Community Development Committee
Mark Baker, Chair

RECEIVED
NOV 21 2016
CLERK OF COUNCIL

ORDINANCE NO. 16-126
INTRODUCED BY COUNCIL

AN ORDINANCE AUTHORIZING THE PLANNING TEAM AND LOCAL STAKEHOLDERS TO PROVIDE AMENITIES FOR THE COOL AND CONNECTED BROADBAND PLANNING GRANT WORKSHOP AND DECLARING AN EMERGENCY.

WHEREAS, the U.S. Environmental Protection Agency and the U.S. Department of Agriculture have partnered to offer the Cool and Connected Broadband Planning grant funding to rural communities with populations less than 50,000 for the purpose of planning and implementing a high speed broadband network to revitalize downtowns and promote economic development; and

WHEREAS, the City has been notified that it is a major recipient of an award from the USEPA funded program known as "Cool and Connected"; and

WHEREAS, as a part of this planning grant, the City Community Development Staff will be hosting a workshop with consultants from Smart Growth America and local and state officials to interview local stakeholders, present to an open house of citizens and other stakeholders, conduct breakout sessions and present their finding and an action plan; and

WHEREAS, the Community Development Department would like to provide beverages and a light lunch for the participants furnished by local vendors; and

WHEREAS, the planning workshop will be held on Wednesday, December 7, 2016, this legislation will need to be passed as an emergency legislation.

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 $500.00 on amenities for the USEPA Cool and Connected planning workshop event. Said funds shall be expended from line item 303.4105.53299.

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.

Ordinance 16-126

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

Council Meeting Date: November 21, 2016 Item#: 16-126

CITY OF ZANESVILLE
CITY COUNCIL AGENDA BILL

Subject:	Cool& Connected Broadband Planning Grant Workshop Amenities.
Policy Question:	Should the City of Zanesville provide amenities for the planning team and local stakeholders?
Committee:	Community Development Committee

Category:

- ☐ Communication
- ☒ Ordinance
- ☐ Public Hearing
- ☐ City Council Business
- ☐ Resolution
- ☐ Other

Staff Report By:	Jay Bennett	Department:	Community Development
Attachments:	Ordinance #16-126		
Summary / Background:	The City of Zanesville has been awarded the US EPA Broadband Planning Grant known as "Cool & Connected". The Community Development Department will host a workshop with federal, state and local members of the planning team to meet on December 7, 2016. We would like to provide a light lunch and drinks for attendees not to exceed $500.		
Options Considered:	Council can modify, accept or defeat the recommended application. The committee can table the matter for further discussion.		

Mayor's Recommendation:

Mayor Approval: 11-21-16

Proposed CD Committee Motion: Move to forward Ordinance #16- to the November 28, 2016 City Council agenda and recommend approval.

Committee Recommendation:

Proposed Council Motion:

1st Reading of Ordinance:

2nd Reading of Ordinance:

(BELOW TO BE COMPLETED BY CITY CLERKS OFFICE)

- ☐ Approved
- ☐ Denied
- ☐ Tabled / Deferred / No Action
- ☐ Moved to Second Reading *(ordinances only)*

Council Bill # _____

1st reading _____

Enactment reading _____

Ordinance # _____

Resolution # _____

Steven Foreman, Councilperson
Crime and Violence Committee

RECEIVED
NOV 08 2016
CLERK OF COUNCIL

ORDINANCE NO. 16-120

AN ORDINANCE AMENDING SECTIONS 513.02 AND 513.03 OF THE CODIFIED ORDINANCES RELATING TO THE GIFT OF MARIJUANA AND DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE OF THE CODIFIED ORDINANCES OF ZANESVILLE

WHEREAS, Sections 513.02 and 513.03 of the Codified Ordinances of Zanesville pertain to Marijuana; and

WHEREAS, it has become necessary to amend Sections 513.02 and 513.03 of the Codified Ordinances of Zanesville, to align City and State laws regarding the matters set forth herein; and

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

SECTION ONE: Section 513.02 of the Codified Ordinances of the City of Zanesville is hereby amended by repealing all current provisions and replacing them with the following:

513.02 GIFT OF MARIJUANA

(a) No person shall knowingly give or offer to make a gift of twenty grams or less of marijuana.

(b) Whoever violates this section is guilty of trafficking in marijuana. Trafficking in marijuana is a minor misdemeanor for the first offense and, for any subsequent offense, it is a misdemeanor of the third degree. If the offense was committed in the vicinity of a school or the vicinity of a juvenile, trafficking in marijuana is a misdemeanor of the third degree.

(c) The court may by order suspend for not more than five years the driver's or commercial driver's license or permit of any person who is convicted of or pleads guilty to any violation of this section. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit in accordance with Ohio R.C. 2925.03(G). If an offender's driver's or commercial driver's license or permit is suspended pursuant to this subsection, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension.
(ORC 2925.03)

SECTION TWO:Section 513.03 of the Codified Ordinances of the City of Zanesville is hereby amended by repealing all current provisions and replacing them with the following:

513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.

