

Public Service Committee
Andy Roberts, Chair



ORDINANCE NO. 16- 95

**AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO
APPLY FOR GRANT FUNDING FROM THE FAA FOR FY 2017
PROJECTS AND ACCEPT FUNDING, IF AWARDED.**

WHEREAS, the administration would like to apply to the FAA for FY 2017 improvements at the Zanesville Municipal Airport, and accept such funding, if awarded; and

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

SECTION ONE: The proper City official is hereby authorized to apply for and accept grant funding from the FAA in FY 2017 for improvements at the Zanesville Municipal Airport, and if awarded, the appropriate City official is authorized to execute associated grant agreements.

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

PASSED: _____, 2016

ATTEST: _____
SUSAN CULBERTSON
Clerk of Council

DANIEL M. VINCENT
President of Council

APPROVED: _____, 2016

THIS LEGISLATION APPROVED AS TO FORM

JEFF TILTON, MAYOR



LAW DIRECTOR'S OFFICE

10 YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) FY-2017 to FY-2026

Airport Name: Zanesville Municipal Airport		Date prepared: 11/3/15 4:18 PM
Associated City: Zanesville, OH		Prepared By: Crawford, Murphy & Tilly, Inc.
Sponsor: City of Zanesville	NPIAS No. 39-0097	Telephone No.: 614-468-1200
Airport Three Letter ID: ZZV	Congressional District: Ohio's 12th District	

Item #	Description	Fiscal Year	Total Cost	Entitlement	FAA Apportionment /Discretionary	State Non-FAA	Local	Other	PFC	Remarks/Item Justification
1	Security Fencing (Design Only)	16	\$ 35,000	\$ 31,500		\$ 1,750	\$ 1,750			
2	Security Upgrade, Partial Fencing and Surveillance Equipment (Phase 1)	16	\$ 336,800	\$ 303,120		\$ 16,840	\$ 16,840			
3	S16 Engineering design for Rwy 16/34 reahb	16	\$ 35,000	\$ 31,500		\$ 1,750	\$ 1,750			
4	Partial Perimeter Security Fencing (Phase 2 , as needed)	17	\$ 165,000	\$ 148,500		\$ 8,250	\$ 8,250			
5	Roll-Over NPE	18	\$ -	\$ -		\$ -	\$ -			
6	Rehabilitate Regulator Vault Switch Gear, Power, and Control Cabling	19	\$ 325,000	\$ 292,500		\$ 16,250	\$ 16,250			
7	Rollover NPE Funds	20	\$ -	\$ -		\$ -	\$ -			
8	Rehabilitate Runway 16/34 and MIRL (Design Only)	21	\$ 180,000	\$ 162,000		\$ 9,000	\$ 9,000			
9	Rehabilitate Runway 16/34 and MIRL (Construction)	22	\$ 1,800,000	\$ 288,000	\$ 1,332,000	\$ 90,000	\$ 90,000			
10	Rollover NPE funds	23				\$ -	\$ -			
11	Rehabilitate Taxiway B (Design Only)	24	\$ 105,000	\$ 94,500	\$ -	\$ 5,250	\$ 5,250			
12	Rehabilitate Taxiway B (Construction)	25	\$ 1,100,000	\$ 355,500	\$ 634,500	\$ 55,000	\$ 55,000			

Public Service Committee
Andrew Roberts, Chair



ORDINANCE NO. 16- 96
INTRODUCED BY COUNCIL

AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO PROVIDE AMENITIES FOR A SERIES OF STREET INVESTMENT COMMITTEE MEETINGS FOR THE PURPOSE OF REVIEW AND MAKING RECOMMENDATION FOR AN INVESTMENT STRATEGY FOR THE CITY'S TRANSPORTATION SYSTEM AND DECLARING AN EMERGENCY.

WHEREAS, the City hired JG3 Consulting, LLC to perform a street analysis and create a report which analyzed every city street; and

WHEREAS, now is the time to have a group of community members review and make recommendation to City Council and the mayor for an investment strategy for the city transportation system; and

WHEREAS, the Street Investment Committee will meet approximately eight (8) times in the coming weeks to discuss investment strategy for the city's transportation system; and

WHEREAS, the Public Service Department would like to provide lunch for the committee members; and

WHEREAS, the meetings are expected to begin September 15, 2016, thus declaring an emergency.

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

SECTION ONE: The proper city official is authorized to expend an amount not to exceed \$300.00 on amenities for the Street Investment Committee meetings. Said funds shall be expended from line item 202.6651.53299.

SECTION TWO: For the reasons stated in the preamble hereto, this Ordinance is hereby declared to be an emergency measure. Provided it receives the affirmative vote of six (6) or more members of Council elected thereto, it 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

Andy Roberts
City Councilperson



ORDINANCE 16- 97
INTRODUCED BY COUNCIL

AN ORDINANCE ALLOWING A MORAL CLAIM

WHEREAS, Regina Lukich presented a legal claim in the amount of Five Hundred Fifty-Three Dollars and 05/100 (\$553.05) against the City of Zanesville; and,

WHEREAS, said claim was reviewed by the Law Director, David J. Tarbert, who determined that the City of Zanesville was not legally liable for said claim; and

WHEREAS, the basis of said claim is set forth in Exhibit A; and,

WHEREAS, Law Director, David J. Tarbert, advised the claimant that although the City of Zanesville had no legal liability, she had a right to present a moral claim to City Council; and

WHEREAS, City Council has reviewed the claim and determined that said claim should be paid as a moral claim.

