

Public Service Committee
Andrew Roberts, Chair

ORDINANCE NO. 19 - 141
INTRODUCED BY COUNCIL

**AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS
RELATING TO THE LOCK #10 CANAL TRAIL PROJECT.**

WHEREAS, the City, by way of Ordinance 17-65, authorized the Public Service Director to execute a Lease Management Agreement with the State of Ohio, acting by and through its Department of Natural Resources Department (ODNR), for the Muskingum River Lock #10 Canal Park; and

WHEREAS, improvements to the Lock #10 Canal Trail and Park is a crucial enhancement project that would benefit the downtown and Putnam areas; and

WHEREAS, the City hired Sands Decker Engineers earlier this year to develop the lighting and trail construction plans in order to build the improvements and obtain necessary ODNR approval, which has been completed; and

WHEREAS, the City budgeted \$200,000 in the FY 2019 Budget for the improvements, attached as Exhibit A to this ordinance, with the majority of the work being completed by City crews.

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

SECTION ONE: The Director of Public Service is hereby authorized execute all documents and expend funds in the estimated amount of \$128,224 for the installation of electrical facilities and purchase materials to complete the Lock #10 Canal Trail project.

SECTION TWO: The funds for this project will be taken from Line Item 101-3281-54422 and shall be considered as advanced, repayable from the service payments made through the tax increment financing agreement, authorized by Ordinance 16-130.

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

PASSED: _____, 2020

ATTEST:

SUSAN CULBERTSON,
Clerk of Council

DANIEL M. VINCENT,
President of Council

APPROVED: _____, 2020

**THIS LEGISLATION APPROVED
AS TO FORM**

DONALD MASON,
Mayor



LAW DIRECTOR'S OFFICE



ENGINEER'S ESTIMATE

- SD Phase
- DD Phase
- CD Phase
-

Prepared By: Rick Cox

Date: 12/2/2019

Project Name: Canal Park Lighting

Client: City of Zanesville

Location of Project: Canal Park, Between Y bridge and 6th ST Bridge

Project No: 3822

Item	Description	Quantity	Unit	Unit Price	Total Item Price
201	Clearing & Grubbing	LUMP	SUM	\$2,000.00	\$2,000
202	Pavement Removed	33	SY	\$50.00	\$1,667
203	Embankment (AT&T Vault)	5	CY	\$27.00	\$135
203	Excavation - Haul Off (New Path)	22	CY	\$30.00	\$660
204	Subgrade Compaction	200	SY	\$6.00	\$1,200
304	Aggregate Base	17	CY	\$75.00	\$1,250
407	Tack Coat	5	GAL	\$30.00	\$150
441	Asphalt Concrete Surface Course, Type 1 (448), PG64-22	2	CY	\$350.00	\$648
659	Seeding & Mulching	200	SY	\$3.50	\$700
659	Commercial Fertilizer	0.1	TON	\$750.00	\$75
703	#57 Crushed Limestone	40	CY	\$75.00	\$3,020
832	Perimeter Filter Fabric Fence	900	LF	\$3.00	\$2,700
	2-1" SCH 40 conduits	1,550	LF	\$23.00	\$35,650
	Wire	1,550	LF	\$3.75	\$5,813
	Pre-Cast Concrete Light Pole Base (18" dia X 4')	22	Each	\$550.00	\$12,100
	Holophane Granville LED light with Pole	22	Each	\$1,900.00	\$41,800
	AEP Electrical Service	2	Each	\$1,500.00	\$3,000
	Electrical Meter/panel	2	Each	\$2,000.00	\$4,000
				Subtotal:	\$116,568
	10% Contengency				\$11,656.77
				Total Estimate of Construction Costs:	\$128,224

Item numbers refer to the current State of Ohio Department of Transportation Construction & Material Specifications, including all supplements thereto.

Since the Engineer has no control over the cost of materials, labor, or equipment, or over the market factors that affect construction prices in general, this Engineer's Estimate is not warranted or guaranteed to be accurate.