(a) No person shall knowingly obtain, possess or use a controlled substance or a controlled substance analog.

(b) (1) This section does not apply to the following:

A. Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose

conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731 and 4741.

B. If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;

C. Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;

D. Any person who obtained the controlled substance pursuant to a lawful prescription issued by a licensed health professional authorized to prescribe drugs.

(2) A. As used in subsection (b)(2) of this section:

1. "Community addiction services provider" has the same meaning as in Ohio R.C. 5119.01.
2. "Community control sanction" and "drug treatment program" have the same meanings as in Ohio R.C. 2929.01.
3. "Health care facility" has the same meaning as in Ohio R.C. 2919.16.
4. "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree.
5. "Post-release control sanction" has the same meaning as in Ohio R.C. 2967.28.
6. "Peace officer" has the same meaning as in Ohio R.C. 2935.01.
7. "Public agency" has the same meaning as in Ohio R.C. 2930.01.
8. "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.
9. "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.

B. Subject to subsection (b)(2)F. of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted or penalized pursuant to this chapter for a minor drug possession offense if all of the following apply:

1. The evidence of the obtaining, possession or use of the controlled substance or controlled substance analog that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.
2. Subject to subsection (b)(2)G. of this section, within thirty days

after seeking or obtaining the medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional.

3. Subject to subsection (b)(2)G. of this section, the qualified individual who obtains a screening and receives a referral for treatment under subsection (b)(2)B.1. of this section, upon the request of any prosecuting attorney, submits documentation to the prosecuting attorney that verifies that the qualified individual satisfied the requirements of that subsection. The documentation shall be limited to the date and time of the screening obtained and referral received.

C. If a person is found to be in violation of any community control sanction and if the violation is a result of either of the following, the court shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in Ohio R.C. 2929.13, 2929.15, or 2929.25, whichever is applicable, after which the court has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in any of those applicable sections:

1. Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;
2. Experiencing a drug overdose and seeking medical assistance for that overdose or being the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.

D. If a person is found to be in violation of any post-release control sanction and if the violation is a result of either of the following, the court or the parole board shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in Ohio R.C. 2929.141 or 2967.28, whichever is applicable, after which the court or the parole board has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in either of those applicable sections:

1. Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose;
2. Experiencing a drug overdose and seeking medical assistance for that emergency or being the subject of another person seeking or obtaining medical assistance for that overdose as described in subsection (b)(2)B. of this section.

E. Nothing in subsection (b)(2)B. of this section shall be construed to do any of the following:

1. Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of subsection (b)(2)B. of this section or with regards to any crime other than a minor drug possession offense committed by a person who qualifies for protection pursuant to subsection (b)(2)B. of this section for a minor drug possession offense;
2. Limit any seizure of evidence or contraband otherwise

permitted by law;

3. Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;

4. Limit, modify or remove any immunity from liability available pursuant to law in effect prior to the effective date of this amendment to any public agency or to an employee of any public agency.

F. Subsection (b)(2)B. of this section does not apply to any person who twice previously has been granted an immunity under subsection (b)(2)B. of this section. No person shall be granted an immunity under subsection (b)(2)B. of this section more than two times.

G. Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996", 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States Department of Health and Human Services to implement the act or the requirements of 42 C.F.R. Part 2.

(c) Whoever violates subsection (a) hereof is guilty of one of the following:

(1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule III, IV, or V, whoever violates subsection (a) hereof is guilty of possession of drugs. Possession of drugs is a misdemeanor if the amount of the drug involved does not exceed the bulk amount. The penalty for the offense shall be determined as follows: possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony and shall be prosecuted under appropriate State law.

(2) If the drug involved in the violation is marijuana or a compound, mixture, preparation, or substance containing marijuana other than hashish, whoever violates subsection (a) hereof is guilty of possession of marijuana. Possession of marijuana is a misdemeanor if the amount of the drug involved does not exceed 200 grams. The penalty for the offense shall be determined as follows:

A. Except as otherwise provided in subsection (c)(2)B. hereof, possession of marijuana is a minor misdemeanor.

B. If the amount of the drug involved equals or exceeds 100 grams but is less than 200 grams, possession of marijuana is a misdemeanor of the fourth degree.

(3) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates subsection (a) hereof is guilty of possession of hashish. Possession of hashish is a misdemeanor if the amount of the drug involved does not exceed the maximum amount specified in subsection (c)(3)B. hereof. The penalty for the offense shall be determined as follows:

A. Except as otherwise provided in subsection (c)(3)B. hereof, possession of hashish is a minor misdemeanor.

B. If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one

gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

(d) In addition to any other sanction that is imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of Ohio R.C. 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.

