

**City Council Meeting  
Agenda of Business  
August 28, 2023 - REVISED**

The Lord's Prayer

Pledge of Allegiance to the Flag

**A. Roll Call**

**B. Approval of Meeting Minutes Dated August 14, 2023**

**C. Communications, Reports, and Resolutions**  
None

**D. Proposed Ordinances**

1. **Ordinance No. 2023-85** – Introduced by Council – An Ordinance authorizing the proper city official to enter into a professional contract with AECOM for Phase 5 revisions to the City of Zanesville's combined sewer overflow Long Term Control Plan. (First Reading)
2. **Ordinance No. 2023-86** – Introduced by Council – An Ordinance amending Chapter 1145.06 and Chapter 1159.01 of the City of Zanesville Codified Ordinances. (First Reading)
3. **Ordinance No. 2023-87** – Introduced by Council – An Ordinance authorizing the Community Development Director to submit an application for funding to the Ohio Department of Natural Resources for the Abandoned Mine Land Economic Revitalization (AMLER) Grant and declaring an emergency. (Emergency or First Reading)

**Revision is to add this Ordinance**

4. **Ordinance No. 2023-88** – Introduced by Council – An Ordinance authorizing the Public Service Director to accept the lowest and best bid, even though it came in above the City's initial estimates, for the design and construction of the Airport Beacon and Runway REILs Project, and declaring an emergency. (Emergency or First Reading)

**E. Ordinances for Action**

1. **Ordinance No. 2023-76**– Introduced by Council – An Ordinance to amend and revise the zoning map and make permanent zoning in the City of Zanesville, Ohio as herein provided. (Second Reading)

**F. Traffic Orders**

No Traffic Orders were filed for this meeting.

**G. Miscellaneous and Unfinished Business**

None

**H. Private Petitions and Communications**

None

The next regular meeting is scheduled for September 11, 2023.

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

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**ZANESVILLE CITY COUNCIL MEETING – MONDAY, AUGUST 14, 2023**

The Zanesville City Council met in regular session at 7:00 p.m. on Monday, August 14, 2023 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

Mr. Vincent: Good evening everyone. I'd like to call Zanesville City Council meeting to order for August 14, 2023. Please stand and join me in the Lord's Prayer followed by the Pledge of Allegiance to the Flag.

Mr. Vincent led those present in the Lord's Prayer and the Pledge of Allegiance to the Flag.

Mr. Vincent: May I have roll call, please?

The following members of Council answered roll call: Miss Bradshaw, Mr. Pettit, Mr. Foreman, Mr. Roberts, Mr. Ballmer, Mr. Baker, Mr. Wolfe, Mr. Ware, and Mr. Vincent. Mrs. Osborn was absent.

Mr. Vincent: With that, I need a motion to excuse Mrs. Osborn.

Miss Bradshaw made a motion to excuse Mrs. Osborn. It was seconded by Mr. Pettit.

Mr. Vincent: Is there any discussion? Hearing none, all in favor of excusing Mrs. Osborn signify by saying aye. Those opposed nay.

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

Mr. Vincent: Motion carries.

**APPROVAL OF MINUTES**

Mr. Vincent: We now move on to Approval of the Minutes from our meeting of July 24, 2023. What is Council's pleasure?

Mr. Pettit moved to approve the minutes of July 24, 2023 as written. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion? Hearing none, all in favor of approval of the minutes signify by saying aye. Those opposed nay.

A voice vote was taken with all being in favor. None were opposed. Mrs. Osborn was absent.

Mr. Vincent: Motion carries. The minutes stand approved.

**COMMUNICATIONS, REPORTS, AND RESOLUTIONS**

**Communication from Kade Haddox, Budget & Finance Director** – The Local Government Revenue FY 2024 as certified by the Muskingum County Auditor's Office.

Mr. Vincent: I need a motion to receive.

Mr. Pettit moved to receive. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion? Hearing none, all in favor of receiving signify by saying aye. Those opposed nay.

A voice vote was taken with all being in favor. None were opposed. Mrs. Osborn was absent.

