



# THE CITY OF Zanesville

401 Market Street • Zanesville, Ohio 43701  
Phone (740) 617-4875  
E-mail: [council@coz.org](mailto:council@coz.org)

Council – Mayor  
Government

Zanesville City Council Public Service Committee Agenda  
Council Chambers, 401 Market Street, Zanesville, Ohio  
Monday, January 12, 2026 at 5:00 p.m.

This meeting is open to the public to attend in person or remotely by using the information below. This meeting is for discussion pertaining to the upcoming Ordinances and discussion items of the Public Service Committee for review as follows:

- 1. Roll Call**
- 2. Approval of Minutes – December 8, 2025**

## Ordinances

- 3. Ordinance No. 2026-04** – Introduced by Council – An Ordinance allowing a moral claim.
- 4. Ordinance No. 2026-05** – Introduced by Council – An Ordinance allowing a moral claim.
- 5. Ordinance No. 2026-06** – Introduced by Council – An Ordinance authorizing the proper city official to enter into a contract with Environmental Design Group for professional engineering services for the SS4A Action Plan Project.

## Discussion Items

- 6. None**

### **Next scheduled meetings of Public Service Committee 2026:**

Monday, February 9, 2026	Monday, June 8, 2026	Tuesday, October 13, 2026
Monday, March 9, 2026	Monday, July 13, 2026	Monday, November 9, 2026
Monday, April 13, 2026	Monday, August 10, 2026	Monday, December 14, 2026
Monday, May 11, 2026	Monday, September 14, 2026	

This meeting is open to the public who may attend in person or attend by phone or Internet using the information below.

Phone **1-844-621-3956** US Toll Free or **1-415-655-0001** US Toll  
Use Access Code: **1267508098 #**

Online with WebEx – Enter **zanesvillecity.webex.com** in web browser. Enter Meeting Information **1267508098**

## **PUBLIC SERVICE COMMITTEE MEETING MINUTES – DECEMBER 8, 2025**

The Public Service Committee met on December 8, 2025 at 5 p.m. in Council Chambers at City Hall, 401 Market Street, Zanesville, OH 43701.

Mr. King: Good evening, everyone. Welcome to the Zanesville City Council Public Service Committee meeting for December 8, 2025. With that, may I have roll call?

### **COMMITTEE MEMBERS PRESENT:**

Mr. King (Chairman), Council 6<sup>th</sup> Ward  
Mrs. Osborn, Council-at-Large  
Mr. Taylor-Lehman, Council 4<sup>th</sup> Ward

### **COMMITTEE MEMBERS ABSENT:**

Mr. Ballmer, Council-at-Large

### **OTHERS PRESENT IN PERSON:**

Scott Brown, Public Service Director	Don Mason, Mayor
Billie Corns, Clerk of Council	Chip Saunders, City Engineer
Shawn Dignty, TR Reporter	Dan Vincent, President of Council
Karla Frye, Council-at-Large	Todd Ware, Council 3 <sup>rd</sup> Ward
Lisa Hittle, IT Administrator	

### **APPROVAL OF MINUTES – NOVEMBER 10, 2025**

Mr. King: With that, everybody had a chance to look at the minutes. All in favor of approving the minutes for November 10, 2025, please say aye. Those opposed, nay?

A voice vote was taken with all being in favor. None were opposed. Mr. Ballmer was absent.

Mr. King: The minutes are approved.

### **ORDINANCES**

**Ordinance No. 2025-134** – Introduced by Council – An Ordinance to rename Putnam Hill Park to Putnam Hill Abolitionist Park.

Mr. King: This evening, we do have one ordinance on the docket. We have Mr. Ware to present. Mr. Ware, welcome!

Mr. Ware: Thank you. Good afternoon! I hope that everybody's doing well. I am putting this ordinance in front of you for many reasons. I think it will bring the community together. For many, our long history in Putnam has been abolitionist movement, starting with the Stone Academy, being one of the first places in Ohio that they had the first antislavery movement. Folks like Dr. Increase Matthews, H.H. Guthridge, various people in the Putnam area, and abolitionists were all against slavery. Many times, slaves would come up the river and enter into Putnam where it was friendly, and we had various conductors in the Underground Railroad. They would hide in various houses in Putnam, and they would use the backside of Putnam Hill Park to come up through the park, and then move on to other places that they were going to go to.

There are several stories of slaves coming to Putnam Hill Park and coming up to the top of the park and looking out onto the city and seeing how grand Zanesville was. There is a story of a family, that the father and two children and the mother, they were slaves. And they looked onto Zanesville and they saw all the lights lit by the gas lanterns throughout downtown and various areas and said, "Wow! Is this what freedom looks like?" And freedom is important because this ties the antislavery movement to Putnam Hill Park and all of the abolitionist history that we have in Zanesville. To understand that history is to make it come alive. I think renaming the park from just "Putnam Hill" to "Putnam Hill Abolitionist Park" is a smart move for our city to do to tie everything together in historically wise, as well.

Mr. King: Very good. Are there any questions from the committee? Or comments?

Mrs. Osborn: What will this require? Are we getting new signage up there that will need a new...?

Mr. Ware: Eventually when the ordinance passes, we would require some signage of the park. It wouldn't cost that much; there wouldn't be much of a cost. It would just be creating a new sign. I think the sign currently at the bottom of the hill that says "Putnam Hill Park," is kind of falling apart anyway. And we're going to redo the park this summer, and that would be a good opportunity to rename it, redo it. Eventually I would like to see maybe a historical sign put up there, something, a placard just kind of saying what's behind the name. You know, just one placard that somebody could read and understand why we are doing this.

Mrs. Osborn: Yes, that was kind of my thought, was that if we're going to do something new, do it while it's being redone anyway.

Mayor Mason: And I expect, I mean, we're filing plans, this is in terms of park redevelopment, we are filing plans to get match money. And sure, I'd love to be working on enhancing the park in '26, but I don't want anybody to hold us to '26 as being the absolute solid number. I mean, it might be '27.