(e) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.
(ORC 2925.11)

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

Public Service Committee
Andy Roberts, Chair

RECEIVED
NOV 08 2016
CLERK OF COUNCIL

ORDINANCE NO. 16-121

AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO APPLY FOR GRANT FUNDING FROM THE OHIO ENVIRONMENTAL PROTECTION AGENCY FOR A 2017 COMMUNITY DEVELOPMENT RECYCLING GRANT

WHEREAS, the City of Zanesville is proposing to the City Council to make significant investment in equipment and operational methods that will launch a new curbside collection program of solid waste, recyclable and bulky materials which will lead to a more sustainable operation and utility costs for our community; and

WHEREAS, the City of Zanesville is looking to "roll out" the new collection program to approximately 20% of our customers (covering all six City Wards) in 2017; and

WHEREAS, it is imperative that the community improve participation in our curbside recycling program, thus reducing the amount of solid waste collected. The 2015 Nestor Resources report indicated that the City of Zanesville customer recycling participation rate is approximately nine percent (9%); and

WHEREAS, the Ohio Environmental Protection Agency (OEPA) offers grant funding up to $250,000 to local communities for equipment that support improved curbside recycling collection and materials processing; and

WHEREAS, the City of Zanesville would need to provide at least fifty percent of the costs associated with a new sanitation truck and approximately 5,000 recycling containers, estimated to be approximately $325,000; and

WHEREAS, the 2017 Community Development grant is due no later than February 3, 2017 to OEPA; and

WHEREAS, if offered the grant funding (and the City Council authorizes acceptance) the City's match would need to be included within the FY 2017 Permanent Budget.

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

SECTION ONE: The proper City official is hereby authorized to apply for a 2017 Community Development Recycling funding from the Ohio Environmental Protection Agency for curbside recycling.

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

Public Service Committee
Andy Roberts, Chair

RECEIVED
NOV 08 2016
CLERK OF COUNCIL

ORDINANCE NO. 16 - 122
INTRODUCED BY COUNCIL

AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE CITY OF ZANESVILLE'S SOLID WASTE DISPOSAL NEEDS

WHEREAS, the City of Zanesville executed a three year contract for solid waste disposal services with Republic Services, Inc. on May 1, 2014; and

WHEREAS, said contract expires on May 1, 2017; and

WHEREAS, the administration is prepared to advertise for solid waste disposal services and enter into a contract with the lowest and best bidder.

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 advertise for bids for Solid Waste Disposal Services, and enter into contract with the lowest and best bid.

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

Community Development Committee
Mark Baker, Chair

ORDINANCE NO. 16-110 Amended
INTRODUCED BY COUNCIL

AN ORDINANCE ADOPTING THE CITY OF ZANESVILLE COMPREHENSIVE PLAN, AS HEREIN PROVIDED

WHEREAS, chapter 1109.01 of the City's Codified Ordinances defines a Comprehensive Plan as "the officially adopted plan for the physical development, conservation and redevelopment of the City"; and

WHEREAS, chapter 1101.01 of the City's Codified Ordinances lists one of the purposes of Part Eleven of the Code is, "to further the implementation of the objectives of the adopted Comprehensive Plan for the City"; and

WHEREAS, multiple sections of Part Eleven of the Codified Ordinances refers to the Comprehensive Plan as a decision making tool for City staff and Boards/Commissions for variances, zoning map amendments, Planned Unit Developments, and subdivision of land; and

WHEREAS, the City of Zanesville has never had an officially adopted Comprehensive Plan to meet the aforementioned requirements and recognizing so, City Council tasked City administration with the creation of a Comprehensive Plan in Resolution 14-58; and

WHEREAS, the Administration and City Council recognize a Comprehensive Plan will serve as a planning aid to all departments, committees, and boards that make decisions concerning the City's growth and development; and

WHEREAS, a Comprehensive Plan Committee of individuals with a wide range of backgrounds and experiences was formed with input from City Council and the Mayor, and worked for a period of two years assisting City staff with creating goals and policies; and

WHEREAS, the draft of the Comprehensive Plan has been made available for public comment at various forums, including four public open houses, the City's website, the John McIntire Library, Colony Square Mall, and multiple Planning Commission meetings, including a public hearing before Planning Commission on August 16, 2016; and

WHEREAS, the Comprehensive Plan has been reviewed by the Planning Commission and recommended to City Council for adoption.

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

SECTION ONE: The City Council of the City of Zanesville hereby adopts the Comprehensive Plan.

SECTION TWO: This Ordinance shall take effect upon the approval of the Mayor and from and after the earliest period allowed by law.

PASSED: _____, 2016.

ATTEST: _____

SUSAN CULBERTSON
CLERK OF COUNCIL

_____

DANIEL M. VINCENT
PRESIDENT OF COUNCIL

APPROVED: _____, 2016

_____

JEFF TILTON,
Mayor

THIS LEGISLATION APPROVED AS TO FORM

_____

LAW DIRECTOR'S OFFICE

Council Meeting Date: September 19, 2016 Item#: 16- 110

CITY OF ZANESVILLE
CITY COUNCIL AGENDA BILL

Subject:	Adoption of City's Comprehensive Plan		
Policy Question:	Should the city adopt the Comprehensive Plan as recommended by the Planning Commission?		
Committee:	Community Development Committee	Date of Meeting: 9/19/16	

Category:

- ☐ Communication
- ☒ Ordinance
- ☐ Public Hearing
- ☐ City Council Business
- ☐ Resolution
- ☐ Other

Staff Report By:	Jay Bennett	Department:	Community Development
Attachments:	Ordinance #16-__		
Summary / Background:	For approximately two years, C.D. staff has worked with a committee to create the Comp. Plan draft. The draft has been made available to the public through multiple forums. Comp. Plan has been reviewed and recommended by the Planning Commission for adoption.		
Options Considered:	Council can modify, accept or defeat the recommended application. The committee can table the matter for further discussion.		