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

SECTION ONE: The proper City Official is hereby authorized to pay \$553.05 to Regina Lukich and said monies shall be taken from line item 603.5476.53408.

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

PASSED: _____, 2016

ATTEST: _____
SUSAN CULBERTSON
Clerk of Council

DANIEL M. VINCENT
President of Council

APPROVED: _____, 2016

JEFF TILTON
Mayor

This Legislation Approved As To Form:



LAW DIRECTOR'S OFFICE

CITY OF ZANESVILLE

OFFICE OF THE LAW DIRECTOR

401 Market Street, Room 209 • Zanesville, Ohio 43701

740-455-0601 ext. 119 or 112 • Fax: 740-453-2435

Email: lawdirector@coz.org

DAVID J. TARBERT
LAW DIRECTOR

SCOTT D. EICKELBERGER
EMILY STRANG TARBERT
ASSISTANT LAW DIRECTORS

August 31, 2016

Regina Lukich
3175 Tremont Road, Suite 206
Upper Arlington, Ohio 43221

RE: **Claim No.: 16-12**

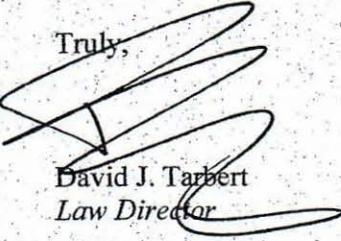
Dear Regina:

I have completed my review of the claim you filed against the City of Zanesville. It is one of my duties as Law Director to review such claims and advise the City as to whether or not legal liability exists against the City. Prior to the mid 1980's, governmental entities were generally immune from all liability. In 1985, the Ohio Legislature enacted new laws which still granted governmental entities immunity in most all instances, but did provide some liability in a few limited situations.

Unfortunately, the claim that you filed does not fall within one of the areas of liability created under Chapter 2744 of the Ohio Revised Code. Therefore, your claim has to be denied.

You do have the right to file a "moral claim" with Zanesville City Council. A moral claim differs from a legal claim in that the City Council may decide that although the City is not legally liable for the claim, an ethical or moral reason exists to pay the claim. If you would like to file such a claim, you may contact any City Council member. If you are not sure who your Council representative is, you may contact Sue Culbertson, Clerk of Council, at 455-0601, ext. 149.

Truly,


David J. Tarbert
Law Director

DJT:ab



Council-Mayor Government
Jeff Tilton, Mayor

The City of Zanesville

401 Market Street, Zanesville, Ohio 43701

Phone: (740) 455-0601 x101

jay.bennett@coz.org

Department of Public Service

Jay D. Bennett, DIRECTOR

MEMO

TO: David Tarbert, Law Director
FROM: Jay D. Bennett, Public Service Director
DATE: August 25, 2016
RE: Claim 16-12/1426 Maple Ave
CC:

Please find attached Claim 16-12/1426 Maple Ave, along with corresponding information from Paul Mills, Water Superintendent.

Should you have any questions, please advise.

JBD/pl

Attachments

Note



Council-Mayor Government
Jeff Tilton, Mayor

The City of Zanesville

14 Buckeye Drive, Zanesville, Ohio 43701

Phone: (740) 455-0792

Email: paul.mills@coz.org

Department of Public Service

Paul E. Mills, Water Superintendent

MEMO

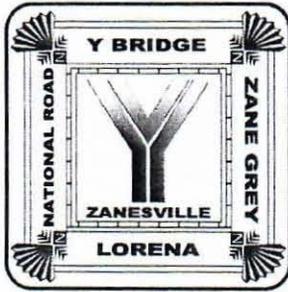
TO: Jay Bennett, Public Service Director
FROM: Paul E. Mills, Water Superintendent *PM*
DATE: August 24, 2016
RE: 1426 Maple Ave
CC:

On 8/18/16 the City of Zanesville Water Department was notified that there was a break on Maple Avenue. Listed below is a timeline of events:

- Supervisor on call was notified at 11:10p
- Maintenance person was notified at 11:17pm
- Maintenance person clocked in at 11:44pm
- Water main was shut down at 12:00am

Crew was called in, break was repaired and water restored the next morning.

Jonathan Spring, Crew Leader met with Regina Lukich on 8/19/16 and inspected the basement of 1426 Maple Avenue. Mr. Spring stated that there was a little water around the edges of the basement.



Council-Mayor Government
Jeff Tilton, Mayor

The City of Zanesville

401 Market Street, Zanesville, Ohio 43701

Phone: (740) 455-0601 x101

jay.bennett@coz.org

Department of Public Service

Jay D. Bennett, DIRECTOR

MEMO

TO: Paul Mills, Water Superintendent
FROM: Jay D. Bennett, Public Service Director
DATE: August 22, 2016
RE: Claim 16-12/J & J Real Estate
CC:

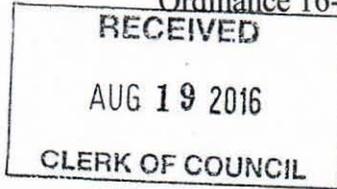
Please find attached Claim 16-12 from J & J Real Estate.

Please investigate and advise me of your findings.

Should you have any questions, please advise.