Mr. Ware: And I think it's a good opportunity for us to bring the community as a whole because we have a lot of mixed-race folks in Zanesville in the area. This means a lot in the naming of it. Just to name it to "Putnam Hill Abolitionist Park" gives a meaning to it. I know both African-American community and the white community both understand that that's the meaning. We've

been such an accommodating people in Zanesville. And the community, I think, as a whole, we don't have any problems like race problems. But this is a nice thing to bring everybody together and say, "Hey, we did this."

Mr. King: I think it embraces the history of the city and what the folks did back then to abolish it, to help abolish with the Underground Railroad.

Mayor Mason: And you got to remember that Frederick Douglass spoke at a church just at the bottom of the hill. The pastor was Harriet Beecher Stowe's brother, Pastor Beecher. So, I mean, there's a lot of deep history there. So, I truly appreciate Todd's foresight on this matter.

Mr. Taylor-Lehman: I think people need to be reminded of it too.

*All the members agreed with Mr. Taylor-Lehman's statement.*

Mr. Ware: And we're really talking about there's a lot of areas in Zanesville and in Putnam that are part of the Ohio historical Underground Railroad, including the Gant House, but the Stone Academy, the Presbyterian church, various others, I believe Dr. Increase Matthews' house. There are several other houses that are noted on Ohio Underground Railroad as being Zanesville. And this kind of brings it all together. Also, before I started developing the ordinance, I also talked to Muskingum County History, which I'm on the board, and they have plans to eventually change their name to include abolitionist as well. This honors those abolitionists that were brave enough to go out there and make change and understand that freedom is not just free. It's something inherent that we have to work for.

Mr. King: The document you put together was very informative and very good, and the letters that you had accompany that from the Historical Society, very well done, Todd.

Mr. Ware: Thanks.

Mayor Mason: I'll say Todd's been working on this for, I would say at least, what? A year and a half?

Mr. Ware: Yes, about a year and a half. Thanks.

Mr. King: Fantastic! Would anyone like to make a motion to approve this to City Council?

Mrs. Osborn: So moved.

Mr. Taylor-Lehman: Second.

Mr. King: All in favor, aye. Opposed?

A voice vote was taken with all being in favor. None were opposed. Mr. Ballmer was absent.

**Mr. Ware:** Thank you.

**Mr. King:** Thank you, Todd, very much.

#### **DISCUSSION ITEMS**

**Mr. King:** Any other discussion? With that, nothing else on the agenda for tonight. Does anyone want to make a motion to adjourn the meeting?

Mrs. Osborn made a motion to adjourn the meeting. It was seconded by Mr. Taylor-Lehman.

A voice vote was taken with all being in favor. None were opposed. Mr. Ballmer was absent.

**Mr. King:** We are adjourned. Thank you.

The meeting ended about 5:11 p.m.

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**Billie Corns**  
Clerk of Council

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**Michael King**  
Public Service Committee Chairman

David J. Tarbert  
Law Director

**ORDINANCE NO. 2026-04  
INTRODUCED BY COUNCIL**

**AN ORDINANCE ALLOWING A MORAL CLAIM**

**WHEREAS**, on December 17, 2025, George Eckelbarger, presented a legal claim against the City of Zanesville for reasons attached to Claim #25-17; and

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

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

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

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

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

**SECTION ONE:** The proper City Official is hereby authorized to pay \$99.37 to George Eckelbarger, upon a valid release being executed, and said monies shall be taken from line item 101-7791-53408.

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

**PASSED:** \_\_\_\_\_, 2026

**ATTEST:** \_\_\_\_\_

Billie Corns  
Clerk of Council

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

**APPROVED:** \_\_\_\_\_, 2026

This Legislation Approved as to Form:

\_\_\_\_\_  
Donald L. Mason  
Mayor

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

Exhibit A  
Attachment for Ordinance 2026-04

# CITY OF ZANESVILLE

## OFFICE OF THE LAW DIRECTOR

50 N. Fourth Street • Zanesville, Ohio 43701

740-617-4886 / 740-617-4889 • Fax: 740-453-2435

Email: [lawdirector@coz.org](mailto:lawdirector@coz.org)

DAVID J. TARBERT

LAW DIRECTOR

SCOTT D. EICKELBERGER

EMILY STRANG TARBERT

ASSISTANT LAW DIRECTORS

December 22, 2025

George Eckelbarger  
4295 Dogwood Lane  
Zanesville, Ohio 43701

RE: Claim No.: 25-17

Dear Mr. Eckelbarger:

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

With respect to any damage your vehicle may have sustained, we must inform you that the City, by statute, has certain immunities from liability for damages of this nature. Ohio Revised Code Section 2744.05 addresses these immunities. In general, in order to recover in a suit involving damage proximately caused by roadway conditions, including potholes, the party claiming damage must prove that either: 1) the City had actual or constructive notice of the pothole and failed to respond in a reasonable amount of time, or responded in a negligent manner, or 2) that the City, in a general sense, maintains its roadways negligently.

Therefore, your claim has been denied.

You do have the right to file a "moral claim" with the Zanesville City Council. A moral claim differs from a legal claim in that the City Council may decide that although the City is not legally liable for the claim, an ethical or moral reason exists to pay the claim. If you would like to file such a claim, you may contact your City Council person. If you are not sure who your Council Representative is, you may contact Billie Corns, Clerk of Council, at 740-617-4875.

Truly,



David J. Tarbert  
Law Director

DJT:ab

Exhibit A  
Attachment for Ordinance 2026-04

**Allison Buck**

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**From:** David Tarbert  
**Sent:** Friday, December 19, 2025 6:22 AM  
**To:** Scott Brown  
**Cc:** Allison Buck  
**Subject:** Re: City of Zanesville Claim 2025-17/George Eckelbarger

Still deny. Do moral claim.