Community Development Committee
Mark Baker, Chair

ORDINANCE NO. 19-140

AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO SUBMIT AN APPLICATION FOR A 2020 CERTIFIED LOCAL GOVERNMENT PROGRAM GRANT.

WHEREAS, the City of Zanesville is a Certified Local Government (CLG) and is therefore eligible to submit an application to the Ohio History Connection for a Certified Local Government (CLG) Program Grant; and

WHEREAS, the CLG Grant can be used for a variety of purposes pertaining to historic preservation including creating or updating an historic preservation plan; and

WHEREAS, a Master Plan and Historic Conservation Study was completed for the Putnam Area in 1974; and

WHEREAS, a local citizens' group, Friends of Putnam, has requested the city seek funding from the CLG Grant Program to update the historic preservation plan for the Putnam Historic District; and

WHEREAS, the City of Zanesville desires to support community improvement initiatives

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

SECTION ONE: The Community Development Director is hereby authorized to submit a grant application to the Ohio History Connection for the 2020 Certified Local Government (CLG) Grant Program for an update to the Putnam Historic District preservation plan, and if awarded, execute all necessary grant documents on behalf of the City of Zanesville.

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

PASSED: _____, 2019.

ATTEST: _____
SUSAN CULBERTSON
CLERK OF COUNCIL

DANIEL M. VINCENT
PRESIDENT OF COUNCIL

APPROVED: _____, 2019.

JEFF TILTON
MAYOR

THIS LEGISLATION
APPROVED AS TO FORM



LAW DIRECTOR'S OFFICE

**ORDINANCE NO. 19-143
INTRODUCED BY COUNCIL**

**AN ORDINANCE AMENDING CHAPTER 924.11(e) OF THE CITY OF
ZANESVILLE'S CODIFIED ORDINANCES REGARDING SPECIAL CHARGES
AND ASSESSMENTS.**

WHEREAS, the City charges sanitary sewer capacity fees to assure that customers connecting their system pay their share of the sewer system and treatment plant cost required to convey and treat their wastewater; and

WHEREAS, the current codified language does not provide consideration of crediting an existing commercial/industrial facility that is already connected to the sanitary system, for their capacity connection when desiring to increase their discharge capacity; and

WHEREAS, recognizing existing sewer capacities and providing our customers a credit is a simple tool in encouraging redevelopment in the City.

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

SECTION ONE: Section 924.11(e) of the Zanesville Codified Ordinances which currently reads:

(e) Commercial or Industrial Capacity Fee.

(1) For the purpose of tapping into such Y branches already provided and using interceptor sewers for the disposal of sanitary sewage, each commercial, industrial and special type property owner shall pay, in addition to charges customarily made, a sum to be determined by the Division of Engineering and Construction of the City, based on uniform standards, such sum to be not less than one thousand five hundred seventy dollars (\$1,570) and shall be based on the equivalent dwelling units of 250 gallons per day (gpd) per unit. Industry would require consideration on a case by case basis and would consider one Equivalent Dwelling Unit (EDU) as not only the flow of 250 gpd but also the wastewater strength of 200 mg/l Biochemical Oxygen Demand (BOD) and 250 mg/l Suspended Solids (SS). Therefore, one EDU would equal 0.417 pounds of BOD and 0.521 pounds of SS. Such sum shall be deposited to the benefit of the Sewage Revenue Fund account, or to the Construction Fund for the service sewers being constructed, where such is the case.

Shall be amended to reads as follows:

(e) Commercial or Industrial Capacity Fee.