Mayor's Recommendation:

Mayor Approval: JB 9.19.16

Proposed CD Committee Motion: Move to forward Ordinance #16-__ to the September 26, 2016 City Council agenda and recommend approval.

Committee Recommendation: Postpone until October 24th mtg.

Proposed Council Motion:

1st Reading of Ordinance:

2nd Reading of Ordinance:

(BELOW TO BE COMPLETED BY CITY CLERKS OFFICE)

- ☐ Approved
- ☐ Denied
- ☐ Tabled / Deferred / No Action
- ☐ Moved to Second Reading *(ordinances only)*

Council Bill # _____

1st reading _____

Enactment reading _____

Ordinance # _____

Resolution # _____

Introduced by Public Service Committee
Andy Roberts, Chair

ORDINANCE NO. 16-111
INTRODUCED BY COUNCIL

AN ORDINANCE DECLARING THE IMPROVEMENT TO CERTAIN REAL PROPERTY TO BE A PUBLIC PURPOSE; DECLARING SUCH IMPROVEMENT TO BE EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; DESIGNATING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL DIRECTLY BENEFIT THE REAL PROPERTY; AND ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SERVICE PAYMENTS.

WHEREAS, Sections 5709.40 through 5709.43 of the Ohio Revised Code ("**ORC**") authorize municipalities to identify parcels to be improved and to declare to be a public purpose any infrastructure improvements made that are necessary for the development of such parcels, exempting any improvements to such parcels from real property taxation for established time periods and percentages, with such mechanism commonly referred to as tax increment financing ("**TIF**") and;

WHEREAS, the City of Zanesville, Ohio (the "**City**") desires to use the authority granted pursuant to such sections of the ORC to establish a TIF exemption in an area located within the territorial boundaries of the City and consisting of one or more separate parcels of real property (as depicted and described in Exhibit A attached hereto and incorporated herein by this reference, the "**TIF Site**"); and

WHEREAS, the development of commercial properties in the City will benefit the City and its residents by creating economic opportunities, enlarging the property tax base, stimulating collateral development in the City, and providing revenue for the City to undertake public infrastructure improvements; and

WHEREAS, by providing public infrastructure improvements, as that term is defined in ORC §5709.40(A)(7) (as more fully described in Exhibit B attached hereto and incorporated herein by this reference, the "**Public Infrastructure Improvements**"), the City may facilitate the development of commercial properties for the benefit of the TIF Site, including, without limitation, by facilitating the financing, acquisition, and construction of the Public Infrastructure Improvements; and

WHEREAS, the aforementioned sections of the Ohio Revised Code provide for the use of TIF to pay the costs of Public Infrastructure Improvements, which costs may include, without limitation: (i) the payment for or reimbursement of costs of the Public Infrastructure Improvements incurred by the Developer, as defined below, or the City, or any other public or private party in cooperation with the City, and (ii) payment of debt service on, and administrative and any other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements (the "**Debt Service**"); and

WHEREAS, the aforementioned ORC sections provide that this City Council ("**City Council**") may, among other things, (a) declare the improvement to real property located in the City to be a public purpose, thereby exempting such improvement from real property taxation for a period of time, (b) specify public infrastructure improvements to be made to directly benefit those parcels, (c) require the owner or owners of those parcels to make service payments in lieu of taxes, and (d) establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, ZF Accomodation Company, LLC and any related entity formed for the specific purpose of developing said TIF Site (collectively, the **"Developer"**) desires to construct on the real property commercial retail space (the **"Project"**) and further desires to collaborate with the City to ensure ease of traffic ingress and egress to its real property throughout the term of the TIF Exemption, defined below; and

WHEREAS, in connection with the construction of the Project, the City and the Developer desire to execute an agreement providing for the construction of the Project and for the financing of certain Public Improvements, as defined below and in the Developer's Agreement (the **"Developer's Agreement"**); and

WHEREAS, the City is desirous of improving traffic congestion including installing traffic signalization, making aesthetic improvements to the streetscape, easing pedestrian access, and increasing safety along the North Pointe Drive corridor as it exists particularly at the Richey Road intersection, Muskingum County, Ohio; and