---

**From:** Scott Brown <Scott.Brown@coz.org>  
**Sent:** Thursday, December 18, 2025 3:16:48 PM  
**To:** David Tarbert <David.Tarbert@coz.org>  
**Cc:** Allison Buck <Allison.Buck@coz.org>  
**Subject:** FW: City of Zanesville Claim 2025-17/George Eckelbarger

**From:** Scott Bryant  
**Sent:** Thursday, December 18, 2025 2:57 PM  
**To:** Stephanie Sheets <Stephanie.Sheets@coz.org>  
**Cc:** Scott Brown <Scott.Brown@coz.org>  
**Subject:** RE: City of Zanesville Claim 2025-17/George Eckelbarger

See Attached



**Scott A. Bryant**  
Superintendent

**City of Zanesville: Water Division**  
14 Buckeye Drive,  
Zanesville, OH 43701  
Office 740-455-0792  
Web [www.coz.org](http://www.coz.org)  
Email [scott.bryant@coz.org](mailto:scott.bryant@coz.org)

**From:** Stephanie Sheets  
<[Stephanie.Sheets@coz.org](mailto:Stephanie.Sheets@coz.org)>  
**Sent:** Wednesday, December 17, 2025  
12:13 PM  
**To:** Scott Bryant <[Scott.Bryant@coz.org](mailto:Scott.Bryant@coz.org)>  
**Cc:** Scott Brown <[Scott.Brown@coz.org](mailto:Scott.Brown@coz.org)>

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**Subject:** FW: City of Zanesville Claim 2025-17/George Eckelbarger

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**From:** Billie Corns  
**Sent:** Wednesday, December 17, 2025 11:42 AM  
**To:** Scott Brown <[Scott.Brown@coz.org](mailto:Scott.Brown@coz.org)>  
**Cc:** Stephanie Sheets <[Stephanie.Sheets@coz.org](mailto:Stephanie.Sheets@coz.org)>  
**Subject:** City of Zanesville Claim 2025-17/George Eckelbarger

Good morning!

Exhibit A  
Attachment for Ordinance 2026-04

Here is a completed claim form from George Eckelbarger. The hardcopy is in your mailbox.

*Billie Corns*

Zanesville City Council Clerk

401 Market Street

Zanesville OH 43701

(740) 617-4875



## The City of Zanesville

14 Buckeye Drive, Zanesville, Ohio 43701  
Phone: (740) 455-0631

Council-Mayor Government  
Donald L. Mason, Mayor

Department of Public Service  
Water Division  
Scott A. Bryant, Superintendent

## MEMO

TO: Scott Brown, Public Service Director  
FROM: Scott A. Bryant, Water Superintendent *(Signature)*  
DATE: December 18, 2025  
RE: Claim 2025 - 17 – George Eckelbarger

This memo addresses Claim 2025 - 17 – George Eckelbarger. In reviewing the claim the Water Division's records indicate the following:

- On November 19, 2025 staff with the City of Zanesville Water Division was called to respond to the area in question to investigate a sink hole and observed a vehicle with tire damage. The car was a Jeep 4 x 4 license plate number FYC 9616. Records show the Jeep owner to be a separate claimant. Staff placed a steel plate and barricaded the hole.
- The Water Division returned the next day and assisted with repairing the roadway.
- Records show that the Water Division installed a water main under said roadway one (1) year prior to this incident utilizing directional bore method.
- It is noted on the claim filed, that the date of incident was 11-21-2025, this is two (2) days after the Water Division had secured the site and started repairs.

Please advise if you have any questions or require additional information.

Exhibit A

RECEIVED Attachment for Ordinance 2026-04

12/17/2025

FOR CITY CLERK'S USE  
CLAIM NO. 2025-17  
DATE REC. 12/17/2025

CLERK OF COUNCIL

**STATEMENT OF CLAIM AGAINST THE CITY OF  
ZANESVILLE, OHIO**

**MAIL COMPLETED CLAIM TO:**

CLERK OF COUNCIL, 401 MARKET ST., ZANESVILLE, OHIO 43701

1. NAME OF CLAIMANT George Eckelbarger

1a. NAME OF SPOUSE IF APPLICABLE IN OWNERSHIP OF DAMAGED  
PROPERTY 2019 Tacoma

2. PROPERTY ADDRESS Zanesville, OH 43701

3. TELEPHONE NO. 740.607.9166

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

A. DATE 11-21-2025 B. TIME 0630

C. WEATHER CONDITIONS Normal

D. EXACT LOCATION Alley behind Modern Glass  
Corner of Commissioner and Peters Alley.

E. NAMES & ADDRESSES OF WITNESSES: IF NONE, SO STATE

Steve Overly- Modern Glass Employee

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

G. IF ANSWER TO 4-F IS "YES," PLEASE INDICATE DEPARTMENT THAT  
INVESTIGATED AND/OR THE NAME OF ANY CITY EMPLOYEE WHO  
MAY HAVE INVESTIGATED SAID OCCURRENCE:

Street, Sewer and Water Department  
Staff

Exhibit A  
Attachment for Ordinance 2026-04

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

Driving to work (Modern Glass) entering Peters Alley at Commissioner Street truck's left Front end bounced in and out of a newly developed sink hole.

6. PROPERTY DAMAGE DETAILS

A. AMOUNT OF CLAIM FOR PROPERTY DAMAGE \$ 99.37

DO YOU HAVE HOMEOWNER'S INSURANCE? yes

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

2019 Toyota Tacoma

OWNER'S NAME AND ADDRESS George Ekelburger  
4295 Dogwood Lane Zanesville

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

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

7. WHERE ARE YOU EMPLOYED? Modern Glass and Paint

HOW LONG EMPLOYED ABOVE? 11 yrs

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

A. NATURE OF INJURY NA

B. WERE YOU HOSPITALIZED? NO IF SO, WHERE? \_\_\_\_\_

Exhibit A  
Attachment for Ordinance 2026-04

AND FOR HOW LONG? \_\_\_\_\_

C. WERE YOU ATTENDED BY A PHYSICIAN (IF YES) WHO? \_\_\_\_\_

PHYSICIAN ADDRESS \_\_\_\_\_

D. AMOUNT CLAIMED FOR BODILY INJURY DAMAGES \_\_\_\_\_

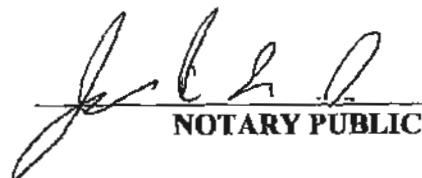
9. DO YOU KNOW WHETHER OR NOT THE CITY HAD BEEN NOTIFIED OF THE CONDITIONS OR CIRCUMSTANCES CONCERNING ANY STREET OR SIDEWALK DEFECT WHICH MAY HAVE BEEN INVOLVED IN THE INCIDENT WHICH GAVE RISE TO YOUR CLAIM PRIOR TO THE TIME OF OCCURRENCE OF SAID INCIDENT? IF YES GIVE DETAILS:

\_\_\_\_\_

THE UNDERSIGNED \_\_\_\_\_ BEING FIRST DULY CAUTIONED AND SWORN DEPOSES AND SAYS THAT HE OR SHE HAS READ THE INFORMATION CONTAINED IN THE FOREGOING STATEMENT OF CLAIM AND THAT THE SAME IS TRUE.

