

- h. Replacement of utility meters on buildings in the same location as existing.
3. Exterior Rehabilitation
- a. Rebuilding of existing wheelchair ramps, or installation of new ramps on secondary building elevations where the building is not located on a corner lot.
  - b. Repair (not replacement) of porches, cornices, exterior siding, doors, windows, balustrades, stairs, or other trim as long as any new materials matches existing features in composition, design, color, texture, and other visual and physical qualities.
  - c. Foundation repair. Repointing of foundation masonry is exempt only on secondary elevations. If the building is on a corner lot, repointing of foundation masonry is not exempt on the elevations that face the streets.
  - d. Exterior scraping with non-destructive means and painting of wood siding, features, and trim; exterior painting of masonry, if existing surfaces are already painted. This does not apply to the use of lead encapsulate paint. No abrasive cleaning is permitted for the removal of any building materials.
  - e. Caulking, reglazing, and weather-stripping.
  - f. Installation of screens and storm windows, provided that they:
    - i. Completely fill the original window opening.
    - ii. Match the meeting rail or other major divisions.
    - iii. Interior storms must not cause damage to the original interior trim.
    - iv. Interior storms must be designed to seal completely so as to protect the primary window from condensation.
  - g. Installation of storm doors, if they are undecorated and have a painted finish to match existing trim or the existing door.
  - h. Repair or replacement of asphalt, fiberglass, and asbestos shingle roof covering with the same materials as long as the shape of the roof is not changed.
  - i. Replacement of a flat roof not visible from a public right-of-way as long as the shape of the roof is not changed.
  - j. Repair or replacement of metal gutters and downspouts; and relining, repainting, and repair of box gutters. This does not apply to the replacement of box gutters.
4. Interior Rehabilitation
- a. Repair (not replacement) of existing interior walls, floors, ceilings, decorative plaster, or woodwork, provided the work is limited to repainting, in-kind patching, refinishing, or repapering.
  - b. Installation of attic insulation.
  - c. Repair (not replacement) of existing interior walls, floors, ceilings, decorative plaster, or woodwork, provided the work is limited to repainting, in-kind patching, refinishing, or repapering.

**City of Zanesville** Programmatic Agreement (expires December 31, 2024)

- d. Kitchen and bathroom remodeling if no walls, windows, or doors are removed or relocated so as to alter the floor plan. Venting allowed through roof or secondary wall.
  - e. Installation of new furnace, boiler or water heater; furnace cleaning or repair.
  - f. Installation or repair of all electrical, plumbing, heating, ventilation, and air conditioning systems as long as no alteration is made to structural features or decorative features.
  - g. Installation of new ceiling openings for attic access or pull-down stairs; removal and sealing up of obsolete pull-down stairs.
  - h. Asbestos abatement activities that do not involve removal or alteration of structural or decorative features.
  - i. Lead paint hazard abatement such as HEPA cleaning and HUD approved paint removal or stabilization. Any decorative features shall be treated with care and retained for re-installation after treatment.
- C. Activities defined in 24 CFR Section 58.34 of the “Environmental Review Procedures for Entities Assuming HUD Environmental Review Responsibilities, as amended” are exempt from review under this agreement.
- D. Activities defined in 24 CFR Section 58.35(b) of the “Environmental Review Procedures for Entities Assuming HUD Environmental Review Responsibilities, as amended” are exempt from review under this agreement.

**III. Project Review**

- A. If the grantee determines that an undertaking will involve any activities that are not exempt under Stipulation II, the grantee will, in accordance with 36 CFR Part 800, consult with the SHPO before starting the undertaking by submitting the following documentation to the SHPO:
- 1. Project location, including a map;
  - 2. Project description, including work write-ups, plans, or specifications, as appropriate;
  - 3. Color photographs of all elevations of the building or site;
  - 4. Date any buildings in the project area were built;
  - 5. Statement of whether any properties in the project area are listed in or eligible for listing in the National Register;
  - 6. If there are listed or eligible properties, a statement of whether and how the undertaking will affect the historic properties.
- B. This submission should include, and the SHPO will consider, the following information if it explains the grantee’s decisions regarding National Register eligibility and effect:
- 1. Condition assessments for various historic elements;
  - 2. An explanation of the goals of the undertaking;