WHEREAS, the City desires to grant a one hundred percent (100%) exemption from real property taxation for a period of thirty (30) years (the "**TIF Exemption**") for each improvement to the TIF Site (as defined herein, the "**Improvement**"); and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to require the Developer, as current owner, and future owners of the parcels included in the TIF Site and their successors and assigns (collectively, with their successors and assigns, as owners of the TIF Site, the "**Owners**") to make service payments in lieu of taxes (the "**Service Payments**") with respect to the Improvement pursuant to ORC §5709.42; and

WHEREAS, in furtherance of such requirement for payment, the City and the Developer desire to execute a tax increment service payment agreement (the "**TIF Agreement**") whereby the Owners commit to make service payments in amounts equal to the property tax amounts that would have been payable had the TIF not been created; and

WHEREAS, the City has delivered notice of the proposed TIF Exemption to the Boards of Education of the West Muskingum Local School District and the Mid-East Career and Technology Centers, in accordance with ORC §5709.40(D)(2), and the City ratifies and affirms the delivery of such.

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

SECTION 1. Authorization of TIF Exemption. Pursuant to and in accordance with the provisions of ORC §§5709.40 through 5709.43, the City hereby finds and determines that one hundred percent (100%) of the increase in assessed value of each parcel comprising the TIF Site (the "**Exempted Property**") subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the "**Improvement**," as defined in ORC §5709.40(A)(4)) is declared to be a public purpose, and shall be exempt from real property taxation (the "**TIF Exemption**") for a period commencing with the tax year in which the Exempted Property first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of this Ordinance (the "**Commencement Date**") and ending on the thirtieth (30th) anniversary of such Commencement Date or the date the Public Infrastructure Improvements are paid in full, whichever occurs first, all in accordance with the requirements of ORC §§5709.40 and 5709.42 (the "**Exemption Period**"). After the TIF Exemption becomes effective, such TIF Exemption shall apply with respect to any parcel when the Improvement to such parcel is made and an exemption therefor is claimed in the manner provided for hereinabove.

SECTION 2. Payment of Service Payments. As provided in ORC §5709.42, but only after the TIF Exemption is effective, the Owner of a parcel comprising Exempted Property shall be required to, and shall make, service payments in lieu of taxes with respect to the Improvement allocable thereto to the County Treasurer on or before the final due dates for payment of real property taxes. Each service payment in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against such parcel as if it were not exempt from taxation pursuant to Section 1 hereof. If any reduction in the levies otherwise applicable to such parcel is made by the County budget commission under ORC §5705.31, the amount of the service payment in lieu of taxes shall be calculated as if the reduction in levies had not been made. Any late payments of service payments in lieu of taxes shall be subject to penalty and bear interest at the then current rate established under ORC §§323.121(B)(1) and 5703.47 or any successor provisions thereto, as the same may be amended from time to time, or any successor provisions thereto (the "**Penalties and Interest**"). Each Owner shall make any other payments in respect of such parcel which are received by the County Treasurer in connection with any reduction required by ORC §319.302, as the same may be amended from time to time, or any successor provisions thereto (the "**Property Tax Rollback Payments**," together with the service payments in lieu of taxes and the "Penalties and Interest," are collectively referred to herein as the "**Service Payments**"). The Service Payments shall be allocated and distributed in accordance with Section 3 hereof.

The Mayor and City Auditor, or either of them individually, may execute on behalf of the City one or more TIF Agreements between the City and Owners providing for the payment and collection of the Service Payments, which agreement shall be in such form as is acceptable to such officials, approved by the Director of Law, and not substantially inconsistent with the terms of this Ordinance.

SECTION 3. Creation of TIF Fund; Application of Service Payments. The City hereby establishes, pursuant to and in accordance with the provisions of ORC §5709.43, within the City Treasury a municipal public improvement tax increment equivalent fund (the "**Tax Increment Fund**"), which may, at the option of the City Auditor, be established as an account within an existing

tax increment equivalent fund of the City, into which shall be deposited the Service Payments made in respect of the Improvements which are distributed to the City by the County Treasurer in accordance with this Ordinance. Such Fund may be combined with other funds created by ordinances of this Council authorizing other such projects.

Money in the Tax Increment Fund shall be used to finance the Public Infrastructure Improvements, and shall, to the extent provided in further ordinances of this Council, be pledged to the payment of debt service on any bonds, notes or other obligations issued to finance such Public Infrastructure Improvements as well as any reimbursement payments to the Developer for reimbursement of any costs of the Public Infrastructure Improvements. The Tax Increment Fund shall be maintained in the custody of the City and shall receive all distributions of Service Payments required to be made to the City. Those Service Payments received by the City with respect to the Exempted Property, shall be used solely for the purposes authorized in ORC §§5709.40 through 5709.43, including, but not limited to, paying any costs of the Public Infrastructure Improvements. For purposes of this Ordinance, "costs" of the Public Infrastructure Improvements payable from the Tax Increment Fund shall also include the items of "costs of permanent improvements" set forth in ORC §133.15(B), and incurred with respect to the Public Infrastructure Improvements, which "costs" specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements, and Debt Service on, and any Administrative or other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements.