SIGNATURE OF CLAIMANT

SWORN TO AND SUBSCRIBED BEFORE ME THIS 17<sup>th</sup> DAY OF  
December, <sup>2025.</sup>  
<sup>2021.</sup>

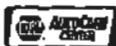
  
NOTARY PUBLIC



James B Furr Jr.  
Notary Public, State of Ohio  
My Commission Expires:  
April 19, 2026

This document and any items submitted with it become a public record per the Public Records Act under Revised Code 149.43.

Exhibit A  
Attachment for Ordinance 2026-04



**Muffler & Tire Center**

26 N. 6th St

Zanesville, OH 43701

740-452-0099

TEXT US ANYTIME, WE ARE HERE TO HELP 740-520-8950  
HOURS OF OPERATION...MON TO FRI 7:00AM TO 4:30PM

12/17/2025 7:17:35 AM EST	Invoice #8479	Page:1
<b>ECKLEBARGER, GEORGE</b> 4295 DOGWOOD LANE ZANESVILLE, OH 43701		Phone: 740-607-9166
<b>Vehicle</b> : 2019 Toyota Tacoma 3.5 L 3456 CC V6 DOHC 24 Valve	Service Writer	: Wes
<b>VIN</b> : 3TMCZ5AN1KM204056	Tag/State	: Fex7408/OH
<b>Fleet #/Driver</b> :	Odometer In	: 86382
<b>Created</b> : 12/17/2025 6:57:03 AM EST	Odometer Out	: 86382
<b>Invoiced</b> : 12/17/2025 7:17:15 AM EST		
<b>Labor/Notes</b>		
Technician Tim	Description TWO WHEEL ALIGNMENT	Price \$89.95
2 WHEEL THRUST ALIGNMENT, INCLUDES COMPLETE INSPECTION OF ALL FRONT AND REAR SUSPENSION AND STEERING COMPONENTS. ADJUST CASTER, CAMBER AND TOE IN OF FRONT END TO FACTORY SPECIFICATIONS, STRAIGHTEN STEERING WHEEL IF NEEDED. DOES NOT INCLUDE REPLACEMENT OF ANY WORN OR DAMAGED PARTS.		
	Labor	\$89.95
	Shop Supplies	\$2.70
	Sales Tax	Sales Tax @ 7.25% \$6.72
		<b>Total</b> \$99.37
		<b>PAYMENT</b> \$99.37
		<b>BALANCE DUE</b> \$0.00

A 24 month or 24,000 mile warranty, whichever occurs first, is provided on all parts and labor unless otherwise specified. All local warranty repairs must be performed at this facility. For warranty service outside a 25 mile radius from your original repairing location, contact the NAPA AutoCare Warranty Administrator at 800-452-NAPA (6272). For warranty service inside a 25 mile radius from your original repairing location, please contact your original location for service.

CUSTOMER SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

Exhibit A  
Attachment for Ordinance 2026-04

MUFFLER-TIRE CENTER  
26 N 6TH ST  
ZANESVILLE, OH 43701  
12/17/2025 07:18:15  
CREDIT CARD  
DISCVR SALE  
Card #: XXXXXXXXX1123  
Chip Card: Discover Credit  
AID: A0000001523010  
SEQ #: 1  
Batch #: 385  
INVOICE 1  
Approval Code: 01725Q  
Entry Method: Chip Read  
Mode: Issuer  
  
SALE AMOUNT \$99.37

CUSTOMER COPY

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Exhibit A  
Attachment for Ordinance 2026-04



THE CITY OF  
**Zanesville**

401 Market Street • Zanesville, Ohio 43701  
Phone (740) 617-4875  
E-mail : [council@coz.org](mailto:council@coz.org)

Council - Mayor Government

11-21 iT Happened

RE: Claim 2025- /6

Dear Claim Applicant:

Some questions on this form may not pertain to your claim. Attach your paid invoice(s) and any additional information you feel is relevant to the claim.

Also your signature needs to be notarized before it is returned.

You will receive a letter from the City Law Director after he reviews your completed claim.

Should you have any questions, please call me at 740-617-4875.

Sincerely,

*Billie Corns*

Billie Corns  
Clerk of Council

Daniel M. Vincent  
President of Council

**ORDINANCE NO. 2026-05  
INTRODUCED BY COUNCIL**

**AN ORDINANCE ALLOWING A MORAL CLAIM**

**WHEREAS**, on December 9, 2025, Steve Overly, presented a legal claim against the City of Zanesville for reasons attached to Claim #25-16; and

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

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

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

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

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

**SECTION ONE:** The proper City Official is hereby authorized to pay \$430.00 to Steve Overly, upon a valid release being executed, and said monies shall be taken from line item 101-7791-53408.

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

**PASSED:** \_\_\_\_\_, 2026

**ATTEST:**

\_\_\_\_\_  
Billie Corns  
Clerk of Council

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

**APPROVED:** \_\_\_\_\_, 2026

This legislation approved as to form:

\_\_\_\_\_  
Donald L. Mason, Mayor

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

# CITY OF ZANESVILLE

## OFFICE OF THE LAW DIRECTOR

50 N. Fourth Street - Zanesville, Ohio 43701

740-617-4886 / 740-617-4889 • Fax: 740-453-2435

Email: [lawdirector@coz.org](mailto:lawdirector@coz.org)

DAVID J. TARBERT

LAW DIRECTOR

SCOTT D. EICKELBERGER

EMILY STRANG TARBERT

ASSISTANT LAW DIRECTORS

December 9, 2025

Steve Overly  
17634 Eston Road  
Salesville, Ohio 43778

RE: Claim No.: 25-16

Dear Mr. Overly:

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

With regard to any damage your vehicle may have sustained, we must inform you that the City, by statute, has certain immunities from liability for damages of this nature. Ohio Revised Code Section 2744.05 addresses these immunities. In general, in order to recover in a suit involving damage proximately caused by roadway conditions, including potholes, the party claiming damage must prove that either: 1) the City had actual or constructive notice of the pothole and failed to respond in a reasonable amount of time, or responded in a negligent manner, or 2) that the City, in a general sense, maintains its roadways negligently.