Mr. Vincent: Motion carries. It stands received. With that, we're going to pass this around. We need councilmembers' signature on this to return to the Auditor.

**Resolution No. 2023-64** – Introduced by Council – A Resolution authorizing the sale, by internet auction during calendar year 2023, of city owned personal property which is not needed for public use or which is obsolete or unfit for the use for which it was acquired.

Mr. Vincent: We're at third reading.

Mr. Roberts moved for third reading and passage. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion? Hearing none, we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion carries. Resolution is passed.

**PROPOSED ORDINANCES**

**Ordinance No. 2023-76** – Introduced by Council – An Ordinance to amend and revise the zoning map and make permanent zoning in the City of Zanesville, Ohio as herein provided.

Mr. Vincent: We are at first reading.

Mr. Pettit moved for first reading. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion?

Mr. Baker: Mr. President?

Mr. Vincent: Mr. Baker.

Mr. Baker: Matt, could you go over this, please?

Matt Schley: This will be heard at the Community Development Committee at the next Council meeting. However, this is changing a lot that was zoned C-1 Community Commercial to RS-5 to allow for housing development on the lot.

Mr. Vincent: Okay, thank you. Anything else, Mr. Baker? With that, is that a vacant lot right now? Google Map showed it as a house still there.

Matt Schley: It is a vacant lot.

Mr. Vincent: It is a vacant lot, okay. And so a public hearing on the 11<sup>th</sup>. Okay, any other discussion? We're at first reading, so all in favor of first reading signify by saying aye. Those opposed nay.

A voice vote was taken with all being in favor. None were opposed. Mrs. Osborn was absent.

Mr. Vincent: Motion carries. Returns to our next meeting for second reading.

**Ordinance No. 2023-77** – Introduced by Council – An Ordinance authorizing the proper city official to execute a contract change order for the Maple Avenue Waterline Replacement Project and declaring an emergency.

Mr. Roberts moved to waive the readings. It was seconded by Mr. Pettit.

Mr. Vincent: Is there any discussion of waiving?

Mr. Roberts: Mr. President?

Mr. Vincent: Mr. Roberts.

Mr. Roberts: This, along with -78, -79, -80, -81, and -84 were recommended by the Public Service Committee tonight.

Mr. Vincent: Thank you, Mr. Roberts. Anything else from Council? We will have roll call vote on waiving of the readings.

Roll call vote for waiving of the readings.

8 Ayes  
0 Nays  
1 Absent (Mrs. Osborn)

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Miss Bradshaw moved for passage. It was seconded by Mr. Pettit.

Mr. Vincent: Is there any discussion? Hearing none, we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes  
0 Nays  
1 Absent (Mrs. Osborn)

Mr. Vincent: Motion carries. Ordinance is passed.

**Ordinance No. 2023-78** – Introduced by Council – An Ordinance authorizing the Public Service Director to act as the City of Zanesville’s agent and execute a grant agreement with the Ohio Emergency Management Agency for the Hazard Mitigation Grant Program for the Muskingum Avenue Project and declaring an emergency.

Mr. Vincent: Motion to waive?

Miss Bradshaw moved to waive the readings. It was seconded by Mr. Pettit.

Mr. Vincent: Is there any discussion of waiving? Hearing none, we will have roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

8 Ayes  
0 Nays  
1 Absent (Mrs. Osborn)

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Mr. Pettit moved for passage. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion? This is for 5.4 million and change. With that, we will have roll call vote for passage.

Mr. Baker: Mr. President?

Mr. Vincent: Mr. Baker.

Mr. Baker: Mr. Mayor, so what is the timeframe on this?

Mayor Mason: Well, provided that all four ordinances pass tonight as emergencies, we're anticipating going out to advertisement in about two weeks from now, I think it is, Scott? And then advertising for a total of 30 days, and then we'll subsequently review the bids and award the lowest and best bidder. We're hoping to have construction started by the end of October, early November.

Mr. Baker: Thank you.

Mr. Vincent: And with that, it will go through the winter. It will go through the winter is the plans and then hope to be driving on it within the year, I think. Next fall, is that correct?