The Tax Increment Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which time the Tax Increment Fund shall be dissolved and any surplus funds remaining therein shall be transferred to the City's General Fund, all in accordance with ORC §5709.43(D).

SECTION 4. Public Infrastructure Improvements. The City hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto as "public infrastructure improvements" (as such term is defined in ORC §5709.40(A)(7)) made, to be made, or in the process of being made, and that, once made, will directly benefit the TIF Site.

SECTION 5. Compensation to School Districts. Pursuant to ORC §§5709.40, 5709.42, 5709.43 and 5709.82, the Mayor and City Auditor are hereby authorized and directed to execute one or more school compensation agreements under the Project whereby the City shall cause the County Treasurer to distribute a portion of the Service Payments to the Boards of Education of the West Muskingum Local School District and the Mid-East Career and Technology Centers in amounts equal to fifty percent (50%) of the real property taxes that each district would have received, but for the TIF Exemption.

SECTION 6. Application for Real Property Tax Exemption and Remission. The City further hereby authorizes and directs the President of the City Council, the Mayor, the City Auditor, or other appropriate officers of the City, to sign and execute all documents and make such arrangements as are necessary and proper for collection of said Service Payments from the Owners of real property located in the TIF Site, which are to be deposited into the Tax Increment Fund.

SECTION 7. Further Authorizations. The City further hereby authorizes and directs the President of the City Council, the Mayor, the City Auditor, or other appropriate officers of the City, to prepare and sign all agreements, and any amendments thereto such that the character of those changes is not substantially adverse to the City, which shall be established conclusively by their signatures thereon, and to prepare and sign all instruments and to take all other actions as may be necessary and appropriate to implement this Ordinance.

SECTION 8. Non-Discriminatory Hiring Policy. In accordance with ORC §5709.832, the City hereby determines that no employer located in the TIF Site shall deny any individual employment based on considerations of race, religion, sex, disability, color, national origin or ancestry.

SECTION 9. Notices. The City hereby finds and determines that notice of this proposed Ordinance has been delivered to all affected school districts, including the West Muskingum Local School District and the Mid-East Career and Technology Centers, in accordance with ORC §§ 5709.40(D)(2), 5709.83 and 5715.27, and hereby ratifies the giving of that notice.

Pursuant to ORC §5709.40(I), the City Auditor is hereby directed to deliver a copy of this Ordinance to the Director of the Development Services Agency of the State of Ohio within fifteen (15) days after its adoption. On or before March 31 of each year that the exemption set forth in Section 1 hereof remains in effect, the City Auditor or other authorized officer of this City shall prepare and submit to the Director of the Development Services Agency of the State of Ohio the status report required under ORC §5709.40(I).

SECTION 10. Tax Incentive Review Council. The City acknowledges that it has created the City Tax Incentive Review Council (the "TIRC") with the membership of the TIRC constituted in accordance with ORC §5709.85. The TIRC shall, in accordance with ORC §5709.85, review annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before the TIRC, all in accordance with ORC §5709.85.

SECTION 11. Open Meetings. The City finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the adoption of this Ordinance were taken in an open meeting of this City Council, and that all deliberations of this City Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including ORC §121.22.

SECTION 12. Effective Date. 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

EXHIBIT A

Exempted Real Property Comprising the TIF Site

Real property located at 3853 North Pointe Drive, Muskingum County Auditor's ID no. 86-33-01-02-001, located within the City of Zanesville, Muskingum County.

The legal description as follows: 3853 North Pointe Drive, Range 8, Township 1, Quarter Township 1, Bank Lots 2-3, United States Military Lands, comprising +/- 2.123 acres.

The parcel enumerated herein and any subsequent purported subdivisions and/or re-assigned parcel number identification or street addresses shall constitute the "**TIF Site.**"