Therefore, your claim has been denied.

You do have the right to file a "moral claim" with the Zanesville City Council. A moral claim differs from a legal claim in that the City Council may decide that although the City is not legally liable for the claim, an ethical or moral reason exists to pay the claim. If you would like to file such a claim, you may contact your City Council person. If you are not sure who your Council Representative is, you may contact Billie Corns, Clerk of Council, at 740-617-4875.

Truly,

  
David J. Tarbert  
Law Director

DJT:ab

Steve O

**Form Center**

By [signing in or creating an account](#), some fields will auto-populate with your information.

**Statement of Claim Against the City  
of Zanesville, Ohio**
[Sign in to Save  
Progress](#)


Donald J. Mason, Mayor

**City of Zanesville**
 4-4 Market Street  
 Zanesville, OH 43701  
 Phone 740-454-4401  
 email: OZCity
**Claim No:** 2025-16**Date Rec'd:** 12/9/2021**First Name****Last Name**

Steve

Overly

**Name of Spouse if Applicable in Ownership of Damaged  
Property****Address**

17634 Easton Rd

**City****State****Zip Code**

Salesville

Ohio

43778

**Phone Number**

740-355-0905

**Information Concerning the Incident upon which claim is  
based:****RECEIVED**

DEC 11 2021

**CLERK OF COUNCIL**

Exhibit A for Ordinance 2026-05

Date and Time:

11/16/2018 10:25

10:25 am/pm

Weather Conditions:

Clear, Cold, Dark

Exact Location:

Commissioner St and Peters Alley,  
Zanesville

Name and Addresses of Witnesses: (If none, please state none)

None

Was the Incident Investigated by the Zanesville Police Department or other City Department?\*

Yes City - Jaime  No

If Answer above was "yes", please indicate the Department that investigated and/or the name of any City Employee who may have investigated said occurrence:

City - Jaime

In your own words, STATE IN DETAIL what happened and how it happened:

Driving and hit <sup>large</sup> pothole and tire blew out

Property Damage Details:

Amount of Claim for Property Damage: Do you have Homeowner's Insurance?

Yes

No

If Motor Vehicle Damage is Claimed:

Year:

2017

Make:

Jeep

Model:

Cherokee

Owners Name and Address:

Steve Overly

Is Vehicle Covered by Collision Insurance?

Yes

No

If yes, Name of Company and Agent:

State Farm

Attach to email ESTIMATES OR RECEIPT(s) of Cost(s) in connection with the above claim (Vehicle or Property) ESTIMATES OR RECEIPT(s) MUST be FILED WITH CLAIM OR CLAIM CANNOT BE PROCESSED.

Exhibit A for Ordinance 2026-05

Where are you Employed:

Modern Glass

How Long Employed?

[Redacted]

If claim is for bodily injury,  
state the following:

Nature of Injury:

N/A

Were you Hospitalized?

If yes, where?

For how long?

Yes

No

Were you Attended by a Physician?

If yes, who?

Physician's Address:

Yes

No

Amount Claimed for Bodily Injury Damages?

N/A

Do you know whether or not the City had been notified of the conditions or circumstances concerning any street or sidewalk defect which may have been involved in the incident which gave rise to your claim prior to the time of occurrence of said incident?

Yes

No

If yes, give details:

Called Jamie

The undersigned being first duly cautioned and sworn deposes and says that he or she has read the information contained in this foregoing statement or claim and that the same is true.

Signature of Claimant

*Stan Money*

Sworn to and subscribed  
before me this

Day of

2020.

NOTARY PUBLIC

[Redacted]

## Exhibit A for Ordinance 2026-05

**This document and any items  
submitted with it becomes a public  
record per the Public Records Act  
under Revised Code 149.43.**

Printed by reCAPTCHA  
reCAPTCHA

**Receive an email copy of this form.**

**Email address**

This field is not part of the form  
submission.

**Submit**      **Submit and Print**

\* indicates a required field

11/21/2025 04:28pm

## \*\*\* REPRINTED INVOICE \*\*\*

Page: 1-1



Elite Tire and Service -Lore City  
17380 Leatherwood Rd  
Lore City, OH 43755  
740-885-3800

Invoice #: 11347

Bill To:  
CUSI #: 3197  
STEVE OVERLY  
17634 ESTEN RD SALVILLE OH 43778  
CFLC: 740-255-0905

Unit #:  
Vehicle: 2017 JEEP CHEROKEE  
LUNITED  
License: 2YC9616  
Mileage: In: 204123 / Out: 204123  
VIN #: 1C4PCMDB6HW112126  
Torque: 100  
Air Pres: 33.0 F / 33.0 R

Item #	Size	Description	Size/Tech	Qty	FRT	Parts	Labor	Extended
JS		JOB SUPPLIES	AW /	1	0.00	0.00	29.87	29.87
JOB		DIGITAL VEHICLE	AW /	1	0.00	0.00	0.00	0.00
INSPECTION								
22711226	225/60R18	FALKEN WILDPEAK A/T	JW /H/W	1	0.00	255.00	0.00	255.00
		TRAIL	/RW					
YAB	H/SB	TIRE MOUNT AND BALANCE	JW /H/W	1	0.00	0.00	0.00	0.00
		PASSENGER VEHICLES	/RW					
NOTE: LUG NUTS MUST BE TORQUED TO THE MANUFACTURER'S RECOMMENDED VALUES, AND THEY MUST BE RE-TORQUED TO THOSE VALUES AFTER DRIVING APPROXIMATELY 50 TO 100 MILES ON YOUR NEW TIRES AFTER THE TIRE SERVICE. BOTH UNDER AND OVER TIGHTENING CAN BE DANGEROUS.								
TD		TIRE DISPCAL FEE - PASSENGER / LT	AW /	1	0.00	3.99	0.00	3.99
OTI		OHIO TIRE TAX	AW /	1	0.00	1.00	0.00	1.00
JS		JOB SUPPLIES FOR TIRES	AW /	1	0.00	3.75	0.00	3.75
JOB		ALL WHEEL ALIGNMENT	JW /H/W	1	0.00	0.00	109.66	109.66
AL4W	AL4W	ALIGNMENT LABOR	JW /H/W					
			/RW					
JOB SUBTOTAL:								109.66

We would love to hear  
about your experience at  
Elite Tire if you could Please  
leave us a Google Review!  
Thank You!

