRIL 1, 2016 - JUNE 30, 2016

### FUEL SALES:

JET 25,821  
AVGAS 3,973

### CHARTER FLIGHTS:

55 TOTAL IN 2015  
53 TOTAL IN 2016

JET FUEL SALES ARE DOWN 24% FROM 2015 AND AVGAS SALES ARE DOWN NEARLY 40% FOR THE SAME PERIOD.

NO OVERTIME USED THIS QUARTER.

SEASONAL WORKER STARTED IN APRIL.

A BID OPENING ON THE 1<sup>ST</sup> OF JUNE RECEIVED NO BIDS, THEREFORE RESURFACING RUNWAY 16/34 AND APRON REHABILITATION WILL HAVE TO BE REBID IN 2017.

TOOK DELIVERY OF NEW AIRPORT PICK-UP IN JUNE. THE OLD PICK-UP IS NOW A POOL VEHICLE AT VEHICLE MAINTENANCE.

ZANESVILLE AVIATION ADDED ANOTHER JET TO THEIR CHARTER FLEET.

QUARTERLY CELEBRITY IS ENGELBERT HUMPERDINCK.



# The City of Zanesville

401 Market Street, Zanesville, Ohio 43701

Phone: (740) 455-0601 X101

Email: jay.bennett@coz.org

## Department of Public Service

Jay D. Bennett, DIRECTOR

**TO:** Members of City Council  
**FROM:** Jay D. Bennett, Public Service/Community Development Director  
**DATE:** July 25, 2016  
**RE:** City Cemeteries' Bylaws, Rules & Regulations/Rate Revisions

Ohio Revised Code 759.11 provides that:

### **Bylaws and regulations.**

*"The director of public service may make bylaws and regulations, not inconsistent with the ordinances of the city and the constitution and laws of this state, for the management and protection of the burial grounds and cemeteries under his control, and for the burial of the dead therein, and they shall have the same validity as the ordinances of the city. The director shall perform such other duties pertaining to the office as the legislative authority by ordinance prescribes."*

### **Further:**

Ohio Revised Code 759.13

### **Price of lots and terms of payment.**

*"The director of public service shall determine the size and price of cemetery lots, the terms of payment therefor, and shall give to each purchaser a receipt, showing the amount paid and a pertinent description of the lots sold. Upon producing such receipt to the proper officer, such purchaser shall be entitled to a deed for the lots described therein.*

*No more shall be charged for lots than is necessary to reimburse the city for the expense of lands purchased or appropriated for cemetery purposes, and to keep in order and embellish the grounds. Provision shall be made for the interment in such cemetery of persons buried at the expense of the city."*

Therefore, please find attached to this communication, the revised City of Zanesville Greenwood & Woodlawn Cemeteries Bylaws, Rules & Regulations that will be effective on August 1, 2016.

As reviewed with the Public Service Committee of Council, the modifications being made to the Cemetery Bylaws, Rules & Regulations include a variety of minor adjustments. These are defined as:

**INDIGENT BURIALS** - The City has removed the payments to be made by the City since staff is currently working on a Request for Proposal for these services.

**TIME PAY PLAN** - Changes to this section of the Bylaws removed the previous "down payment" amounts and instead installed a percentage of current rates which must be made in order to secure a gravesite lot.

**GENERAL RULES & INFORMATION** - Provides alternate language regarding the City's right to make modifications or amendments to the Rules & Regulations without notice.

**GRAVESITE MAINTENANCE** - Creates new provisions for the installation of (and provides parameters) gravesite "Shepherd Hooks."

**GROUND MARKERS** - Establishes that *only* flat makers will be permitted to be installed in all **newly opened sections** of the City's cemeteries.

**RESALE OF LOTS** – Inserts that sales, transfer or conveyance of any cemetery lot or interest therein must be approved by the Public Service Director.