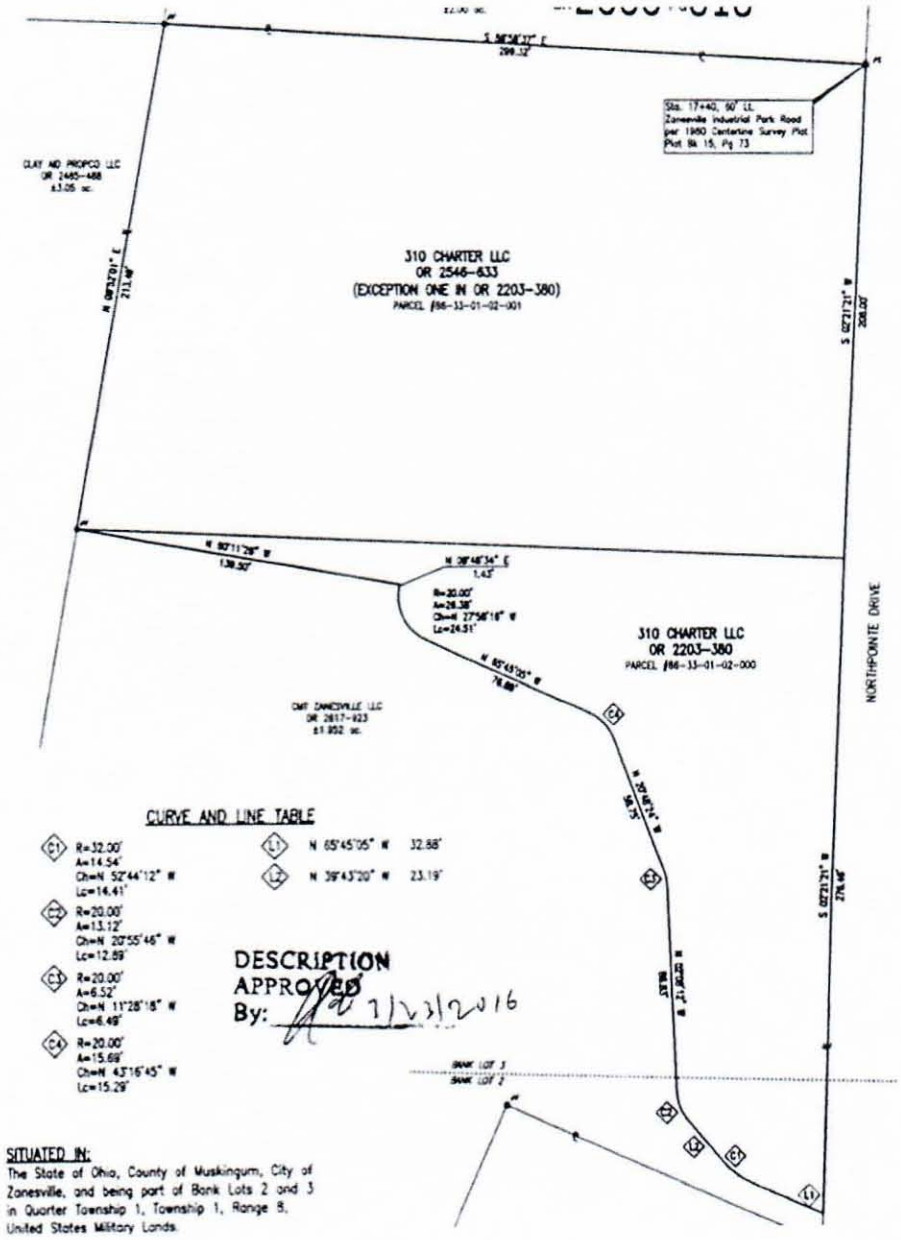

EXHIBIT B

Public Infrastructure Improvements

The Public Infrastructure Improvements generally consist of construction of improvements adjacent to and within the right-of-way and ingress and egress access points to the TIF Site along North Pointe Drive, Muskingum County, Ohio, including construction of improvements to the respective roadway in the immediate vicinity of said TIF Site.

Construction, as used herein, includes construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of the lines and traffic patterns of roads, highways, streets, bridges, pedestrian facilities (i.e., sidewalks, bike paths, pedestrian crossings), medians and viaducts accessible to and serving the public, providing lighting systems, signalization and traffic controls, and all other appurtenances thereto.

Construction of the Public Infrastructure Improvements may also include:

- Construction or installation of streetscapes and landscape improvements including trees, tree grates, signage, curbs, hydrants, sidewalks, street and sidewalk lighting, trash receptacles, benches, burial of overhead utility lines and related improvements, together with all appurtenances thereto; ⍰
- Demolition and/or environmental remediation required for such public infrastructure improvements; ⍰
- Purchase or otherwise acquire real estate or interests in real estate, including rights of way and easements, necessary to accomplish the foregoing improvements; ⍰
- Professional fees, including architectural, design, traffic planning studies, engineering, contract administration, and legal costs; ⍰
- All inspection fees and other governmental fees related to the foregoing; and ⍰
- Any other costs for the aforesaid Public Infrastructure Improvements as permitted by ⍰law. ⍰

Public Infrastructure Improvements described herein may from time-to-time be constructed or caused to be constructed by the Developer, the City, or a combination thereof, in which case either or both parties may be reimbursed from Service Payments under this Ordinance according to their relative proportion of costs borne to construct the Public Infrastructure Improvements.

All of the Public Infrastructure Improvements described herein are determined to be "public infrastructure improvements" as set forth in ORC §5709.40(A)(7) and will directly benefit the Exempted Property comprising the TIF Site as defined in Exhibit A. The Public Infrastructure Improvements shall also include any other future improvements as may be designated by City Council to directly benefit the Exempted Property. ⍰

RECEIVED
OCT 19 2016
CLERK OF COUNCIL

Ways and Means Committee
Ann Gildow, Chair

ORDINANCE NO. 16-114
INTRODUCED BY COUNCIL

AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO ENTER INTO A PURCHASE AGREEMENT FOR ENTERPRISE RESOURCE PLANNING SOFTWARE, CONVERSION, INSTALLATION, TRAINING, AND MAINTENANCE

WHEREAS, The City is currently using software that was purchased in 1996 and is no longer fulfilling the City's needs; and

WHEREAS, on June 1, 2015 the City's IT Manager started a collaboration with other city personnel to analyze the City's current and future software needs; and

WHEREAS, it was recognized that processes and procedures could be more accurate, timely, and systematically functional by using an Enterprise Resource Planning Software; and

WHEREAS, after considering functionality and price between several different software providers, it was determined the best fit for the City of Zanesville would be Tyler Technologies.