Comments:

Cash: 0.00 Check: 0.00  
Credit Card: 430.00 On Acct: 0.00  
  
Amount Tendered: \$430.00  
Total: - \$430.00  
Change: 0.00

Name	Acct	Auth	Amount
Visa	0412 730697		430.00

Parts:	263.74
Labor:	139.53
Subtotal:	403.27
Sales Tax:	26.73
Total:	\$430.00

Customer Authorization:

Phone

Public Service Committee  
Mike King, Chair

**ORDINANCE NO. 2026 - 06**  
**INTRODUCED BY COUNCIL**

**AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO ENTER INTO A CONTRACT WITH ENVIRONMENTAL DESIGN GROUP FOR PROFESSIONAL ENGINEERING SERVICES FOR THE SS4A SAFETY ACTION PLAN PROJECT.**

**WHEREAS**, Ordinance No. 2025-103 authorized the administration to enter into a federal grant agreement with the United States Department of Transportation ("USDOT") for development of a Safe Streets and Roads for All ("SS4A") Safety Action Plan for the City of Zanesville; and

**WHEREAS**, the City of Zanesville selected ENVIRONMENTAL DESIGN GROUP (EDG) per the Ohio Revised Code 153.65 – 153.715 for the professional engineering services required for the project; and

**WHEREAS**, the administration would like to proceed with the professional engineering services for the project as detailed substantially in the form set forth in Attachment A.

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

**SECTION ONE:** The proper City official is hereby authorized to enter into a contract with EDG for the professional engineering services for the SS4A Safety Action Plan project.

**SECTION TWO:** The total estimated cost of the plan is \$265,000 with 80% of the eligible costs up to \$212,000 provided as federal grant funding through USDOT run through City line item 215-6531-53225 and the 20% local share estimated to be \$53,000 run through City line item 101-7791-53225.

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

**PASSED:** \_\_\_\_\_, 2026

**ATTEST:** \_\_\_\_\_  
BILLIE CORNS,  
Clerk of Council

DANIEL M. VINCENT,  
President of Council

**APPROVED:** \_\_\_\_\_, 2026      **THIS LEGISLATION APPROVED  
AS TO FORM**

\_\_\_\_\_  
DONALD MASON,  
Mayor

\_\_\_\_\_  
LAW DIRECTOR'S OFFICE

## PROJECT UNDERSTANDING

This project is to develop a comprehensive safety action plan that addresses the myriad roadway safety challenges present in diverse locations, intersection types, and modal viewpoints throughout Zanesville. The plan should not only reactively analyze historical data but also proactively identify systemic factors. This involves categorizing and ranking these challenges, evaluating potential treatments in line with USDOT Proven Safety Countermeasures, and strategically prioritizing issues for intervention based on a blend of stakeholder input, City initiatives, and cost-effectiveness. A detailed implementation strategy will be created for a select subset of these identified issues, encompassing project specifics, budgetary considerations, and a benefit-cost analysis. Furthermore, this plan will meet all requisites set by USDOT to qualify for SS4A Implementation Grant funding and will serve as a roadmap for the region's roadway safety projects over the coming decade. The overarching objectives are firstly, to bolster regional road safety with a forward-thinking plan that adheres to USDOT guidelines, and secondly, to ensure the region is well-placed to secure future SS4A funding. Our approach will integrate specified focus areas for safety improvement as well as predicted traffic flow increases and impacts throughout the City. The proposed scope of services is outlined below, and we have also included a list of assumptions and exclusions that will help clarify the intended scope of work, both for you and for Environmental Design Group.

## SCOPE OF SERVICES

The services to be performed by Environmental Design Group in accordance with this proposal are as follows:

**Task 1 – Organization, guidance, and tracking of planning process**

We will assess existing policies, procedures, and the overall performance of the transportation network within Zanesville based on available documents and materials from the City, the County, and ODOT.

We will then conduct a technical review of applicable and available studies previously completed, extracting notable findings, successful components, and pertinent recommendations.

We will facilitate a kick-off and goal-setting meeting with the Safety Action Plan Committee (made up of members selected by Zanesville). The location, invites, and site coordination to be provided by the City. At this meeting, we will present the planning process, determine Safety Action Plan Committee goals, discuss public involvement plans, and chart out the framework for Safety Action Plan Committee meetings. We will formulate a vision, leadership commitment statement, and resolution, capturing the City's dedication and strategic approach toward enhancing transportation safety. We will follow up this meeting with a document detailing the established project plan reflective of the broader goals of the region, encapsulating the work plan, timeline, public engagement opportunities, and milestone identification. Safety Action Plan Committee will distribute the project information to the communities.

We expect to prepare presentations for the Safety Action Plan Committee to explain and frame key decisions to be made. These meetings are anticipated to happen:

- 1) At the beginning of the planning process to guide outreach and data gathering priorities, as described above,
- 2) After comprehensive data has been gathered to guide prioritization priorities, and
- 3) Before a final report has been completed to guide focal points for a future SS4A Implementation Grant application.

These meetings are expected to be in person, and we have included travel time in this scope.

We anticipate up to four virtual (4) progress meetings at six (6) to eight (8)-week intervals.

We will regularly track progress, providing written monthly progress reports, and check-in meetings as needed, with the City's main points of contact. This task also includes internal team coordination, project management, QA/QC Review, project setup, and other organizational tasks. We anticipate project management to be ten (10) hours per month for Environmental Design Group's project manager, 0.5 hours per month for Director/Lead Planner, plus Clerical time for invoicing and project setup.

Deliverables for this task include a project work plan and three (3) presentations.