JBD/si

Attachments



FOR CITY CLERK'S USE
CLAIM NO. 16-1812
DATE REC. 8-19-2016

STATEMENT OF CLAIM AGAINST THE CITY OF ZANESVILLE, OHIO

MAIL COMPLETED CLAIM TO: CLERK OF COUNCIL, 401 MARKET ST., ZANESVILLE, OHIO 43701

- 1. NAME OF CLAIMANT J & J Real Estate, Ltd., Regina Lukich
- 2. ADDRESS OF CLAIMANT 1426 Maple Avenue, Zanesville, OH 43701
mailing 3175 Tremont road, Suite 206, Upper Arlington, OH 43221
- 3. TELEPHONE NO. 614-580-8767

4. INFORMATION CONCERNING THE INCIDENT UPON WHICH CLAIM IS BASED:

A. DATE ~~8/19/16~~ B. TIME 8/18/16 11:15pm
~~2:18pm~~

C. WEATHER CONDITIONS _____

D. EXACT LOCATION 1426 Maple Ave

E. NAMES & ADDRESSES OF WITNESSES: IF NONE, SO STATE
Jonathan Spring 740-819-9033

F. WAS THE INCIDENT INVESTIGATED BY THE ZANESVILLE POLICE DEPARTMENT OR OTHER CITY DEPARTMENT YES _____ NO

G. IF ANSWER TO 5-F IS "YES", PLEASE INDICATE DEPARTMENT THAT INVESTIGATED AND/OR THE NAME OF ANY CITY EMPLOYEE WHO MAY HAVE INVESTIGATED SAID OCCURRENCE

5. IN YOUR OWN WORDS, STATE IN DETAIL WHAT HAPPENED AND HOW IT HAPPENED (CONTINUE ON BACK IF NEEDED)

*Water Break in front of Papa John's - Maple Ave -
 I'm the building south - my basement took
 on water - pics provided - The basement is
 saturated and will need to purchase a dehumidifier
 to pull all the moisture from
 the floor & walls*

6. PROPERTY DAMAGE DETAILS

A. AMOUNT OF CLAIM FOR PROPERTY DAMAGE

DO YOU HAVE HOMEOWNER'S INSURANCE

Commercial Insurance

B. IF MOTOR VEHICLE DAMAGE IS CLAIMED, STATE YEAR, MAKE AND MODEL OF VEHICLE

OWNERS NAME AND ADDRESS

na

STATE WHETHER OR NOT VEHICLE WAS COVERED BY COLLISION INSURANCE _____ IF YES, NAME COMPANY AND AGENT

C. ATTACH ESTIMATES OR RECEIPT(S) OF COST IN CONNECTION WITH THE ABOVE CLAIM (VEHICLE OR PROPERTY). ESTIMATES OR RECEIPT(S) MUST BE FILED WITH CLAIM OR CLAIM CANNOT BE PROCESSED.