Mayor Mason: Yes, and as far as the park goes, we do plan to have some public hearings just to get input from those people who live in the area that use the park, as to what they want to see in terms of those kind of attributes that you find at a park.

Mr. Vincent: Okay. With that, there will be some trees removed, which will be a concern to some people. But the park will grow in size because that fill from down below then will come up to make the park area larger. The overlook, the fence, and the walking path where the road is that goes up through there will all be replaced. And then as the Mayor said, getting some input as far as what else will make people happy.

Mayor Mason: Yes, and let me say so far the people in the neighborhood and around town have been very supportive of the fact that it's smart to use the debris or the materials being removed from the upslope side and moving them to fill in the ravines. We haven't heard anything negative in terms of the fact that we will have to redesign Putnam Hill Park a little bit because everybody realizes it will be more usable, again with more activities. Probably will have an even better view of Zanesville after the project.

Mr. Vincent: Sounds good because that's one of the first places I send people from out of town. They will go over and take a look and then stop at Tom's for ice cream.

Mr. Roberts: Mr. President?

Mr. Vincent: Yes, Mr. Roberts.

Mr. Roberts: I just wanted to thank the administration and the Mayor for getting all of this lined up. When we first started talking about this, we were looking at a huge expense from local funds. And I think we kind of set the tone here and asked that you try to find some monies elsewhere, and you went out and did it. So, we appreciate it.

Mayor Mason: Well, thank you, and of course I've repeated to thank Scott Brown, the Public Service Director, and Chip Saunders. Chip has that ability of having engineer-

Speak with other engineers. He's able to communicate a lot on our behalf. So it's been a real team effort to get that Muskingum Watershed money, the State of Ohio money through Senator Schaffer and Representative Holmes and then, of course, the OEMA and FEMA money.

Mr. Vincent: It seems as things got worse and was going to be more expensive, that in turn helped as far as getting this approved, getting other monies approved, the sewage line replacement and deterioration down along the river. Yes, excellent work by part of many people. Very well done. Anything else from Council? Okay, we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion carries. Ordinance is passed.

**Ordinance No. 2023-79** – Introduced by Council – An Ordinance authorizing the proper city official to advertise for bids for the Muskingum Avenue (Dug Road) Improvements Project, enter into a contract with the lowest and best bidder, and declaring an emergency.

Mr. Vincent: Motion to waive?

Mr. Ware moved to waive the readings. It was seconded by Mr. Pettit.

Mr. Vincent: Is there any discussion of waiving? Hearing none, we will have roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Mr. Roberts moved for passage. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion? Hearing none, let's have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)



Mr. Vincent: Motion carries. Ordinance is passed.

**Ordinance No. 2023-80** – Introduced by Council – An Ordinance authorizing the proper city official to enter into a professional contract with ADR for the bidding, construction administration, and inspection services for the Muskingum Avenue (Dug Road) Improvements, and declaring an emergency.

Mr. Vincent: Motion to waive?

Mr. Pettit moved to waive the readings. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion on waiving? Hearing none, we will have roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Miss Bradshaw moved for passage. It was seconded by Mr. Pettit.

Mr. Vincent: Is there any discussion? Hearing none, we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion carries. Ordinance is passed. And Mr. Roberts, I wanted to ask. I know you always ask good questions as far as what percentage costs as far as for overseeing bids and the whole thing.

Mr. Roberts: It was mentioned in Public Service. Scott, 7 to 8 percent-ish?

Scott Brown: Yes, it was about 7. I think that the full value of the contract, I apologize, was somewhere around \$400,000. The project is right now about \$6.6 plus million. So somewhere between 7 and 8 percent. The contract is basically time and materials which simply means that it's a contract. It takes us up to a ceiling. It's not a guarantee that we'll spend that much. So it's conceivable that it could be less.

Mr. Vincent: Okay, and I don't know, is there a certain percentage that you typically look at for...?

Mr. Roberts: Depending on the project, it can be anywhere between 5 and 10 percent. So this is commensurate with other project management.

Mr. Vincent: Good rule of thumb to know. That's what I was looking for, so thank you.