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### Task 2 – Data Collection and Safety Analysis

To build a safe transportation system for all users and modes, we must understand the current state of safety. Our team's approach will be data-driven to understand the 'where'—the high-crash locations, the 'who'—people impacted, and the 'what' user mode.

Our team will work with the City to integrate the latest available safety data into the Safety Action Plan to form a complete/updated **georeferenced crash database** that will inform the data, policy, and equity analyses. The centralized geodatabase will include roadway segments and their characteristics (such as AADT, lanes, speeds, etc.) along with land use typology/density to understand factors that contribute to crash types, severities, and affected users.

Our data analysis will primarily focus on the following:

- 1) Summary Statistics Analysis – using the database, organizing data into charts and key takeaways, identifying regional safety trends, and analyzing the location(s) where there are crashes, the severity, as well as contributing factors and crash type,
- 2) Systemic Analysis and High-Risk Network Development – using the roadway segment database incorporating roadway characteristics and land use context, creating crash trees to help identify features that contributed to heightened crash risk, and creating a High-Risk Network,
- 3) Cross-analysis of this data-based High-Risk Network with the committee-defined priority areas such as transit routes, non-motorized activities, and historically disadvantaged areas such as those with high rates of poverty, English as a Second Language (ESL) communities, and/or disabled individuals and
- 4) Crash Mapping and High Injury Network Development – using the crash data, street segment database, and demographic/user characteristics, we will develop a High Injury Network based on the best practices we have used and researched. We will separate the crashes involving Vulnerable Road Users (VRUs) because the probability of severe or fatal injuries is significantly higher during a vehicle and non-vehicle collision. Separating the user mode will also help identify if some locations have a disproportionate number of crashes involving vulnerable users.
- 5) Assess Existing Conditions in terms of transportation planning – Inventory roadway, traffic, pedestrian, bicycle, and transit systems; review congestion points and current development trends.

The resulting identified high-priority, high-crash areas will be analyzed. For an initial proof of concept for the methodology and tools, we will assume up to 20 detailed analyses, which would be a mixture of intersections and roadway segments. Subsequent decisions on the number of detailed analyses will be determined in consultation with the Safety Action Plan Committee.

The deliverable for this task will be the georeferenced database with comprehensive categorization and showing roadway safety challenge locations from both a reactive and systemic perspective.

### Task 3 – Engagement and Collaboration

We will develop and implement a comprehensive public involvement strategy to ensure broad and inclusive participation from the general public, private sector, community groups, and residents throughout the planning process. This strategy will include engagement with historically disadvantaged communities.

We will develop a project-specific website, which will be accessible through the City of Zanesville website, to inform the public and feature a digital survey for comment. This initiative will be in collaboration with the Safety Action Plan Committee, integrating existing agency resources and procedures. Additionally, we will create an interactive mapping application that allows the public to pinpoint locations where they perceive safety issues.

We will facilitate two (2) public engagement opportunities, to be determined at project kickoff, to provide awareness and seek public feedback. These events could be booth at a City event, speaking at a pre-established event, or hosting a formal, traditional Public Meeting.

The meetings will be designed in collaboration with the Safety Action Plan Committee. The City will coordinate the location, time, site needs, and invitations (if applicable) for the meetings. We will provide materials for the presentation and distribution.

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Additional engagement methods may be used, such as engaging focus groups and leveraging town halls, to help capture insights from underrepresented populations, advocacy groups, business leaders, and the schools.

We will record all aspects of public engagement in the Plan. This documentation will offer a summary of the public engagement and outreach components integral to the plan development process. We will review and summarize public comments, focusing particularly on the identification of potential High-Risk Locations.

### Task 4 – Policy and Process Changes

We will request from the City/Safety Action Plan Committee members and review documented policies and procedures to pinpoint opportunities for enhancing the prioritization of transportation safety. Some of these policies may be things like established mailbox locations, utility location agreements, shoulder widths, drainage procedures, etc. We will identify potential policy changes for discussion with the City. After a technical review and documentation of existing City policies and procedures related to roadway safety initiatives, we will develop recommendations for modifying these existing policies and procedures based on the findings and goals of the Safety Action Plan.

Deliverables for this task are a document outlining current policies and procedures with proposed changes/adjustments.

### Task 5 – Determination of priority focus areas

Utilizing the data collected and analysis from Task 2, priorities identified through Task 3, initial directives for City-specific focus areas, and additional stakeholder conversations, we will present the results in a technical memorandum to the Safety Action Plan Committee for review and selection of Priority Locations throughout the City, which may include roadways maintained by ODOT or Cities. Up to ten may be considered Systemic Countermeasure Priority Locations in which low-cost and/or simple countermeasures are predicted to provide a significant safety benefit. Particular attention will be given to ensuring that the plan addresses areas and user groups with higher exposure or greater risk, so that improvements benefit the full range of roadway users across the community.

As part of this task, we will create Priority Pedestrian and Bike Route Maps. These maps will depict common, expected, and/or likely routes for each mode of transportation, with priority improvements identified along those routes.

Deliverables for this task include a memo with discussion, a map of priority road segment/intersection types/locations with clearly written justification and methodology for location identification, and the specific Pedestrian and Bike Route Priority Maps.

### Task 6 – Development of specific treatments for priority focus areas

The final plan will advance concepts for a shortlist of projects that are most competitive for a federal funding request in 2024 and will include Regional Strategies and Action Items that will focus on policies, programs, and projects that impact the entire region and individual communities. Infrastructure recommendations will be evidence-based and data-driven, addressing data findings from the data and outreach efforts. Non-infrastructure recommendations will be tied back to clear evidence.

We will create an implementation plan for improvements derived from the USDOT Proven Safety Countermeasures for all prioritized locations or a subsegment of those locations that include, at a minimum, project description, project location limits, typical sections (existing and proposed), itemized cost estimates, total budget, and benefit-cost analysis.

The deliverable for this task is an implementation plan for specific roadway safety challenge locations. Recommendations will range in terms (short, medium, and long) as well as cost to implement (low, medium, and high).

### Task 7 – Completion of SS4A-approved action plan

We will document the work described herein into a formatted report. This document will include all USDOT-required components for safety action plans such that the plan is eligible to be used for SS4A implementation funding. We will provide this draft to the City for review/comment and after incorporation of one round of comments, we will provide the final draft.