7. WHERE ARE YOU EMPLOYED

HOW LONG EMPLOYED ABOVE

na

8. IF CLAIM IS FOR BODILY INJURY, STATE THE FOLLOWING:

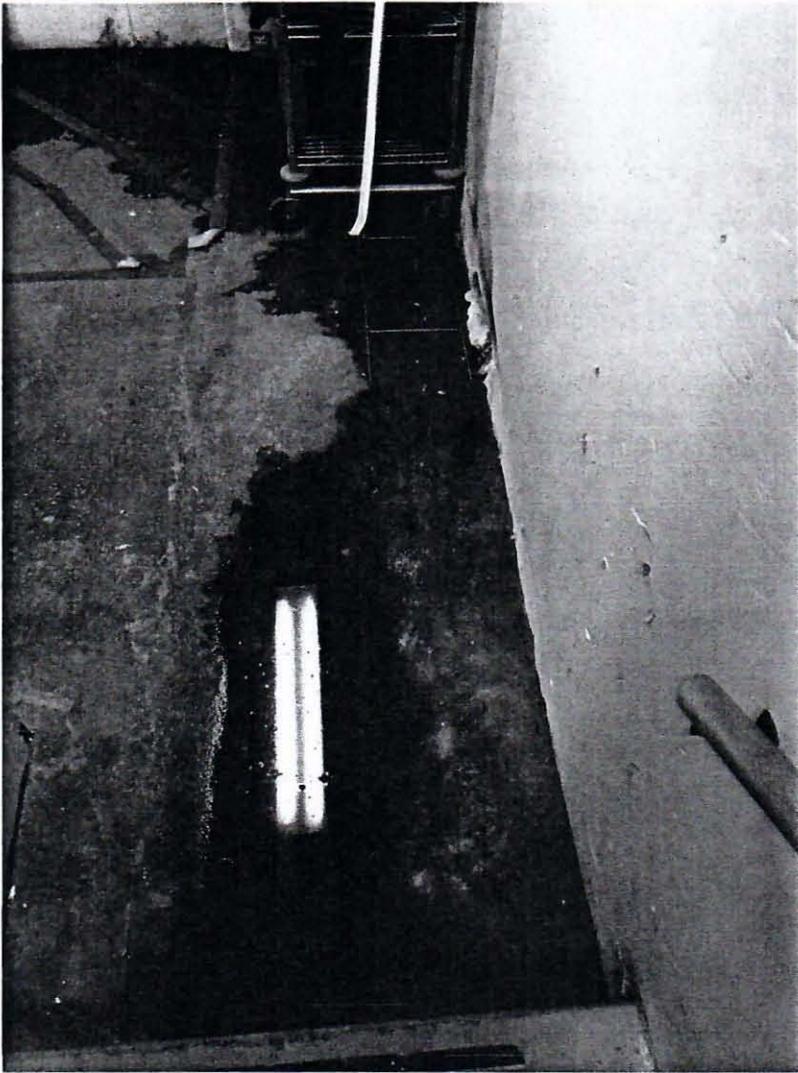
A. NATURE OF INJURY

B. WERE YOU HOSPITALIZED _____ IF SO, WHERE _____

AND FOR HOW LONG _____

C. WERE YOU ATTENDED BY A PHYSICIAN (IF YES) WHO _____







LOWE'S HOME CENTERS, LLC
 3755 FRAZEYSBURG RD.
 ZANESVILLE, OH 43701 (740) 450-5500

PICK UP INFORMATION

TO OBTAIN STOCK MERCHANDISE DESIGNATED AS
 [PICK UP LATER] ON THIS RECEIPT, YOU MUST
 COME TO THE CUSTOMER SERVICE DESK.

- SALE -

SALES#: S0210BK2 1806146 TRANS#: 91642634 08-19-16

255318 22481	39.98
F40 48 T12 CWP 5000K 10CT	
44840 11475303	1.38
ICE MOUNTAIN 200Z WATER	
107201	0.00
CREDIT PROMOTION	
INVOICE 74776 SUBTOTAL:	41.36



- SALE -

SALES#: S0210BK2 1806146 TRANS#: 91642634 08-19-16

526012 DH-70KP1SLE	259.00
HISENSE 70-PT W/PUMP DEHU	
[PICK UP LATER - LOWES # 210 on 08/19/2016]	
INVOICE 74777 SUBTOTAL:	259.00



INVOICE 74776 SUBTOTAL:	41.36
INVOICE 74777 SUBTOTAL:	259.00
SUBTOTAL:	300.36
TAX:	21.68
BALANCE DUE:	322.04
LCC:	322.04



LOWE'S HOME CENTERS, LLC
 50421 VALLEY PLAZA DR
 SAINT CLAIRSVILLE, OH 43950 (740) 699-3000

- SALE -

SALES#: S0110JB3 2185986 TRANS#: 30808339 08-21-16

125810 10-LB BUG-B-GONE MAX GRAN	7.11
7.48 DISCOUNT EACH	-0.37
470789 CLOROX PREMIUM GLOVES M/L	3.03
3.19 DISCOUNT EACH	-0.16
126038 QUICKIE TILE/GROUT BRUSH	3.78
3.98 DISCOUNT EACH	-0.20
305798 WOOSTERS 3-IN EASYFLO PAI	15.09
15.88 DISCOUNT EACH	-0.79
625630 XPOWER P-230AT AIR MOVER	94.05
99.00 DISCOUNT EACH	-4.95
77793 126-FL OZ VAL DURHX EXT S	37.98
39.98 DISCOUNT EACH	-2.00
77793 126-FL OZ VAL DURHX EXT S	37.98
39.98 DISCOUNT EACH	-2.00
107204 LCC SYSTEM USE ONLY	0.00 H

SUBTOTAL:	199.02
TAX:	14.43
INVOICE 42687 TOTAL:	213.45
LCC:	213.45

TOTAL DISCOUNT: 10.47

LCC:XXXXXXXXXXXX2494 AMOUNT:213.45 AUTHCD:000696
 SHIPED REFID:640874 08/21/16 15:38:09

Regina Lukich J & J ~~Real~~ Real Estate
1426 Maple ave
Zanesville, Ohio

To digout ~~basement~~ basement. and to clean
debris away from water. to monitor Dehumidifiers
and fan

total labor \$140.00

pd
CWA 6491
8/22/16

D - J Walls.
David Walls
740-868-9528

Allison Buck

From: Sue Culbertson
Sent: Wednesday, September 07, 2016 9:32 AM
To: Jay Bennett; David Tarbert
Cc: Allison Buck
Subject: FW: 1426 Maple Ave Basement Flooding Confirmation

From: Regina Lukich [<mailto:rlukich@columbus.rr.com>]
Sent: Wednesday, September 07, 2016 9:31 AM
To: Sue Culbertson
Subject: Re: 1426 Maple Ave Basement Flooding Confirmation

Sue:
Just confirming u received my voicemail yesterday which conveyed that Andy Roberts agrees to sponsor 1426 Maple Ave for "moral claim" with city council.

This past weekend I paid \$60.00 to unclog the basement drain which endured debris from the flooding. Please add this as an additional cost to my current filing with the city.

Thank You-
Regina

Regina Lukich
CP: 614-580-8767
Sent from my iPhone

On Aug 19, 2016, at 4:12 PM, Sue Culbertson <council@coz.org> wrote:

Ms. Lukich,

Thanks for the pictures (I received 4) and I also wanted to let you know that any receipts for any repairs will need to be submitted so the City has an idea of what damage resulted from the water damage. I cannot indicate if the City will cover any of the repair costs as the claim goes to a committee for review and decisions are made by that committee.

Thanks and let me know if you have any questions.