**Ordinance No. 2023-81** – Introduced by Council – An Ordinance authorizing the assessment of liens against certain properties with delinquent bills, and declaring an emergency.

Mr. Vincent: Motion to waive?

Mr. Pettit moved to waive the readings. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion of waiving? Hearing none, we will have roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Mr. Pettit moved for passage. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion? With that, people that have been on Council for a while, I know we used to run into trying to edit this list and stuff, and people can still go ahead and pay these off before assessments are sent to the Auditor and they can avoid it being put on their taxes. Okay, let's have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion carries. Ordinance is passed.

**Ordinance No. 2023-82** – Introduced by Council – An Ordinance authorizing the assessment of liens against certain properties for demolition and clearance activities, and declaring an emergency.

Mr. Vincent: Motion to waive?

Mr. Pettit moved to waive the readings. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion of waiving?

Mr. Baker: Mr. President?

Mr. Vincent: Mr. Baker.

Mr. Baker: Why is this an emergency, Matt?

Matt Schley: We are required to submit these to the Auditor by, I believe, September...

Mr. Vincent: September 11<sup>th</sup>.

Mr. Baker: Okay.

Matt Schley: The purpose for it, we want to make sure we captured as many accounts as we could, so they wouldn't carry over into the following year for assessments.

Mr. Baker: Okay.

Mr. Vincent: Anything else from Council? Okay, we will have roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Mr. Pettit moved for passage. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion? Hearing none, we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion carries. Ordinance is passed.

**Ordinance No. 2023-83** – Introduced by Council – An Ordinance amending appropriation Ordinance No. 2023-28 and declaring an emergency.

Mr. Roberts moved to waive the readings. It was seconded by Mr. Baker.

Mr. Vincent: Is there any discussion of waiving? Hearing none, we will have roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Miss Bradshaw moved for passage. It was seconded by Mr. Pettit.

Mr. Vincent: Is there any discussion? Mr. Haddox, since this is not going to Committee, can you give us a brief rundown on this?

Kade Haddox: Yes, is this the longer appropriation change or the shorter one? I'm sorry.

Mr. Vincent: And maybe this has been gone over because I know we have two of them.

Kade Haddox: There are two of them. The longer one, the just of the changes obviously are related to Fund 350 and the Dug Road Project. Most of that is just adding the money that we've gotten allocated through grants so far so we can proceed with that once it is awarded. The other biggest change is in the Water Fund. We're actually going to buy roughly 70 water meters and start replacing some of those internally, and cost of chemicals is about double on some of our chlorine and phosphates year-over-year. So, just to increase some of those costs about another \$80,000 worth of chemicals we need at the Water Plant to get us through the rest of the year.

Mr. Vincent: Okay, and it is a big one. Under Appropriations Contingencies that connects with, the amended budget \$2.1 million?

Kade Haddox: Yes, that number didn't change actually from year-to-year. That is a typo. The main change was from the other appropriation change for the \$1.6 million. That's in the separate appropriation change that was on last meeting's agenda that didn't pass yet that will also be an emergency. And that is to pay off our JEDD loan, because we're going to go ahead and refinance for long term. So that's just that adjustment. That payment was due at the end of July.

Mr. Vincent: Alright, thank you. Anything else from Council? Okay, we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion carries. Ordinance is passed.

**Ordinance No. 2023-84** – Introduced by Council – An Ordinance authorizing the Public Service Director to grant an easement to Muskingum County as part of the Licking View Sanitary Sewer Improvements.

Mr. Vincent: This is at first reading, but there was a request to waive this so that the County could go ahead and get started on building this.

Mr. Pettit moved to waive the readings. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion of waiving? Hearing none, we will have roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Mr. Pettit moved for passage. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion? With that, Mr. Brown, this goes through some wet area. It's not land that is usable at this point, but there is a part in this agreement that if we need it sometime in the future, that they'll remove, is it? Did I understand it right?

Scott Brown: Yes, so the property itself has limited value, but to protect the City long term, we did put a rider in there, which I just read it just a minute ago, and I probably will never find it again. But it's in there that basically states that we reserve the right to ask them to move it out of our way if for some reason we would indeed use that property.

