

Resolution No. 2020-48

PASSED: _____, 2020

ATTEST: _____

Susan Culbertson
Clerk of Council

Andrew Roberts
President Pro-Tempore of Council

APPROVED: _____, 2020

This legislation approved as to form:

Donald L. Mason
Mayor



Law Director's Office

Community Development Committee
Mark Baker, Chair

RESOLUTION NO. 2020 - 50

A RESOLUTION OF SUPPORT FOR AK STEEL AND DECLARING AN EMERGENCY

WHEREAS, AK Steel, Inc., formerly Armco Steel, has operated within the City of Zanesville for more than 100 years; and

WHEREAS, AK Steel has provided quality employment opportunities for local residents for decades and currently employs more than 100; and

WHEREAS, AK Steel's economic impact to the community is substantial via real estate taxes paid to local taxing authorities, which annually exceeds \$59,000, as well as income tax collected by the City of Zanesville; and

WHEREAS, AK Steel's Zanesville operation and a second facility in Butler, Pennsylvania, are in jeopardy of closing without Section 232 tariff protection being extended to grain-oriented electrical steels that are used in transformers and motors; and

WHEREAS, if the City's support of the AK operations are not communicated officially and immediately to federal officials, then jobs could be lost with the associated negative impact creating a possible risk to the health, safety and welfare of the public;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Zanesville, State of Ohio; that

SECTION ONE: AK Steel, Inc., is an important part of the Zanesville community and its continued operation is critical to the well-being of its employees and the broader community.

SECTION TWO: The potential closing of AK Steel facilities in Zanesville and Butler, Pennsylvania, would directly impact up to 1,700 employees and their families and would have far-reaching consequences in both communities.

SECTION THREE: The Mayor and Council of the City of Zanesville request support from President Donald Trump in preserving employment at the Zanesville and Butler facilities by extending Section 232 tariffs to electrical steel laminations and cores used in transformers and motors.

SECTION FOUR: The Mayor is hereby authorized to provide copies of this Resolution to President Donald Trump, members of Ohio's federal legislative delegation including but not limited to U.S. Senators Rob Portman and Sherrod Brown and U.S. Representatives Troy Balderson and Bill Johnson and AK Steel executives.

SECTION FIVE: For the reasons stated herein, 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 from and after the earliest period allowed by law.

PASSED: _____, 2020.

ATTEST: _____
SUSAN CULBERTSON
CLERK OF COUNCIL

DANIEL M. VINCENT
PRESIDENT OF COUNCIL

Resolution No. 2020-50

APPROVED: _____, 2020. THIS LEGISLATION APPROVED AS TO FORM

DONALD L. MASON
MAYOR



LAW DIRECTOR'S OFFICE

ORDINANCE NO. 2020 - 49
INTRODUCED BY COUNCIL

AN ORDINANCE AUTHORIZING PARTICIPATION IN THE ODOT WINTER CONTRACT FOR ROAD SALT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Zanesville, Muskingum County (hereinafter referred to as the “Political Subdivision”) hereby submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT’s signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision’s participation in the road salt contract; and
- d. The Political Subdivision’s electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically submitted salt quantities from its awarded salt supplier during the contract’s effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 24 by 12:00 p.m. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision’s participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision’s participation agreement and/or a Political Subdivision’s request to rescind its participation agreement.

WHEREAS, it is in the Zanesville public’s financial interest to continue purchasing road salt through the State of Ohio Purchasing Cooperative. Since the City received this notice from ODOT on March 10, 2020 and is required to submit authorizing legislation back to ODOT no later than April 24, 2020, and failure to timely submit the legislation thereby possibly making our roadways dangerous jeopardizing the health and safety of our citizens, this ordinance must be passed as emergency legislation.

Ordinance No. 2020-49

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

SECTION ONE: The Zanesville City Council hereby agrees to the terms and conditions outlined in the above language regarding participation in the ODOT Winter Salt Contract.

SECTION TWO: The Zanesville City Council hereby affirms that the appropriate funding has been authorized in the 2020 appropriation ordinance.

SECTION THREE: The City of Zanesville Public Service Director is hereby authorized to execute all agreements and expend funds relative to the intent of this ordinance.

SECTION FOUR: For the 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 approval of the Mayor. Otherwise, it 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

Community Development Committee
Mark Baker, Chair

ORDINANCE NO. 20 - 51

AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE OHIO HISTORIC PRESERVATION OFFICE, FAIRFIELD HOMES, INC. AND HERITAGE OHIO, INC.

WHEREAS, Fairfield Homes, Inc. is proposing to construct a multi-family housing development on Muskingum County Auditor’s Parcel No. 81-65-03-10-000; and

WHEREAS, Fairfield Homes, Inc. is accessing housing vouchers from the Office of Housing and Urban Development (HUD) for their project, which necessitated completion of a Federal Environmental Assessment; and

WHEREAS, The Ohio Historic Preservation Office as part of its review has determined the proposed project and proposed demolition activities will impact historic structures and therefore is requiring mitigation from Fairfield Homes, Inc.; and

WHEREAS, The City of Zanesville is the Responsible Entity for certifying completion of the Environmental Record to HUD, and therefore is a party to the Memorandum of Agreement between the Ohio Historic Preservation Office; Fairfield Homes, Inc., and Heritage Ohio, Inc.