*Susan Culbertson
Clerk of Council
401 Market Street, Room 114
Zanesville, OH 43701
Phone 740-455-0601 ext. 149
council@coz.org*

Ways & Means Committee
Ann Gildow, Chair



ORDINANCE NO. 16-98
INTRODUCED BY COUNCIL

AN ORDINANCE APPROVING AN AGREEMENT WITH STORE IT, LLC/ABB LEASING/MATTINGLY COLD STORAGE/45 DEGREE LOGISTICS PROVIDING FOR A PROJECT AND TAX EXEMPTIONS PURSUANT TO THE OHIO ENTERPRISE ZONE PROGRAM, AND MAKING DETERMINATIONS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio has pursuant to its Ohio Enterprise Zone Program provided for the establishment of Urban or Rural Jobs and Enterprise Zones, and for the provision of tax incentives to private enterprise in order to promote and encourage expansion programs by private enterprise in such Enterprise Zones, and the creation and/or preservation of jobs and economic development in connection therewith; and

WHEREAS, pursuant to said State Urban Jobs and Enterprise Zone Program, this City Council by Ordinance No. 97-190 passed October 27, 1997, approved the designation of the geographic area described in said Ordinance as a Rural Enterprise Zone, and requested the Muskingum County Commissioners to make such designation; and the Board of County Commissioners of Muskingum County by their Resolution adopted October 30, 1997 designated the geographic area described in said resolution as a Rural Enterprise Zone, and the Director of Development of the State Department of Development has made his certification and approval of said area as a Rural Enterprise Zone within the requirements of Ohio Revised Code Sections 5709.61 through 5709.65 (hereinafter the "Act"); and

WHEREAS, the City Council has received a proposal from Store It, LLC/ABB Leasing/Mattingly Cold Storage/45 Degree Logistics, (herein collectively referred to as the "Company") proposing to enter into an Agreement with the City and County under the Act, which Agreement would provide for a Project by the Company (the "Project") as described in said Proposal, located in the Enterprise Zone and pursuant to the aforesaid Ordinance and County resolution, the County will negotiate, approve and enter into an enterprise zone agreement with the Company, after receiving the consent and approval of the City; and

WHEREAS, said Proposal has been reviewed and investigated by the City, and the City Council has determined that it will be in the best interests of the City of Zanesville and its citizens to proceed to enter into an Agreement with the company providing for the Project described in said Proposal and for the requested exemption therefore, and that such Agreement and Project will carry out the purposes of the Act, and will promote the economic welfare of the City and its residents by creating or preserving jobs and employment opportunities.

WHEREAS, it is necessary that this Ordinance become effective immediately in order to enable the Company to proceed as described in the project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ZANESVILLE, STATE OF OHIO:

SECTION ONE. The City Council hereby finds and determines that the Company is qualified by financial responsibility and business experience to create employment opportunities in the Enterprise Zone, and to improve the economic climate of the City, and hereby finds and determines that the aforesaid Proposal complies with the requirements of the Act and is satisfactory to the City, and which Proposal is hereby approved.

SECTION TWO. The City Council hereby confirms and ratifies the City's agreement to approve real property tax exemptions for said project pursuant to the enterprise zone program, and confirms, ratifies and approves the execution by the Mayor of an enterprise zone agreement, and providing for 75% real property tax exemptions for 10 years, substantially in accordance with the form of the agreement on file with the Clerk of the City Council and marked with the same number as this Ordinance and marked as Exhibit A.

SECTION THREE. This City Council hereby finds and determines that the real property tax exemptions requested by the Company for said Project meet the requirements of the Act, and the City Council hereby approves the real property tax exemptions requested and the Council further approves an Agreement providing for the Project, and for the granting by the City of the requested real property tax exemptions, and said Agreement shall be substantially in the form of the Agreement attached hereto as Exhibit A, and with such revisions and additional terms and conditions as may be required and as are consistent with the requirements of the Act, and are approved by the Director of Law and Director of the Community Development of the City; and, this Council hereby authorizes and directs the Mayor to execute the Agreement on behalf of the City and with the Company, and to forward said Agreement to the Muskingum County Commissioners for their approval.

SECTION FOUR. This Council hereby authorizes and directs the Mayor, Director of Law, and Director of Community Development to take such additional steps, and provide such information and certifications, as is necessary and appropriate to carry out and implement the terms and conditions of the aforesaid Agreement, and the requirements and policies of the Act.

SECTION FIVE. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its committees that resulted in those formal actions were taken in meetings open to the public in accordance with the law.

SECTION SIX. That for the reasons stated in the preamble hereto, and for the further reason that it affects the immediate preservation of public health and safety, this ordinance is hereby declared to be an emergency measure and being an emergency provided it receives the affirmative vote of six (6) or more members of Council elected thereto shall take effect and be in force immediately upon its passage and approval of the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

ATTEST: _____
City Clerk

President of Council

APPROVED _____, 2016

Mayor

THIS LEGISLATION APPROVED
AS TO FORM

Law Director's Office

ENTERPRISE ZONE AGREEMENT

This agreement made and entered into by and between "THE COUNTY OF MUSKINGUM", Ohio, a County duly organized under the laws of the State of Ohio, with its main offices located at 401 Main Street, Zanesville, Ohio 43702-3519 hereinafter referred to as "THE COUNTY OF MUSKINGUM", the "CITY OF ZANESVILLE", a city duly chartered and organized under the laws of the State of Ohio with its main offices located at 401 Market Street, Zanesville, Ohio 43701, hereinafter referred to as "THE "CITY OF ZANESVILLE"", and Store It, LLC/ABB Leasing/Mattingly Cold Storage/45 Degree Logistics., hereinafter referred to as "THE ENTERPRISE"", with its main offices located at 302 State Street, Zanesville, Ohio 43701,