Mr. Vincent: I thought that was very nice. Anything else from Council? We will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion carries. Ordinance is passed.

## **ORDINANCES FOR ACTION**

**Ordinance No. 2023-68** – Introduced by Council – An Ordinance authorizing the expenditure of funds for the purchase of materials and contracting labor for the paving

of Central Avenue and Athletic Drive City Property Paving Project and declaring an emergency.

Mr. Roberts moved to waive the readings. It was seconded by Mr. Ballmer.

Mr. Vincent: Is there any discussion on waiving? Have to get it done before the coldness sets in and the plants shut down. Let's have roll call vote for waiving.

Roll call vote for waiving of the readings.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Miss Bradshaw moved for passage. It was seconded by Mr. Pettit.

Mr. Vincent: Is there further discussion? Hearing none, we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion carries. Ordinance is passed.

**Ordinance No. 2023-69** – Introduced by Council – An Ordinance authorizing a maximum schedule of positions for the City of Zanesville's workforce and declaring an emergency.

Mr. Roberts moved for second reading. It was seconded by Mr. Baker.

Mr. Vincent: Is there any discussion?

Mr. Roberts: Mr. President?

Mr. Vincent: Mr. Roberts.

Mr. Roberts: I make a motion to amend this legislation in the following manner:

- Just above where it starts "Now, therefore" on the first page, the addition of a semicolon and the word "and."
- And then the addition of an additional "*Whereas, due to pay period and staffing issues, it is necessary for this Ordinance to be made retroactive to July 28, 2023;*"

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- And as well, add in a replacement *“Section Two: For the reasons set forth above, this Ordinance shall be deemed effective retroactively to July 28, 2023.”*
- And then renaming the former Section Two to *“Section Three.”*

Mr. Vincent: Thank you.

Mr. Baker: Second.

Mr. Vincent: A motion and a second to make those amendments. With this, it is just to address as far as payroll the way it breaks down and just make this easier, to make sure they get paid properly. Any questions on this amendment? Is everyone clear on that? It's a lot of words basically to say we're adjusting the time period. All in favor of this amendment, signify by saying aye. Those opposed nay.

A voice vote was taken with all being in favor. None were opposed. Mrs. Osborn was absent.

Mr. Vincent: Motion carries. We are now at 2023-69 as amended.

Mr. Roberts moved to waive the readings. It was seconded by Mr. Baker.

Mr. Vincent: Is there any discussion of waiving? Hearing none, we will have roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Mr. Pettit moved for passage. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion? Hearing none, we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion carries. Ordinance is passed.

**Ordinance No. 2023-70** – Introduced by Council – An Ordinance ratifying the Memorandum of Agreement with the Fraternal Order of Police, Ohio Labor Council, Inc. (FOP) regarding the Commander positions, and declaring an emergency.

Mr. Roberts moved for second reading. It was seconded by Mr. Ballmer.

Mr. Vincent: Is there any discussion?

Mr. Roberts: Mr. President?

Mr. Vincent: Mr. Roberts.

Mr. Roberts: I would make a motion to amend this legislation in the following manner:

- The addition of a semicolon and the word “and” at the last whereas in the previous version.
- The addition of another “*Whereas, due to pay period and staffing issues, it is necessary for this Ordinance to be made retroactive to July 28, 2023;*”
- The addition of replacement “*Section Two: For the reasons set forth above, this Ordinance shall be deemed effective retroactively to July 28, 2023.*”
- Then renaming the former Section Two to “*Section Three.*”

Mr. Vincent: A motion to amend. Is there a second?

Mr. Pettit: Second.

Mr. Vincent: Is there any discussion? Or do you need clarification? It's the same as the last one. Okay, no questions, all in favor of the amendment signify by saying aye. Those opposed nay.

A voice vote was taken with all being in favor. None were opposed. Mrs. Osborn was absent.

Mr. Vincent: Motion carries to amend. So we're now at 2023-79 as amended.

Mr. Roberts moved to waive the readings. It was seconded by Mr. Ballmer.