We will provide a resolution to be considered for the City's commitment to zero fatalities by a certain year and a plan for progress and transparency beyond the finalized plan. These are required components of a compliant SS4A Comprehensive Safety Action Plan, per USDOT.

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Deliverables for this task include a Final summary report that includes data, analysis, process summary, a resolution, a plan for progress/transparency, and summary of how the completed plan meets USDOT SS4A requirements and a final summary of recommended safety projects for the ten (10)-year period.

**Task 8 – Transportation Master Plan**

We will produce a transportation master plan for 2050 to create a long-range, data-driven roadmap for how the City will manage future growth, address existing traffic challenges, and provide safe and efficient mobility options for all users through the year 2050. The plan will guide infrastructure investments and policy decisions as the City experiences rapid residential and commercial development driven by regional growth and increased commuter traffic from the Columbus metropolitan area. It will evaluate how people and goods move throughout the City today, identify where the network is under stress, and establish a coordinated vision for a connected, multimodal, and sustainable transportation system that supports the City's economic and community goals.

Analysis of existing conditions and public engagement for this task will be performed in Tasks 2 and 3. Additional tasks specific to the transportation master plan will include:

- Forecast Future Growth and Travel Demand – Use regional and local data to estimate 2050 traffic volumes and travel patterns considering anticipated population and employment increases.
- Develop Multimodal Network Strategies – Identify roadway, intersection, transit, bicycle, and pedestrian improvements needed to support projected growth.
- Evaluate and Prioritize Projects – Develop cost estimates and rank short-, mid-, and long-term improvements based on congestion reduction and community benefit. These are in addition to those outlined in Task 6.
- Create Implementation and Funding Plan – Outline phasing, potential funding sources, and coordination with regional partners such as ODOT and OMEGA.

The final Transportation Master Plan will serve as a guiding document for future capital improvements, grant applications, and development review, ensuring that the City's transportation network evolves strategically and sustainably as growth continues through 2050.

**PROJECT QUOTATION****LUMP SUM INCLUDING REIMBURSABLES**

Environmental Design Group's fee for these professional services will be a lump sum of **Two Hundred Sixty-Five Thousand Dollars and Zero Cents (\$265,000.00)**. This offer remains valid for thirty (30) days; acceptance thereafter is subject to our approval. Reimbursable expenses (i.e., prints, reproductions, photos, mileage, consultant and agency fees, etc.) are included in the price shown for professional services. From the date of acceptance of this agreement, the above fees will apply for one (1) year. If the work is not completed during that period, the agreement may be subject to renegotiation.

**PROJECT SCHEDULE**

We understand the intention is to complete the Comprehensive Safety Action Plan in October 2026, contingent upon a notice to proceed in October 2025.

**ASSUMPTIONS AND EXCLUSIONS**

Below is a list of assumptions and exclusions that apply to our proposal for technical services for this project. These items were considered while defining the scope and cost of our services. These assumptions and exclusions also describe responsibilities both of Environmental Design Group and the Client, in the event there is a need for work outside the defined scope of services.

1. Unless the Client designates an alternate in writing, the person signing the agreement will be considered the Client's only official representative with respect to this agreement.
2. Client will provide engineering and surveying data and other existing information in the client's possession to Environmental Design Group that may be useful in the performance of the professional services described in the proposal. These items include

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Environmental Site Assessments, Wetland Delineations, Boundary Surveys, Topographic Surveys, ALTA Surveys, plans and specifications of existing facilities and similar documents.

3. Client will make all provisions for Environmental Design Group personnel to enter upon public and private lands as required to perform the described services.
4. This proposal outlines the agreed upon scope of services. It supersedes any other previous requests, discussions, or versions including request for proposals or other owner initiated scope documents.
5. This proposal is based upon the current regulations of the applicable local, county and state regulatory agencies. While Environmental Design Group does not anticipate major changes in these regulations, changes in rules adopted by the agencies during the project process may affect the fees quoted herein and Environmental Design Group reserves the right to renegotiate such fees accordingly.
6. Fees for Permits or Plan Reviews or any other fees to governmental agencies are not included in this proposal. It is the responsibility of the Client to pay these fees at the time of submittal if any such fee is encountered.
7. Environmental Design Group offers professional services and will work to accomplish the client's goals, but the fees established herein shall be paid regardless of the outcome. Environmental Design Group will advise the Client on the likely approvability of the project, but cannot guarantee that the desired approvals by regulatory agencies will be granted. Unfortunately, such approvability is not certain until the project has gone through the entire regulatory processes.
8. Environmental Design Group has included normal review durations by the public agencies, based on our experience, in the project schedule contained herein. However, the actual duration of such reviews is beyond the control of Environmental Design Group and extended review periods may impact and/or delay project completion.
9. If Environmental Design Group identifies an event or condition which under applicable law requires a report or notification to a government agency, the Client will report or notify the appropriate agency. Any additional costs associated with reporting or documentation to a government agency, will be the responsibility of the Client.
10. This proposal has been based on a continuous project development process from start to finish. After the project is authorized, should the project be put on hold by the Client, or otherwise be pursued in a start-stop-resume manner, Environmental Design Group reserves the right to renegotiate the fees established herein to account for the extra costs resulting therefrom.
11. Opinions of construction cost or estimates of construction cost prepared by Environmental Design Group under this agreement are just that. Environmental Design Group does not warrant or guarantee that the project can be constructed for those amounts and the Client agrees that Environmental Design Group cannot be held liable for any discrepancies between bid costs and our opinions or estimates.
12. The scope of work contained in this proposal is for a master plan level conceptual planning document, it does not include any specific engineering analysis or work that can be construed as detailed design or construction documents. In addition, site conditions will be evaluated from a master plan conceptual perspective; we will not be conducting formal environmental, ecological, geotechnical, survey, or other site or infrastructure assessments. Any work in these areas will be general observations only.
13. The proposed field reconnaissance will be to understand general conditions of the area and should not be construed as any formal survey including identification of subsurface, boundary, topographic, right-of-way, ecological, environmental, or geotechnical conditions. Any identified locations of features will be general in nature and should not be construed as actual surveyed locations.