Lastly, the revised 2016 Cemetery Rates can be found on page 11 in the document. The last increase in rates were in 2003. Over the past several years, the City's General Fund has increased its annual supplement to the Cemetery Fund. I worked with the Cemeteries/Parks Superintendent to develop the rate increase, which is premised upon an evaluation of our service costs against area (and other cities) Cemetery rates for lot sales and services. The rates are also established at a level to keep the Cemetery Endowment Fund financially stable while stabilizing the General Fund contribution.

These are the rate adjustments:

**Lot Cost**

Adult grave (10% to perpetual care).....	<del>\$610.00</del>	795.00
Child/Baby Grave (10% to perpetual care) .....	<del>\$140.00</del>	210.00
Cremation Grave (10% to perpetual care) .....	<del>\$140.00</del>	210.00

**Interment**

Adult grave & catacomb .....	<del>\$485.00</del>	525.00
Child grave (3' and under) .....	<del>\$175.00</del>	200.00
Extra deep adult (additional) .....	<del>\$215.00</del>	265.00
Extra wide adult (additional) .....	<del>\$75.00</del>	90.00
Open & close (adult), Sat.....	<del>\$685.00</del>	795.00
Open & close (child), Sat .....	<del>\$365.00</del>	460.00

Columbarium.....(new charge)

Niche	\$895.00
Interment daily	\$100.00
Interment Saturday	\$200.00

As always, I am available to answer your questions.



***CITY OF ZANESVILLE***

***GREENWOOD & WOODLAWN  
CEMETERIES***

***BYLAWS, RULES & REGULATIONS  
EFFECTIVE AUGUST 1, 2016***



## **OHIO CEMETERY DISPUTE RESOLUTION COMMISSION**

If you are experiencing a problem with a cemetery, you may file a complaint that will be heard before the Ohio Cemetery Dispute Resolution Commission. The Commission was established and vested with the authority to assist in resolving complaints against registered cemeteries by using informal techniques of mediation, conciliation, and persuasion. The Division of Real Estate and Professional Licensing provides administrative services to the Commission.

The nine members of the commission are made up of seven cemetery operators representing three types of cemeteries and two members who are representatives of the public with no interest in the death care industry. Commission members are not paid and are appointed by the Governor.

If you are unable to resolve a problem on your own, call the Division at (216) 787-3100 for a complaint form, or you may download a form from the Division's website at [www.com.state.oh.us](http://www.com.state.oh.us). All complaints must be submitted to the Division in writing on a form that is provided by the Division.

A copy of your complaint will be sent to the cemetery operator for a response. If your complaint is not resolved, you and the operator will receive a notice to appear before the Commission. The Commission only has authority to make a recommendation on how to resolve a complaint or to refer matters to the Ohio Attorney General for possible violations of the Ohio Consumer Sales Practice Act or a local prosecutor for possible violation of certain cemetery laws. Neither the Division nor the Commission is able to provide you with legal advice. You must consult with your attorney.

# *City of Zanesville*

## **BYLAWS, RULES AND REGULATIONS OF GREENWOOD AND WOODLAWN CEMETERIES**

### **For Information Concerning:**

**Preparing of Deeds**

**Transfer of Deeds**

**Costs of Lots and Services**

**Burial Arrangements**

**Locations of Lots**

**Purchase of Lots**

### **Visit or Call:**

**Greenwood Cemetery Office**

**1413 Greenwood Avenue**

**Zanesville Ohio 43701**

**Phone: (740) 455-0793**

**Email: [jjohnson@coz.org](mailto:jjohnson@coz.org) or [tlewis@coz.org](mailto:tlewis@coz.org)**

### **Office Hours:**

**Greenwood Cemetery Office**

**7:00 a.m. to 3:30 p.m. Monday through Friday**

### **Cemetery Visiting Hours: Daily**

**8:00 a.m. to 8:00 p.m. – May 1 to October 15**

**8:00 a.m. to Dusk – October 16 to April 30**



**MISSION STATEMENT**

It is the desire of the City to make Zanesville Municipal Cemeteries a place with dignified landscape effects on a well-maintained lawn. To preserve these effects will require the cooperation of every lot owner.