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 execute a Memorandum of Agreement, Attached as Exhibit A, between the City of Zanesville, Ohio Historic Preservation Office, Fairfield Homes, Inc. and Heritage Ohio, Inc.

SECTION TWO: The proper City Official will include the Memorandum of Agreement in the project’s Environmental Record.

SECTION THREE: This Ordinance shall take effect upon the approval of the Mayor and 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 L. MASON
MAYOR



LAW DIRECTOR’S OFFICE



The City of Zanesville

Community Development Department

401 Market Street, Zanesville, Ohio 43701

Phone: (740) 617-4909

Donald L. Mason
Mayor

William Arnett
Director

MEMORANDUM

TO: *Members of City of Zanesville Community Development Committee*

FROM: **Bill Arnett, Community Development Director**

CC: **Donald L. Mason, Mayor; David Tarbert, City Law Director**

DATE: *March 10, 2020*

SUBJECT: *Memorandum of Agreement with Ohio Historic Preservation Office*

Fairfield Homes is in the final stages of preparing for the Pearl House project on South Third Street. The project will include 34, multi-family housing units. Since the project includes participation from the Office of Housing and Urban Development (HUD), a federal environmental assessment was required. Zanesville is the "Responsible Entity" for the project's environmental review as being a unit of local government that receives HUD funding. During the review, the Ohio Historic Preservation Office (OHPO) noted impacts to historic structures.

Representatives from OHPO, Heritage Ohio and Fairfield Homes met in Zanesville last week to tour the buildings and discuss options. The group collectively arrived at a mitigation plan that will be incorporated into a Memorandum of Agreement (MOA). The MOA will outline the steps Fairfield Homes and the City of Zanesville will need to take to mitigate the impact. Fairfield Homes will need to document the structures through research and photos, and ultimately a plaque or marker will be placed there. Fairfield Homes will also be required to make historic fixtures available for reuse locally. OHPO is also requiring the City of Zanesville pursue a National Register of Historic Places designation for part of the downtown. The process requires significant research and likely takes more than a year. The city's commitment is to pursue the designation. If a majority of private property owners object, then the nomination could not move forward and a different mitigation method would be crafted.

Ultimately, the signed MOA is required to complete the federal environmental record, so the project can proceed. The current timeline calls for demolition to begin in May, and Pearl House to be completed about 14 months later. To maintain the project timeline, I would request a recommendation of approval to council and waiving of the readings. No emergency language would then be needed.

Please let me know if you have any questions.

**MEMORANDUM OF AGREEMENT
AMONG FAIRFIELD HOMES, THE OHIO STATE HISTORIC PRESERVATION OFFICE, AND
THE CITY OF ZANESVILLE**

**REGARDING THE DEMOLITION OF 32-34 SOUTH THIRD STREET, 60-62 SOUTH THIRD
STREET, AND 315-317 SOUTH STREET
ZANESVILLE, MUSKINGUM COUNTY, OHIO**

WHEREAS, Fairfield Homes intends to demolish 34-36 South Third Street, 60-62 South Third Street, and 315-317 South Street to support the construction of Pearl House, a 34-unit affordable housing community serving the needs of homeless families recovering from drug and/or alcohol addictions, and the U.S. Department of Housing and Urban Development (HUD) has provided project-based funding to Fairfield Homes under the Ohio Development Services Agency's Ohio Housing Finance Agency grant program for Pearl House, and

WHEREAS, Fairfield Homes is an applicant of HUD under the Ohio Housing Finance Agency grant program; thereby making the Project an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 USC § 470f, and its implementing regulations, 36 CFR part 800; and

WHEREAS, Fairfield Homes, in consultation with the State Historic Preservation Office (SHPO), has defined the area's Potential Area of Effect (APE) as the block bordered by South Third Street on the west, South Street on the south, Potter Alley on the east, and Damon Alley on the north, and

WHEREAS, the undertaking will result in an adverse effect to 34-36 South Third Street (Ohio Historic Inventory #MUS-261-26), 60-62 South Third Street (Ohio Historic Inventory #MUS-299-26), and 315-317 South Street (Ohio Historic Inventory #MUS-0142726), which are eligible for listing on the National Register of Historic Places (NRHP) under Criteria C; and

WHEREAS, Fairfield Homes has consulted with the City of Zanesville and SHPO pursuant to 36 CFR Part 800 and 33 CFR Part 325, Appendix C, the regulations implementing Section 106 of the NHPA (54 U.S.C. § 306108); and

WHEREAS, Fairfield Homes has taken into consideration possible alternatives to the proposed demolition including renovation, adaptive reuse, and location to another site, but cost and programmatic feasibility make these options untenable; and

WHEREAS, the USACE has identified Native American Tribes, and documented both outreach to and responses from the Native American Tribes; and

WHEREAS, Fairfield Homes has identified other consulting parties, and documented both outreach to and responses from the consulting parties; and

WHEREAS, Fairfield Homes has invited The City of Zanesville to sign this MOA, as an Invited Signatory as defined in 36 CFR § 800.6(c)(2); and

WHEREAS, Fairfield Homes has invited Heritage Ohio to sign this MOA, as Concurring Parties as defined in 36 CFR § 800.6(c)(3); and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), Fairfield Homes has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW THEREFORE, Fairfield Homes, the SHPO, and The City of Zanesville, agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the Undertaking on historic properties.