3. Alternative treatments considered and cost estimates for each;
  4. Life cycle maintenance costs related to each alternative;
  5. Proposed measures to mitigate or minimize adverse effects;
  6. Available marketing studies; and
  7. Any other information that warrants consideration.
- C. At the discretion of the grantee, SHPO's Section 106 Project Summary Form can be used to satisfy Stipulation III A & B.
- D. The SHPO will respond, in accordance with 36 CFR Part 800, to the grantee within 30 days after receiving the project documentation by stating that:
1. The SHPO concurs with the grantee's decision about eligibility and effect;
  2. The SHPO disagrees with the grantee's decision about eligibility and effect; or
  3. The SHPO needs more information in order to concur or disagree with the grantee's decision about eligibility or effect.
- E. If the SHPO and the grantee agree that the undertaking will have no effect on properties that are listed in or eligible for listing in the National Register, the grantee will retain the SHPO's letter in its project file and the review process, in accordance with 36 CFR Part 800, will be complete.
- F. If the SHPO and the grantee agree that the undertaking will have an effect on properties that are listed in or eligible for listing in the National Register, the grantee will follow the standard process described in 36 CFR Part 800 to complete consultation.
- G. Any disagreements regarding the National Register eligibility of historic properties may be resolved through the grantee requesting a Determination of Eligibility from the Keeper of the National Register of Historic Places, as described in 36 CFR Part 63. Any disagreements regarding project effects shall be resolved as described in 36 CFR Part 800.6. The grantee or SHPO may elect to invite the ACHP to participate or provide its opinion, if they determine it to be appropriate.

#### **IV. Technical Assistance and Educational Activities**

Staff in the SHPO's Resource Protection and Reviews Department will provide technical assistance, consultation, and training of grantee staff as required by the grantee or as proposed by the SHPO in order to assist the grantee in carrying out the terms of this agreement. SHPO may also request that appropriate members of the grantee's staff should attend training specifically in the use and interpretation of this agreement, or the overall regulatory process described in 36 CFR Part 800.

## V. Public Involvement and Participation

- A. In accordance with citizen participation requirements for State-administered HUD programs (24 CFR Section 570.486), the grantee will seek public input and notify the public of proposed actions.
  - 1. The grantee will, at a minimum, hold two public hearings to seek public comment regarding the planning and implementation of State-administered HUD programs. The first public hearing will address basic program parameters, and the second public hearing will provide specific information regarding proposed activities. Notice of both hearings will be published 10 days in advance in a newspaper of general circulation.
  - 2. The grantee will hold an additional public hearing if a State-administered HUD program is amended. The Amendment Public Hearing provides citizens with an opportunity to review and comment on a substantial change in the program. Notice of an Amendment Public Hearing will be published 10 days in advance in a newspaper of general circulation.
- B. The public notification procedures outlined in 24 CFR Part 58 for a Notice of Intent to Request Release of Funds (NOI/RROF) and Finding of No Significant Impact (FONSI) require the grantee to make information about individual projects available for public inspection, and to consider the views of the public and consulting parties in decision-making about individual projects
- C. For individual projects located in locally designated districts or those that may affect locally listed properties, the appropriate local review board will be presented with information regarding the proposed project for consideration as part of their regularly scheduled hearing, along with any project alternatives considered.

## VI. Post Review Discovery

- A. In the event that historic properties are discovered or unanticipated effects on historic properties found after completion of the Section 106 process, the grantee will follow the process established at 36 CFR Part 800.13. In all cases of discovery or unanticipated effects, the grantee will contact SHPO as soon as practicable and provide sufficient information so that SHPO can make meaningful comments and recommendations.
- B. In the event that human remains are discovered during the development or construction of any project subject to this agreement, construction will cease in the area of the discovery. The grantee will contact SHPO and the County Sheriff and/or County Coroner within 48 hours. The grantee will also consult with SHPO, DSA and the County Sheriff and/or Coroner to develop and carry out a treatment plan for the care and disposition of human remains.
- C. When the human remains are determined to be of Native American Indian origin, the treatment plan will also be developed in consultation with appropriate federally recognized Native American Indian Tribes. The grantee may call upon

City of Zanesville Programmatic Agreement (expires December 31, 2024)

representatives of DSA and HUD for assistance in conducting meaningful and respectful discussions with tribal representatives.

## VII. Dispute Resolution

Should any party to this agreement object at any time to any actions proposed or the manner in which the terms of this agreement are implemented, the grantee shall consult with such party to resolve the objection. If the grantee determines that such objection cannot be resolved, the grantee will:

- A. Forward all documentation relevant to the dispute, including the grantee's proposed resolution, to the ACHP. The ACHP shall provide the grantee with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the grantee shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The grantee will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the grantee may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the grantee shall prepare a written response that takes into account any timely comments regarding the dispute, and provide them and the ACHP with a copy of such written response.
- C. The grantee's responsibility to carry out all other actions subject to the terms of this agreement that are not the subject of the dispute remain unchanged.