Everything that would mar the general beauty and harmony of the cemeteries must be avoided. Peace and good order must prevail, and the sacredness of the places maintained at all times. It is to this end that these rules are put into effect.

*Jay Bennett, Public Service Director*

*Jeff Johnson, Superintendent, Cemeteries & Parks*

*January 2016*



**WHAT IS AN ENDOWMENT CARE TRUST?**

If a cemetery association or company sells interment rights, they are required to set aside at least 10% of the gross sale proceeds from the sale of interment rights in to an Endowment Care Trust. Only interest of dividends may be withdrawn for perpetual care of the cemetery. Principal and capital gains stay intact.

**WHAT IS A PRENEED MERCHANDISE & SERVICES TRUST?**

If a cemetery association or company sells outer burial containers, monuments, markers, urns, other merchandise or opening and closing services on a preneed basis, they are required to set aside portions of the money received into a trust until the merchandise is needed or delivered.

**WHO CAN SELL INTERMENT RIGHTS?**

All cemetery operators must provide a list of persons authorized to sell interment right to the Division of Real Estate and Professional Licensing. This information constitutes the registration of those persons to sell interment rights.

## **OHIO CEMETERIES: A CONSUMER GUIDE**

You may experience a great deal of stress or confusion when purchasing cemetery merchandise or services for yourself or a loved one. This brochure was created to help you understand how cemeteries in Ohio are regulated, explain what to do if you are experiencing a problem with a cemetery and provide you with some tips to consider before you make a purchase.

### **CEMETERY REGISTRATION**

According to Ohio law, no person, church, religious society, established fraternal organization, or political subdivision of the state shall own, operate, or maintain a cemetery unless the cemetery is registered with the Ohio Department of Commerce, Division of Real Estate and Professional Licensing. Cemetery registration does not apply to or affect a family cemetery in which there have been no interments during the previous 25 years.

### **POLITICAL SUBDIVISION/GOVERNMENT**

These cemeteries are typically operated by a township or municipality or a combination of both. Although this type of cemetery must be registered, the registration never expires. Registration must be renewed every year with the Division of Real Estate and Professional Licensing.

### **CEMETERY ASSOCIATIONS OR COMPANIES**

Registrations for cemeteries operated by corporations or not-for-profit cemetery associations must be renewed every year. At the time of renewal, the cemetery operator is required to complete a form that reports the activity of the Endowment Care Trust and if applicable, the Preneed Merchandise and Services Trust.

The cemetery operator is also required to submit an affidavit acknowledging that these trusts have been established and maintained according to Ohio law.

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## INTRODUCTION

By the authority of Chapter 759 of the Ohio Revised Code (ORC), an Ohio Municipality may provide public cemeteries for the burial of the dead and regulate public and private cemeteries.

Section 759.11 of the ORC states that the "Director of Public Service may make the bylaws and regulations not inconsistent with the ordinances of the city and the constitution of this state, for the management and protection of the burial of the dead therein, and they shall have the same validity as the Ordinances of the City."

Municipal cemeteries are considered to be proprietary functions of government. Revenue to support the operation is derived from the General Fund and the sale of lots and services.

The City has established a Cemetery Development Fund. These funds enable development of new sections, landscaping and maintenance of roadways and other repairs to beautify the cemeteries.

Two cemeteries are owned and operated by the City of Zanesville They are Greenwood Cemetery and Woodlawn Cemetery.

## GENERAL RULES & INFORMATION

These Policies & Procedures, Rules & Regulations and any amendment thereto shall be the sole agreement between the City of Zanesville and the Owner/Purchaser of the Cemetery Lot. Any oral or written statements of any person, unless in a notarized statement approved by the City of Zanesville shall in no way bind the City. The City of Zanesville reserves the right to make modifications or amendments to these Policies & Procedures, Rules & Regulations without notice, and all owners, purchasers and visitors will be subject to these dictates of the City of Zanesville Cemeteries in place at the time.