WITNESSETH;

WHEREAS, "THE COUNTY OF MUSKINGUM" and THE "CITY OF ZANESVILLE" has encouraged the development of real property and the acquisition of personal property located in the area designated as an Enterprise Zone; and

WHEREAS, "THE ENTERPRISE" is desirous of construction of a new forty-six thousand square foot facility (46,000 SF), purchase new equipment to meet the growing needs of existing and new customers and create eight new and retain fifteen employment opportunities in our community within a three year period, hereinafter referred to as "THE PROJECT" within the boundaries of the aforementioned Enterprise Zone, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the City Council of "THE CITY OF ZANESVILLE", Ohio by Ordinance, adopted October 27, 1997, designated the area as an "Enterprise Zone" pursuant Chapter 5709 of the Ohio Revised Code; and

WHEREAS, December 17, 1996, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Resolution 11-18-96, contains the characteristics set forth in Section 5709.61(A) (2) including the distress requirements of Section 5709.61 (A) (1) (b) and (c) of the Ohio Revised Code and certified said area as an Enterprise Zone under said Chapter 5709; and

WHEREAS, "THE COUNTY OF MUSKINGUM" and "CITY OF ZANESVILLE" having the appropriate authority for the stated type of project is desirous of providing Enterprise 092D with incentives available for the development of "THE PROJECT" in said Enterprise Zone under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, "THE ENTERPRISE" has submitted a proposed agreement application (herein attached as Exhibit A) to "THE COUNTY OF MUSKINGUM" and "THE CITY OF ZANESVILLE" said application (hereinafter referred to as "APPLICATION"); and

WHEREAS, "THE ENTERPRISE" has remitted the required state application fee of \$750.00 made payable to the Ohio Development Services Agency with the application to be forwarded with the final agreement; and

Ordinance 16-98

WHEREAS, the Commissioners of “THE COUNTY OF MUSKINGUM” and the Council of THE “CITY OF ZANESVILLE” has investigated the application of “THE ENTERPRISE” and has recommended the same to the Council (and/or Board of Commissioners) “THE COUNTY OF MUSKINGUM” AND THE “CITY OF ZANESVILLE” on the basis that “THE ENTERPRISE” is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Enterprise Zone and improve the economic climate of “THE COUNTY OF MUSKINGUM” AND THE “CITY OF ZANESVILLE”; and

WHEREAS, “THE PROJECT” site as proposed by “THE ENTERPRISE” is located in the Zanesville City School District and the Mid-East Ohio Joint Vocational School and the Board of Education of the Zanesville City School District and the Mid-East Ohio Joint Vocational School District have been notified in accordance with Section 5709.83 and been given a copy of the APPLICATION; and

WHEREAS, pursuant to Section 5709.63(A) and in conformance with the format required under Section 5709.631 of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained; NOW,

THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. ““THE ENTERPRISE”” shall construct a new forty-six thousand square foot facility (46,000 SF) at 301 State Street Zanesville, Ohio 43701, Ohio, to house its warehouse and logistics operation.

“THE PROJECT” will begin September, 2016 and all acquisition, construction and installation is projected to be completed by the end of April, 2017.

“THE PROJECT” will involve a total investment by “THE ENTERPRISE” of eight million dollars (\$8,000,000). Included in the investment are seven million (\$7,000,000) in new construction and one million (\$1,000,000) to purchase machinery, racking and/or equipment.

“THE PROJECT” by “THE ENTERPRISE” in establishing a new facility includes a total eligible project investment of seven million dollars (\$7,000,000), which represents a “significant” new investment.

2. “THE ENTERPRISE” shall create within a time period not exceeding thirty-six (36) months after the commencement of construction of the aforesaid facility, the equivalent of five (5) new full-time permanent job opportunities and will use its best efforts to retain fifteen (15) existing full-time equivalent jobs at the Zanesville, Ohio facility.

“THE ENTERPRISE” schedule for hiring is as follows: create two (2) new jobs in year one (construction); two (2) new full-time permanent jobs in year two; and one (1) new full-time permanent jobs in year three. The job creation period begins March 2017 and all jobs will be in place by March 2019.

“THE ENTERPRISE” currently has forty-eight (48) full-time permanent employees; and two (2) part-time permanent employees. In total, Store It, LLC/ABB Leasing/Mattingly

Cold Storage/45 Degree Logistics has zero (0) full-time permanent, part-time permanent, full-time temporary, or part-time temporary employees in the State of Ohio.

This increase in the number of employees will result in approximately two hundred forty-five thousand dollars (\$245,000) of additional annual payroll for “THE ENTERPRISE”. The following is an itemization by the type of new jobs created: full-time permanent two hundred forty-five thousand dollars (\$245,000). The retention of the existing jobs will maintain the current annual payroll of two hundred fifty thousand dollars (\$250,000) dollars.

3. ““THE ENTERPRISE”” shall provide to the proper Tax Incentive Review Council any information reasonably required by the council to evaluate “THE ENTERPRISE”’s compliance with the agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code if requested by the council.

Ohio Development Services Agency suggests enterprises receiving personal property tax incentives be required to supply a copy of the Ohio Department of Taxation State Tax return form 913 to the Tax Incentive Review Council for each year the agreement is in effect or required to be reviewed.