## VIII. Monitoring

- A. Within 30 days after the end of each calendar year that this agreement is in force, the grantee will submit to the SHPO a list of undertakings exempted from review under Stipulation II of this agreement.
  1. For each exempted undertaking the list will include the project location, the age of the building or its date of construction, a full description of each activity undertaken, PA Stipulation used to exempt project from review and name and title of grantee staff member who exempted project from review. The description shall include a list of the work done as well as how the work was done, such as: window sash repaired and repainting.
  2. The grantee should also include in their submission three (3) random samples of exempt projects, on buildings (50) years or older, with copies of the information that was available to support the project's consideration under the terms of this agreement.
- B. If the grantee did not exempt any undertakings from review under the terms of this agreement during the calendar year, it still must inform the SHPO of the lack of exemptions by letter notification.

## **IX. Definitions**

The definitions provided in the National Historic Preservation Act and the regulations at 36 CFR Part 800 apply to terms used throughout this agreement, such as “historic property” and “effect.”

## **X. Amendment & Duration**

This agreement will continue in full force until December 31, 2024 and may be reviewed for modifications, termination, or renewal before this date has passed. At the request of either party, this agreement may be reviewed for modifications at any time. This PA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

## **XI. Emergencies**

A. In the event that the grantee determines that a project must be completed on an emergency basis due to an imminent threat to life or property or in response to a natural disaster or emergency, the grantee may set aside the timeline established in Stipulation III to facilitate expedited review by the SHPO.

1. The grantee shall notify the SHPO in advance by phone of its intention to submit a project for emergency review.
  - a. Cover letter describing the nature of the emergency and the proposed treatment. Emergency nature of review shall be noted in bold in reference line.
  - b. The address of the property and the nature of the emergency
  - c. Recent photographs of the property
  - d. A signed copy of any local order compelling immediate action
  - e. An Ohio Historic Inventory Form or other documentation regarding the National Register eligibility of the affected property
2. The SHPO shall promptly notify the grantee of its concurrence with the grantee’s effect determination or may request additional information to complete the review. SHPO may recommend to grantee that resolution of adverse effects requiring the execution of a Memorandum of Agreement is necessary, but may agree to grantee’s recommendation to defer completion of such an agreement until the necessary emergency actions have been taken.

Execution of this PA by the grantee and SHPO and implementation of its terms evidence that the grantee has taken into account the effects of its undertakings on historic properties and afforded the ACHP an opportunity to comment.

**SIGNATORIES:**

**City of Zanesville**

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Signature

Date

Jeff Tilton, Mayor  
City of Zanesville

Contact Information

401 Market Street  
Zanesville, OH 43701  
(740) 617-4908

**State Historic Preservation Office**

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Signature

Date

Diana Welling  
Deputy State Historic Preservation Officer for  
Resource Protection and Review

Contact Information:  
800 East 17<sup>th</sup> Avenue  
Columbus, OH 43211  
[dwelling@ohiohistory.org](mailto:dwelling@ohiohistory.org)  
614-298-2000

Ways and Means Committee  
Ann Gildow, Chair

ORDINANCE NO. 19-119  
INTRODUCED BY COUNCIL

AUTHORIZING THE PROPER CITY OFFICIAL TO PROVIDE FUNDS  
TO SOUTH EAST AREA TRANSIT FOR THE YEAR 2020

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 2020. 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 \_\_\_\_\_, 2019

ATTEST: \_\_\_\_\_  
Sue Culbertson  
Clerk Of Council

\_\_\_\_\_  
Daniel M. Vincent  
President Of Council

APPROVED: \_\_\_\_\_, 2019

This legislation approved as to form:

\_\_\_\_\_  
Jeff Tilton  
Mayor

  
\_\_\_\_\_  
Law Director's Office

ORDINANCE NO. 19-120  
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 2020

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, 2020 through December 31, 2020 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 \_\_\_\_\_, 2019

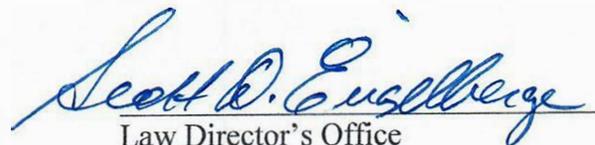
ATTEST: \_\_\_\_\_  
Sue Culbertson  
Clerk Of Council

\_\_\_\_\_  
Daniel M. Vincent  
President Of Council

APPROVED: \_\_\_\_\_, 2019

This legislation approved as to form:

\_\_\_\_\_  
Jeff Tilton  
Mayor

  
\_\_\_\_\_  
Law Director's Office