Mr. Vincent: Is there any discussion of waiving? Hearing none, let's have roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Mr. Pettit moved for passage. It was seconded by Miss Bradshaw.



Mr. Vincent: Is there any discussion? Hearing none, let's have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion carries. Ordinance is passed.

**Ordinance No. 2023-71** – Introduced by Council – An Ordinance authorizing the Community Development Director to prepare and submit an application to participate in the Natural Resources Assistance Council and/or the Ohio Public Works Commission Clean Ohio Fund Program for funding.

Mr. Vincent: We're at second reading, but there was a request by Mr. Schley to waive the readings. Is that correct?

Matt Schley: Yes, sir.

Mr. Ware moved to waive the readings. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion? Mr. Schley, refresh me, why we're waiving.

Matt Schley: Initially we would've had enough time to meet the deadlines; however, because it didn't get passed at the last meeting, that's why it needs to be waived. I'm trying to remember.

Mr. Vincent: To get it back on track?

Matt Schley: Yes, to get it back on track basically is what we're trying to do. Deadline's in September. We're just trying to make it work.

Mr. Vincent: Okay, thank you, sir. I appreciate it. Is there any other discussion? Let's have roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Miss Bradshaw moved for passage. It was seconded by Mr. Pettit.

Mr. Vincent: Is there any discussion? Hearing none, let's have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion carries. Ordinance is passed.

**Ordinance No. 2023-72** – Introduced by Council – An Ordinance authorizing the Community Development Director to enter into an agreement for the purchase of real property, contingent upon the successful application for Clean Ohio Funds.

Mr. Vincent: We're at second reading, but there was also a request to waive this too for a time deadline.

Miss Bradshaw moved to waive the readings. It was seconded by Mr. Ware.

Mr. Vincent: Is there any discussion of waiving? Hearing none, we will have a roll call vote for waiving.

Roll call vote for waiving of the readings.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Miss Bradshaw moved for passage. It was seconded by Mr. Pettit.

Mr. Vincent: Is there any discussion? Hearing none, we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion carries. Ordinance is passed.

**Ordinance No. 2023-73** – Introduced by Council – An Ordinance authorizing the Budget & Finance Director to refinance the National Road infrastructure note of \$1,525,000 (Perry JEDD note), and declaring an emergency.

Mr. Vincent: A motion to waive?

Mr. Pettit moved to waive the readings. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion? No discussion of waiving, so we will have roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Mr. Pettit moved for passage. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion? Hearing none, we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion carries. Ordinance is passed. And hopefully, Mr. Haddox, you'll get some good interest rates.

Kade Haddox: Yes, looking at somewhere between 10 and 20-year terms. Right now, the best offer is around 4.2, 4.8, depending on how long we take it out, which is fairly competitive to the 3 or 4 quotes that I've got.

Mr. Vincent: Alright, thank you, sir.

**Ordinance No. 2023-74** – Introduced by Council – An Ordinance amending appropriation Ordinance No. 2023-28 and declaring an emergency.

Mr. Vincent: Motion to waive or second reading.

Mr. Pettit moved to waive the readings. It was seconded by Mr. Baker.

Mr. Vincent: Is there any discussion of waiving? Hearing none, we will have roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Miss Bradshaw moved for passage. It was seconded by Mr. Pettit.

Mr. Vincent: Is there any discussion? Mr. Haddox, is there anything, briefly?

Kade Haddox: On this JEDD note?

Mr. Vincent: As far as the appropriations.

Kade Haddox: Oh yes, that's just what we covered earlier to cover the JEDD payment out of the budget for budgetary purposes. So, the last ordinance would've referenced the line items. That's the adjustment to the budget.

Mr. Vincent: I recall now that we did talk about that, so thank you. Any other questions? Let's have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion carries. Ordinance is passed.

**Ordinance No. 2023-75** – Introduced by Council – An Ordinance authorizing the issuance of notes in the amount of \$1,525,000 in anticipation of the issuance of bonds for the purpose of funding a portion of the cost of acquiring, constructing, installing, and equipping public infrastructure improvements necessary for the development of the National Road Business Park, including an access road, waterline extension, and sewer line upgrades and extension, and all necessary appurtenances thereto, and declaring an emergency.