- ❖ The City is not responsible for damages to headstones, vases, monuments, vaults or mausoleums resulting from the ordinary hazards of cemetery work, vandalism or natural causes. Such items are personal property.
- ❖ Cemetery visitors are asked to use roads & walkways only.
- ❖ Graves can be purchased on a Timed Pay Plan.
- ❖ Opening and closing costs can also be made on a Timed Pay Plan.
- ❖ No firearms are permitted within the cemetery grounds (color guards excluded).
- ❖ No alcoholic beverages are permitted on cemetery grounds.
- ❖ Pets must be kept on a leash and on the roadways. Please do not let your pets go into the sections.
- ❖ The City reserves the right to establish limitations on monuments and/or memorials in individual sections of the cemeteries.
- ❖ No children under the age of 16 shall be permitted on the cemetery grounds at any time unless accompanied by parents, adult relatives, or guardians or without the special permission of the Superintendent.
- ❖ The speed limit is 10 miles per hour.
- ❖ No vehicle shall come to a complete stop in front of an open grave unless in attendance at the funeral.

## CONSUMER TIPS

- ✓ Check to see if the cemetery is registered with the Division of Real Estate and Professional Licensing.
- ✓ Ask the cemetery operator for a copy of the cemetery Rules and Regulations.
- ✓ Be sure that you understand the cemetery's monument/marker and decorations policy.
- ✓ View the grave, crypt, or other interment site before you purchase.
- ✓ Insist that any promise made to you be in writing on the cemetery's stationary and signed by cemetery personnel.
- ✓ Before you enter into a contract or agreement, find out about any cancellation and refund policies.
- ✓ Ask about all current and future prices and fees.
- ✓ When you purchase a burial plot or a grave, you are purchasing the right to be buried (interred) there, not the actual ground.
- ✓ Find out if your interment rights or other merchandise and services can be transferred to another person, transferred for use at another cemetery, or bought back by the cemetery if you move.
- ✓ Be sure that the specific location of your lot, crypt, or interment right is clearly identified and unconditionally guaranteed on your contract or purchase agreement (required by Ohio law).
- ✓ Include cemetery property in your will.



## **RECOGNIZED HOLIDAYS**

No burial requests will be accepted on these recognized holidays:

- ❖ New Year's Day
- ❖ Martin Luther King Jr. Day
- ❖ President's Day
- ❖ Memorial Day
- ❖ Independence Day
- ❖ Labor Day
- ❖ Columbus Day
- ❖ Veteran's Day
- ❖ Thanksgiving Day and the Friday following Thanksgiving
- ❖ Christmas Day

## **ADOPTION OF RULES & BYLAWS**

Rules and regulations are herein adopted as provided for in the Ohio Revised Code, Chapter 759.

## **TIME PAY PLAN**

The City of Zanesville has a time payment plan for the pre-need purchase of (1) a grave, and (2) the cost of opening and closing the grave. The time pay plan is "per grave."

- ❖ A adult grave can be purchased at the current price with a down payment of 25%. A carrying charge of \$40.00 will be added to the balance due. Payments are made in equal installments for no more than twelve (12) months.
  
- ❖ The opening and closing cost for each grave can also be purchased over time with a down payment of 25% and a carrying charge of \$15.00 will be added to the balance due. Payments are made in equal installments for no more than twelve (12) months.

In order to request a time payment plan for an open and close, a grave must already be purchased. Monuments cannot be placed on the grave until the grave is paid for.

## **GREENWOOD CEMETERY**

Greenwood was established in 1835 on 7.5 acres, bought by the City for that purpose, from Richard Stillwell for \$476.00; in 1852 another 13 acres was added and 100 acres was added in 1905. It now covers 120.5 acres. It is located on the east border of Zanesville and was known as the City Cemetery until 1885.

There had been an estimated 100,000 burials in Greenwood Cemetery by 1944. The first burial was that of James Durban who died in 1835.

A fire in the superintendent's house and in the Market House are blamed for the loss of records for 1835 through 1894. Over a two-year period, workers put together a listing of information off of the old monuments; some are dated before 1835 and must have been moved here when the City's first cemeteries were closed.