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 enter into a purchase agreement with Tyler Technologies for the purchase of an Enterprise Resource Planning Software Program.

SECTION TWO: The cost of the software, conversion, installation, training, and maintenance is estimated to be $290,327.00 and will be paid over a three year period. The first payment of $72,582.00 will be due upon signing of the purchase agreement. The second payment of $145,164.00 will be due in 2017, when the software is loaded onto the City's server. The third and final payment of $72,581.00 will be due in 2018 after the City goes live. The approximate cost to the City's Enterprise Funds will be $45,138.00 each for Water and Sewer, and $22,569.00 for Sanitation Fund.

SECTION THREE: 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

Ann Gildow, Ways and Means Chair
Rhonda Heskett, Budget and Finance Director

RECEIVED
OCT 19 2016
CLERK OF COUNCIL

ORDINANCE NO. 16-115
INTRODUCED BY COUNCIL

AUTHORIZING THE PROPER CITY OFFICIAL TO PROVIDE FUNDS TO THE ZANESVILLE-MUSKINGUM COUNTY PORT AUTHORITY FOR ORGANIZATIONAL, PROMOTIONAL, AND OPERATIONAL EXPENSES DURING THE YEAR 2017

WHEREAS, the City of Zanesville and the Board of Commissioners of Muskingum County did enter into an agreement for the creation of the Zanesville-Muskingum County Port Authority (Port Authority) on November 2, 1987; and

WHEREAS, the City of Zanesville and the Board of Commissioners of Muskingum County are mutually desirous to expand the economic development activities of the Port Authority as set forth in section 4582.201 through 4582.99 of the Ohio Revised Code; and

WHEREAS, in order to expand its economic development activities; the Port Authority will incur organizational, promotional, and operational expenses throughout the year.

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

SECTION ONE: The proper city official is authorized to provide funds to the Zanesville-Muskingum County Port Authority for the period January 1, 2017 through December 31, 2017. Said funding shall be in the amount of $100,000.00, to be paid in eleven monthly installments of $8,333.00 and one monthly payment of $8,337.00 from account 101.7951.53297.

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

Ann Gildow, Ways and Means Chair
Rhonda Heskett, Budget & Finance Dir.

RECEIVED
OCT 19 2016
CLERK OF COUNCIL

ORDINANCE NO. 16-116
INTRODUCED BY COUNCIL

AUTHORIZING THE PROPER CITY OFFICIAL TO PROVIDE FUNDS TO SOUTH EAST AREA TRANSIT FOR THE YEAR 2017

WHEREAS, South East Area Transit (SEAT) operates public transit facilities and services within the City of Zanesville; and

WHEREAS, the funding provided to South East Area Transit is necessary for their daily operations; and

WHEREAS, the City feels financially supporting public transit services is in the best interest of the citizens of Zanesville.

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

SECTION ONE: The proper city official is authorized to provide local funding to South East Area Transit for the year 2017. Said funding shall be in the amount of $80,000.00, to be paid in equal installments in March, June, September, and December from account number 101.7951.53405.

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

Ways and Means Committee
Ann Gildow, Chair

RECEIVED
OCT 19 2016
CLERK OF COUNCIL

ORDINANCE NO. 16-117
INTRODUCED BY COUNCIL

AUTHORIZING THE PROPER CITY OFFICIAL TO PURCHASE ITEMS FOR EMPLOYEE RECOGNITION

WHEREAS, the City Administration recognizes its work force is a valuable resource, and the employees of the City deserve recognition for their years of dedication as public servants; and

WHEREAS, during the year 2017 sixty-eight (68) employees will hit landmark anniversaries of 5, 10, 15, 20, 25, or 30 years of service; and

WHEREAS, during the year 2017 the City may have employees retire from their career with the City; and

WHEREAS, the City Administration feel it is important to recognize those employees for their years of service and dedication.

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

SECTION ONE: The proper city official is authorized to expend an amount not to exceed $1,700.00 on employee recognition items for the year 2017; said funds will be paid from line item 101-7661-53399.

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

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

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

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

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

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

PETITION TO ADDRESS COUNCIL

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

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

NAME: Eric Jones

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

ADDRESS: 221 Luck Ave

TELEPHONE (740) 588-1837

EMAIL (OPTIONAL) :

RECEIVED
NOV 21 2016
3:45 p.m.
CLERK OF COUNCIL

COMMUNICATION/RESOLUTION/ORDINANCE #: _____ ____ FOR OR ____ AGAINST

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

So, how exactly do you over-rule "sole discretion"?

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

Eric Jones
SIGNATURE

11/21/16
DATE