(1) For the purpose of tapping into such Y branches already provided and using interceptor sewers for the disposal of sanitary sewage, each commercial, industrial and special type property owner shall pay, in addition to charges customarily made, a sum to be determined by the Division of Engineering and Construction of the City, based on uniform standards, such sum to be not less than one thousand five hundred seventy dollars (\$1,570) and shall be based on the equivalent dwelling units of 250 gallons per day (gpd) per unit. Industry would require consideration on a case by case basis and would consider one Equivalent Dwelling Unit (EDU) as not only the flow of 250 gpd but also the wastewater strength of 200 mg/l Biochemical Oxygen Demand (BOD) and 250 mg/l Suspended Solids (SS). Therefore, one EDU would equal 0.417 pounds of BOD and 0.521 pounds of SS. Such sum shall be deposited to the benefit of the Sewage Revenue Fund account, or to the Construction Fund for the service sewers being constructed, where such is the case.

(2) Credits for existing sewer service capacity fees can be provided for redevelopment and change in use when there is a requested increase in capacity use only on the specific property. Such credit will be given when increasing the equivalent dwelling units.

In determining the credit, the customer's existing capacity shall be compared to their proposed (expanded) capacity (e.g. equivalent dwelling units). Existing capacity for purposes of valuing the credit shall be established at the City's then current value of the amount of capacity at the time of the application for credit. The difference between the value of the full (requested) capacity and the redevelopment capacity credit shall be paid to the City at the current rate.

Capacity credits shall be provided to a customer that is properly and legally connected to the sewer system, even if no sewer capacity fees had been previously paid for the property. The customer's existing capacity for purposes of establishing a redevelopment (capacity) credit shall be the lesser of the current value of capacity at the time of the application for credit or the value of capacity documented in a previously executed agreement between the City and the customer.

Refunds or credits for existing water and sewer service capacity fees will not be given when reducing the equivalent dwelling units loading. The original capacity shall remain with the property and available for use. Capacity and capacity (fee) credits shall remain with the property only and are non-transferable to any other property.

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

PASSED: _____, 2020

ATTEST: _____
SUSAN CULBERTSON,
Clerk of Council

DANIEL M. VINCENT,
President of Council

APPROVED: _____, 2020

**THIS LEGISLATION APPROVED
AS TO FORM**

DONALD MASON,
Mayor



LAW DIRECTOR'S OFFICE

ORDINANCE NO. 19 – 144
INTRODUCED BY COUNCIL

AN ORDINANCE AUTHORIZING AN ENCROACHMENT OF A CITY RIGHT-OF-WAY.

WHEREAS, GRM PROPERTIES LLC owns Parcel # 81-65-03-02-000, currently known as 330 Main Street Zanesville, Ohio; and

WHEREAS, the office building has an existing rear exit doorway which does not have a stairway down to the public right-of-way; and

WHEREAS, GRM has leased said property and it was discovered during the building renovations plan review that the property owner must construct a small stairway off of the rear exit, which will encroach approximately 42" into the public right-of-way; and

WHEREAS, during investigation, City staff noted several existing structures encroaching within the same public right-of-way; and

WHEREAS, at their November 12, 2019 meeting, the City Council concurred with Traffic Order 19-09 effectively closing the "alley" (behind 330 Main Street) to all vehicular traffic.

WHEREAS, City staff is not aware of any plans to improve said right of way and has no objection to allowing said encroachment, subject to certain conditions.

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

SECTION 1: The City of Zanesville hereby acknowledges that there will be an encroachment of a structure associated with Muskingum County Parcel # 81-65-03-02-000, located adjacent to the public right-of-way.

SECTION 2: The City Council hereby permits such encroachment subject to the property owner's execution of a Hold Harmless Agreement, attached as "Exhibit A".

SECTION 3: That these permissions for the Encroachment shall continue until such time as those portions of the structure encroaching within the public right of way are destroyed, removed, no longer in use, not continuously maintained by the Owner/User, or the City of Zanesville has use for the Right of Way. Nothing in this Ordinance shall be construed either: to allow the installation by Owner/User of any above ground or below ground structure other than the portions of garage within the right of way; or to allow any greater encroachment beyond the dimensions and spatial areas shown "Exhibit A".