Many of the pioneer leaders of Zanesville are buried in Greenwood Cemetery, including Charles B. Goddard, Samuel Herrick, and five Civil War Generals. Greenwood also holds the remains of a southern soldier.

## **WOODLAWN CEMETERY**

Civic pride and toll costs played an important role in the development of Woodlawn Cemetery. It is located on the south side of Zanesville and was dedicated in 1853 as a cemetery for the people of Putnam.

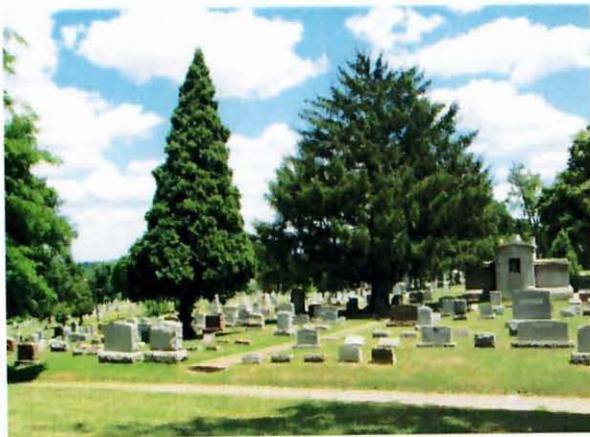
In 1851 C.C. Convers and A.A. Guthrie purchased 55 acres from Dr. Increase Mathews; this purchase included the burial ground where his wife, Abigail, was buried in 1802. 18 men bought into the property and the private corporation known as "The Proprietors of Woodlawn Cemetery" was organized. A.A. Guthrie designed the plots and planned walks and roadways. Work on the project started in 1852.

The directors of Woodlawn promised perpetual care, but with costs raising and income diminishing, they asked the City of Zanesville to take over the cemetery. On April 20, 1896 action was taken by the City to accept Woodlawn and an additional 13 acres was later purchased.

Many notable pioneers of the Putnam and Zanesville area are buried in Woodlawn Cemetery, including Dr. Increase Mathews, Ebenezer Buckingham, the Rev. William Beecher, H.J. Jewett, the Rev. Addison Kingsbury, and A.C. Ross, as well as various members of the Sturges and Nye families, just to name a few.

**FUNERAL REGULATIONS**

- ❖ No funerals or interments will be accepted on Saturday afternoons, Sundays, and legal holidays or any other day which has been declared by the appropriate governmental authority to be a holiday of general observance. Exceptions would include cases of contagious disease or when so ordered by the Board of Health, the Coroner, or a court of legal jurisdiction. A list of the holidays observed by the City of Zanesville is included on page 12.
- ❖ The Superintendent must receive notice of a burial at least one full working day in advance. If the Superintendent is not notified by 3:30 p.m. the preceding Friday, burial will not be guaranteed on the following Monday; or in the case of a holiday, the next work day following a holiday.
- ❖ Processions must be out of the cemetery by 3:00 p.m. Monday through Friday and 11:00 a.m. on Saturdays. If not, a fee that consists of overtime (actual wages x 1.5) will be charged, x2, per hour.
- ❖ The burial of two bodies in one grave will be permitted if the first vault can be placed 7 feet 6 inches deep. Digging the extra depth is not guaranteed and depends on rock, ground water and other conditions; the Superintendent has the final decision (page 11).
- ❖ Interment in the Veteran’s sections requires an honorable discharge from the armed services.



**CEMETERY RATES**

Adult grave (10% to perpetual care).....	\$795.00
Child/Baby Grave (10% to perpetual care) .....	\$210.00
Cremation Grave (10% to perpetual care).....	\$210.00

**Interment**

Adult grave & catacomb .....	\$525.00
Child grave (3’ and under).....	\$200.00
Extra deep adult (additional) .....	\$265.00
Extra wide adult (additional).....	\$90.00
Open & close (adult), Sat.....	\$795.00
Open & close (child), Sat .....	\$460.00

**Cremations**

Opening and closing	
With/without Wilbert universal urn .....	\$165.00
Additional fee for cremation vault.....	\$50.00
Burial on Saturday morning .....	\$530.00