4. “THE COUNTY OF MUSKINGUM” and “THE CITY OF ZANESVILLE” hereby grants “THE ENTERPRISE” a tax exemption for real property improvements made to “THE PROJECT” site pursuant to Section 5709.63 of the Ohio Revised Code and shall be in the following amounts:

<u>Year of Tax Exemption</u>	<u>Tax Exemption Amount</u>
YR 1 2017	75%
YR 2 2018	75%
YR 3 2019	75%
YR 4 2020	75%
YR 5 2021	75%
YR 6 2022	75%
YR 7 2023	75%
YR 8 2024	75%
YR 9 2025	75%
YR 10 2026	75%

5. Continuation of this agreement is subject to the validity of the circumstances upon which “THE ENTERPRISE” applied for, and the Director of the Ohio Development Services Agency issued, the waiver pursuant to Section 5709.633 of the Ohio Revised Code. If, after formal approval of this agreement by “THE COUNTY OF MUSKINGUM” and “THE CITY OF ZANESVILLE” the Commissioners and/or the Council discovers that such a circumstance did not exist “THE ENTERPRISE” shall be deemed to have materially failed to comply with this agreement.

6. "THE ENTERPRISE" shall pay such real property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If "THE ENTERPRISE" fails to pay such taxes or file such returns and reports, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.
7. "THE COUNTY OF MUSKINGUM" and "THE CITY OF ZANESVILLE" shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.
8. If for any reason "THE ENTERPRISE" Zone designation expires, the Director of the Ohio Development Services Agency revokes certification of the zone, or "THE COUNTY OF MUSKINGUM" and/or "THE CITY OF ZANESVILLE" revokes the designation of the zone, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless "THE ENTERPRISE" materially fails to fulfill its obligations under this agreement and "THE COUNTY OF MUSKINGUM" and/or "THE CITY OF ZANESVILLE" terminates or modifies the exemptions from taxation granted under this agreement.
9. If "THE ENTERPRISE" materially fails to fulfill its obligations under this agreement, or if "THE COUNTY OF MUSKINGUM" and/or "THE CITY OF ZANESVILLE" determines that the certification as to delinquent taxes required by this agreement is fraudulent, "THE COUNTY OF MUSKINGUM" and/or "THE CITY OF ZANESVILLE" may terminate or modify the exemptions from taxation granted under this agreement."
10. "THE ENTERPRISE" hereby certifies that at the time this agreement is executed, "THE ENTERPRISE" does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which "THE ENTERPRISE" is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, or, if such delinquent taxes are owed, "THE ENTERPRISE" currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against "THE ENTERPRISE". For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes."
11. "THE ENTERPRISE" affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.
12. "THE ENTERPRISE" and "THE COUNTY OF MUSKINGUM" and "THE CITY OF ZANESVILLE" acknowledge that this agreement must be approved by formal action of

the legislative authority of "THE COUNTY OF MUSKINGUM" and "THE CITY OF ZANESVILLE" as a condition for the agreement to take effect. This agreement takes effect upon such approval."

13. "THE COUNTY OF MUSKINGUM" and "THE CITY OF ZANESVILLE" has developed a policy to ensure recipients of Enterprise Zone tax benefits practice non-discriminating hiring in its operations. By executing this agreement, "THE ENTERPRISE" is committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.
14. Exemptions from taxation granted under this agreement shall be revoked if it is determined that "THE ENTERPRISE", any successor enterprise, or any related member (as those terms are defined in Section 5709.61 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.
15. "THE ENTERPRISE" affirmatively covenants that it has made no false statements to the State or local political subdivision in the process of obtaining approval for "THE ENTERPRISE" Zone incentives. If any representative of "THE ENTERPRISE" has knowingly made a false statement to the State or local political subdivision to obtain "THE ENTERPRISE" Zone incentives, "THE ENTERPRISE" shall be required to immediately return all benefits received under "THE ENTERPRISE" Zone Agreement pursuant to ORC Section 9.66 (C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to ORC Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to ORC 2921.13(D)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.
16. This agreement is not transferrable or assignable without the express, written approval of "THE COUNTY OF MUSKINGUM" and "THE CITY OF ZANESVILLE".

IN WITNESS WHEREOF, "THE COUNTY OF MUSKINGUM" Ohio by the Commissioners and "THE CITY OF ZANESVILLE", Ohio by the City Council, pursuant to Ordinance No. , has caused this instrument to be executed this ____ day of _____, 20__ and "THE ENTERPRISE" by _____, its , has caused this instrument to be executed on this ____ day of _____, 20__.

OHIO

"THE COUNTY OF MUSKINGUM",

Witness

By _____
Commissioner

Witness

By _____
Commissioner

Witness

By _____
Commissioner

ABB LEASING, STORE IT, LLC,
MATTINGLY COLD STORAGE,
AND 45 DEGREE LOGISTICS

Witness

By _____

CONSENT AND APPROVAL

On behalf of "THE CITY OF ZANESVILLE", Muskingum County, Ohio, we the undersigned, do hereby consent and approve the terms and conditions outlined in the Agreement, on behalf of said City, as duly authorized representatives for the uses and purposes therein contained.

THE "CITY OF ZANESVILLE", OHIO

Witness

By _____
Mayor

Witness

By _____
City Council President

Public Safety Director
Police Chief

ORDINANCE NO. 16-99
INTROUCUED BY COUNCIL

AUTHORIZING THE PROPER CITY OFFICIAL TO ENTER INTO A CONTRACT
FOR THE PURCHASE OF VEHICLES FOR THE POLICE DIVISION BY STATE
PURCHASE AGREEMENT; AND DECLARING AN EMERGENCY.