SECTION 4: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2019

ATTEST: _____
Susan Culbertson
Clerk of Council

Daniel M. Vincent
President of Council

APPROVED: _____, 2019

Jeff Tilton, Mayor

**THIS LEGISLATION APPROVED
AS TO FORM**



LAW DIRECTOR'S OFFICE

**WAIVER OF LIABILITY AND HOLD HARMLESS AGREEMENT
for access to and use of City of Zanesville Right of Way**

Whereas, GRM PROPERTIES LLC, whose address is 2746 Deer Path Drive Duncan Falls, Ohio 43734, is the owner of real property and improvements described as Muskingum County Parcel # 81-65-03-02-000, requesting authorization for an encroachment for construction of a stairway from the rear exit of 330 Main Street into the City of Zanesville right-of-way; and

Whereas, the City of Zanesville adopted Ordinance No. 19 -144 authorizing such request, subject to GRM PROPERTIES LLC executing a Hold Harmless Agreement.

In consideration for receiving permission to encroach upon the City of Zanesville right-of-way, described as the public right-of-way behind Parcel 81-65-03-02-000, further identified in Attachment A:

1. I hereby RELEASE, WAIVE, DISCHARGE AND COVENANT NOT TO SUE, The City of Zanesville, their officers, agents, servants, or employees (hereinafter referred to as RELEASEES) from any and all liability, claims, demands, actions and causes of action whatsoever arising out of or related to any loss, damage, or injury, including death, that may be sustained by me, or any of the property belonging to me, WHETHER CAUSED BY THE NEGLIGENCE OF THE RELEASEES, or otherwise, while participating in such use, or while in, on or upon the premises where the use is occurring.
2. I am fully aware of the unusual risks involved and hazards connected with any kind of use of the City of Zanesville property. I VOLUNTARILY ASSUME FULL RESPONSIBILITY FOR ANY RISKS OF LOSS, PROPERTY DAMAGE OR PERSONAL INJURY INCLUDING DEATH, that may be sustained by me, or any loss or damage of property owned by me, as a result of being engaged in such activity, WHETHER CAUSED BY THE NEGLIGENCE OF RELEASEES OR OTHERWISE.
3. I further hereby AGREE TO INDEMNIFY AND HOLD HARMLESS the RELEASEES from any loss, liability, damage or costs, including court costs and attorney fees, that they may incur due to my use of said right of way, or my invited guests or other users of the area described in "Exhibit A", WHETHER CAUSED BY NEGLIGENCE OF RELEASEES or otherwise.
4. I understand that City of Zanesville will not be responsible to maintain any insurance policy, covering any circumstance arising from my participation in the use of the City of Zanesville property. As such, I am aware that I should review my personal insurance portfolio.
5. It is my express intent that this Waiver of Liability and Hold Harmless Agreement shall bind the members of my family and spouse, if I am alive, and my heirs, assigns and personal representative, if I am deceased, and shall be deemed as a RELEASE, WAIVER, DISCHARGE AND COVENANT NOT TO USE SUE the above-named RELEASEES. I hereby further agree that this Waiver of Liability and Hold Harmless Agreement shall be construed in accordance with the laws of the State of Ohio.
6. IN SIGNING THIS RELEASE, I ACKNOWLEDGE AND REPRESENT THAT I have read the foregoing Waiver of Liability and Hold Harmless Agreement, understand it and sign it voluntarily as my own free act and deed; no oral representations, statements, or inducements, apart from the foregoing written agreement, have been made; I am at least eighteen (18) years of age and fully

Attachment to Ordinance No. 19-144

competent; and I execute this Release for full, adequate and complete consideration fully intending to be bound by same.

Signed on this _____ day of _____, 2019.

GRCM PROPERTIES LLC _____
Printed Name Signature

County of Muskingum
State of Ohio,

Now before me, a duly authorized Notary Public for the State of Ohio, came Judith Thomas, who swears and affirms that she signed the foregoing document of her own free act and deed.

Notary Public