**Columbarium**

Niche .....	\$650.00
Interment daily .....	\$100.00
Interment Saturday.....	\$250.00

**Disinterment**

Vaults under 3’ may need to be removed by outside contractors	
Adult excavation – opening & restoral .....	\$1,035.00
Infant excavation – opening & restoral .....	\$315.00
Cremation (suitable urn required) .....	\$280.00

**Foundation**

Concrete foundation (per inch) .....	\$.35
Minimum charge.....	\$100.00

**Deeds**

Replace of transfer.....	\$20.00
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**Funeral overtime costs**

Failure to leave the cemetery grounds by 3:00 p.m. daily or by 11:00 a.m. on Saturday will result in actual cost per hour x 2 calculated at time and a half wages (\$186.69/hr).

## INDIGENT BURIALS

Payment for indigent burials (living within the City limits) have been established by Ordinances 82-150, 82-171, 86-248, and 03-10 and amended as follows:

- ❖ For the burial of stillborn infants of indigent parents or parent, the City shall furnish the grave and pay for the opening and closing. The City will also pay the funeral director in an amount equal to the most current bid for relevant services.
- ❖ For the burial of an indigent person requiring a casket two to three feet in length, the City shall furnish a grave and pay for the opening and closing. The City will also pay the funeral director in an amount equal to the most current bid for relevant services.
- ❖ For the burial of an indigent person requiring a casket three and one-fourth to four and one-half feet in length, the City will furnish a grave and pay for the opening and closing. The City will also pay the funeral director in an amount equal to the most current bid for relevant services.
- ❖ For the burial of an indigent person requiring cremation per order of the coroner, the City will furnish the grave and pay for the opening and closing. The City will also pay the funeral director in an amount equal to the most current bid for relevant services.
- ❖ For the cremation of an indigent adult person, the City will furnish the grave and pay for the opening and closing. The City will also pay the funeral director in an amount equal to the most current bid for relevant services.
- ❖ The requirement for cremation in the above paragraph may be waived by the Director of Public Service based on the religious convictions of the decedent in which case the City will furnish a grave and pay for the opening and closing. The City will pay the funeral director in an amount equal to the most current bid for relevant services.



## INTERMENTS & REMOVALS

- No remains except that of a human being may be buried in the cemetery.
- No interment can be made unless the body is accompanied by a burial permit.
- To remove or disinter a body, the rules set out by the ORC 517.23 must be followed.
- All graves must be opened and closed by the City.
- All interments must be in permanent vaults made of concrete, metals, fiberglass or other materials approved by the City.
- The deed of a lot conveys only the right of burial therein; the Superintendent and the Public Service Director retains complete control and supervision of all lots.

## GRAVESITE MAINTENANCE

We realize the importance of remembering your loved one with flowers on special occasions. To preserve the natural beauty of the cemeteries, all flowers and decoration not placed on an approved foundation will be removed and disposed of once a week from April 1 to November 30. Decorations placed on graves starting December 1 will be left there until we start the spring cleanup around March 15.

- No plantings of any kind on the graves.
- No enclosures such as fences, hedges or ditches around a grave.
- No mulch or decorative stone around a grave/monument.
- Visitors shall not pick flowers, plants or shrubs within cemetery grounds.
- Excavation for any purpose will not be permitted without prior consent of the Superintendent.
- No glass, pottery figurines, or vases in the grass; they must be on an approved foundation.
- Single shepherd hooks may be placed behind the grave marker or monument, of a height no more than six (6) feet tall and are to be used for live flowers only. Hooks shall be placed not more than 12 inches from and parallel with the short end (side) of the upright monument, with the hook to the front of the monument.

Disregard of these regulations will result in removal and disposal of the offending items.