WHEREAS, it is essential to the operation of the Police Division that three police vehicles be purchased and placed into operation as replacement vehicles; and

WHEREAS, State Wide Ford, Van Wert, Ohio has been awarded the state bid for municipal government vehicle (utility police interceptor) purchases.

WHEREAS, orders for the vehicles must be placed before September 30, 2016 to avoid a price increase thus creating the need for this to be passed as an emergency.

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

SECTION ONE: The proper city official is hereby authorized to enter into a contract and purchase three (3) 2017 or newer Ford Explorers from State Wide Ford.

SECTION TWO: The total cost of the utility vehicles is \$76,512 which will be paid from budget line item 201.1113.54430.

SECTION THREE: For reasons stated above, 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 Sapproval 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

ORDINANCE NO. 16- 90
INTRODUCED BY COUNCIL

**AN ORDINANCE BY THE CITY OF ZANESVILLE CITY COUNCIL IMPOSING A
MORATORIUM OF ONE YEAR ON THE ISSUANCE AND PROCESSING OF ANY PERMITS
ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF MEDICAL
MARIJUANA WITHIN THE CITY OF ZANESVILLE.**

WHEREAS, Substitute House Bill 523, which is the Bill legalizing the cultivating, processing, and dispensing of medical marijuana in the State of Ohio, becomes effective September 8, 2016; and

WHEREAS, for the purposes of this ordinance, the definitions of “cultivators”, “processors”, and “retail dispensaries” are given the same definitions as those found in Substitute House Bill 523 and Chapter 3796 of the Ohio Revised Code, which Chapter is effective September 8, 2016; and

WHEREAS, Ohio Revised Code Section 3796.29 authorizes a municipality to limit the number of, or entirely prohibit, cultivators, processors, or retail dispensaries licensed under Ohio Revised Code Section 3796.29 in the City of Zanesville; and

WHEREAS, City Council seeks time to study whether to limit or entirely prohibit the cultivation, processing and/or retail dispensing of medical marijuana; or, alternatively, to develop and implement regulations regarding the possible location and operation of medical marijuana-related businesses within the City of Zanesville, including medical marijuana-related businesses for retail dispensaries, cultivators, and processors; and

WHEREAS, City staff will require additional time to review and make recommendations on zoning, prohibition and/or limitations of medical marijuana so that any necessary regulations conform to goals of the City of Zanesville and help ensure the public peace, health, safety and welfare of its citizens; and

WHEREAS, a moratorium of one year on the granting of permits for medical marijuana-related businesses in the City of Zanesville will allow City Council time to accomplish the City’s goals and help ensure the public peace, health, safety, and welfare of its citizens.

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

SECTION ONE: City Council hereby imposes a moratorium of one year on the issuance and processing of permits for cultivators, processors, and retail dispensaries of medical marijuana. The purpose of this moratorium is so that City staff may study the new law and the related issues and then determine whether to limit or entirely prohibit cultivators, processors, and retail dispensaries in the City of Zanesville and to prepare any necessary, related regulations.

SECTION TWO: City Council seeks to limit the duration of the moratorium to instruct the Mayor and City staff to immediately undertake a review of the new law and related issues; City staff will then

recommend new regulations regarding the cultivation, processing, and retail dispensing of medical marijuana.

SECTION THREE: City Council hereby directs and orders that no permits for cultivators, processors, or retail dispensaries of medical marijuana shall be issued or processed by the City of Zanesville during the one-year moratorium.

SECTION FOUR: This Ordinance shall take effect immediately upon passage.

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

Joey Osborn, City Councilperson
Steven Foreman, City Councilperson

ORDINANCE NO. 16- 91

AN ORDINANCE AUTHORIZING THE USE OF OHIOCHECKBOOK.COM IN PARTNERSHIP WITH THE OHIO TREASURER TO ADVANCE OPEN AND TRANSPARENT GOVERNMENT

WHEREAS, the City and its elected officers serve as stewards of the City's citizens' tax dollars; and

WHEREAS, an open and transparent government benefits local taxpayers, elected officials, and the public at-large; and

WHEREAS, the Ohio Treasurer's office has created OhioCheckbook.com for the purpose of displaying government finances in a searchable format available at the fingertips of taxpayers across Ohio; and

WHEREAS, the City and its elected officers value a transparent and open government and therefore commit to partnering with the Ohio Treasurer's office to place the City's checkbook expenditures on OhioCheckbook.com and will strive to maintain this data online in the future for all constituents to see;

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

SECTION ONE: The Council authorizes the City to provide checkbook level expenditure information, in an electronic format prescribed by and in partnership with the Ohio Treasurer's office, for posting on the transparency website OhioCheckbook.com to ensure citizens may readily access how their tax dollars are spent.

SECTION TWO: That the Treasurer is hereby directed to work purposefully, efficiently and resolutely with the Ohio Treasurer's office to provide said financial data in order to advance open and transparent government.

SECTION THREE: This Ordinance shall take effect and be in force, upon approval of the Mayor and at the earliest time allowed by law.

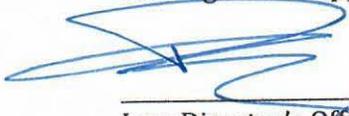
PASSED: _____, 2016

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