## COLUMBARIUM

A columbarium is provided at Woodlawn Cemetery for the interment of cremains. Two interments are permitted in each niche if space allows (11.25" h x 11.25" w x 9" deep). Each niche shall be in a separate cremation vault of sufficient grade material and shall be airtight and approved by the Public Service Director. Niche faceplates shall be engraved with name, year of birth, and year of death only, except two emblems shall be permitted in a location to be designated by the Public Service Director. All engraving shall be of a lettering selected by the City of Zanesville and work shall be completed through a City of Zanesville approved source. Any emblems not of a standard design must be approved by the Director of Public Service and may require additional fees. Prepayment of engraving fees shall be permitted, but actual engraving shall not take place until time of interment. A standard niche plaque in memory of the person(s) interred will be included in the purchase price of the niche and shall be ordered by the City of Zanesville when the niche is paid in full and a certificate issued. No temporary attachments such as tape, wire, string, or stickers are allowed.

## **STONE & MONUMENT WORK**

- ❖ Monuments (grave marker, headstone) cannot be placed on a gravesite until after the grave is paid for.
- ❖ Each monument shall be placed on an approved foundation. These foundations are poured by cemetery employees and are paid for by the lot owner; foundations are poured two or three times per year, depending on the number of orders.
- ❖ The Superintendent shall have the right to limit size, design, and type of material of monuments to prevent possible settling or injury to the stonework.
- ❖ Monument work shall not be removed once it is put in place, except with permission from the Superintendent.
- ❖ Only one grave memorial will be permitted on a single grave space. No memorial may embrace two or more grave spaces, except a companion or a family memorial. The exception is if one of the markers is a ground marker that usually goes at the foot of the grave.

## **GROUND MARKERS**

Beyond the effective date of these revised Rules & Regulations, footstones will not be permitted in all newly opened sections of City cemeteries, except for flat markers of granite or bronze that will allow a mower to pass over, and must not exceed 12 x 24. A concrete foundation is required under all flat markers.

## **RESALE OF LOTS**

Any person wishing to sell his lots must first offer the lots to the Director of Public Service at the original cost to the owner. No sale, transfer or conveyance of any cemetery lot or interest therein shall be valid without the consent of the Public Service Director.

## **PERPETUAL CARE**

The minimum perpetual care fee shall be indicated in the current schedule of prices. The Director of Public Service may receive donations by bequest, devise, deed of gift, or otherwise, in money, or other property, the principal or interest of which is to be used to enlarge, improve, embellish, and/or care for the cemetery generally, or for any particular parts therein, as a donor directs or as the Director determines if no such direction is given.

## **OHIO REVISED CODE**

### **Section 759.12**

#### **City may accept and maintain permanent fund for care of lots in cemeteries:**

“In the bylaws and regulations provided for by Section 759.11 of the Revised Code, the Director of Public Service shall declare the amount of money he will accept by an agreement, gift devise, bequest, or otherwise and hold as a permanent fund of the Cemetery. He shall pledge the faith and credit of the City for the perpetual care of the lots designated, then using only the interest or income of the money. On receipt of the sum of money so designated, the Director shall issue therefore a written receipt and acknowledge therefore, signed by him, binding the faith and credit of the City to forever hold such money as a permanent fund and to provide perpetual care for the lots herein named, for the use, income and interest of such. He shall enter on the minutes of his proceedings full detail of the obligation and shall enter the receipt and income of the money and the expenditures therein detail on this book of accounts, keeping each separately.”

### **Section 759.15**

#### **Funds of cemeteries to be deposited – investment - payments:**

“The Director of Public Service shall turn over to the legislative authority of the City, property on hand under his control or held by him as a permanent fund, for cemetery purposes, and shall acknowledge receipt thereof to the Director in writing signed by the clerk.

By resolution duly passed and entered on the minutes of its proceedings, the legislative authority shall pledge the faith and credit of the City to forever hold such money as a permanent fund, and pay the Director in semi-annual payments as interest on the funds, a sum efficient to provide perpetual care to the lots as agreed by the Director. The legislative authority shall invest such funds and keep them invested in interest-bearing bonds, or in interest-bearing certificates of deposit in financial institutions within the United States or this state. All such money and the income thereof shall be exempt from taxation, the same as other cemetery property.”