Mr. Roberts moved for second reading. It was seconded by Mr. Ballmer.

Mr. Vincent: Is there any discussion?

Mr. Roberts: Mr. President?

Mr. Vincent: Yes, sir.

Mr. Roberts: I make a motion to amend this legislation in the following manner:

- On the last whereas, the addition of a semicolon and the word "and."
- Adding in a new, "*Whereas, because of the maturity date of the bonds, this Ordinance must be made retroactive to July 28, 2023.*"

- And inserting a supplemental, “*Section 20. For the reasons set forth above, this Ordinance shall be effective retroactively to July 28, 2023.*”
- Renaming the former section 20 to “*Section 21.*”

Mr. Vincent: We have a motion. Is there a second on that?

Mr. Pettit: Second.

Mr. Vincent: Any questions? Is everyone clear on that amendment? All in favor of the amendment, signify by saying aye. Those opposed nay.

A voice vote was taken with all being in favor. None were opposed. Mrs. Osborn was absent.

Mr. Vincent: Motion carries. We are now at Ordinance 2023-75 as amended.

Mr. Roberts moved to waive the readings. It was seconded by Mr. Pettit.

Mr. Vincent: Is there any discussion on waiving? Hearing none, we will have roll call vote for waiving of the readings.

Roll call vote for waiving of the readings.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion to waive carries. Now I need a motion for passage.

Miss Bradshaw moved for passage. It was seconded by Mr. Pettit.

Mr. Vincent: Is there any discussion? Hearing none, we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion carries. Ordinance is passed.

**Ordinance No. 2023-65** – Introduced by Council – An Ordinance authorizing the Public Service Director to advertise for bids and enter into a professional contract for disposal of bio-solids from the City's Wastewater Treatment Facility.

Mr. Vincent: We are at third reading.

Mr. Pettit moved for third reading and passage. It was seconded by Miss Bradshaw.

Mr. Vincent: Is there any discussion? Hearing none, we will have roll call vote for passage.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent (Mrs. Osborn)

Mr. Vincent: Motion carries. Ordinance is passed.

### **TRAFFIC ORDERS**

Mr. Vincent: We move on now to traffic orders, which we have none.

### **MISCELLANEOUS AND UNFINISHED BUSINESS**

Mr. Vincent: So we'll move on to miscellaneous and unfinished business and turn to the Mayor.

Mayor Mason: Thank you very much, Mr. President. A couple of announcements of course, but first I would again want to thank City Council who passed a lot of ordinances tonight, moving forward on Dug Road and other projects, all of significant importance. Thank you.

So there are no outdoor events this week in the downtown because, of course, this is the Muskingum County Fair week. So we expect everybody to be wrapped up in fair events. But on Saturday, August 26, so that's Saturday, August 26 at the Secrest Auditorium inside, we'll have High Noon. High Noon, last year was one of our top hits as an outdoor event. They featured basically Lynyrd Skynyrd tribute and southern rock. They were a really big hit. Tickets start at \$10, and of course, we'll have beverages and food trucks also available. So again, on August 26, a Saturday, and by the way this addresses the issue a lot of people have asked us. Can you have some events on the weekend? Because people work through the week. So we're hoping people take advantage of August 26 to be inside the Secrest with High Noon. By the way, it's an evening concert. It's not at high noon.

Mr. Vincent: Good to clarify. And it's air conditioned inside, so very comfortable. So that will be very nice. Anything else from the administration?

Scott Brown: If I could, Mr. President?

Mr. Vincent: Mr. Brown.

Scott Brown: I, too, would like to thank Council. When we started the Dug Road Project about 2-1/2 years ago, we didn't have lined up any sources of funding yet. And Council had the forethought to go ahead and allow us to pay to have Dug Road designed. And we had a meeting with an esteemed politician. I'll let the Mayor share whom and when. But that person explained to us that oftentimes, communities show up and say I have a problem and they expect the state to fix it. We were able to show up and say we have a problem and here's the solution. And I think that went a long way to giving us that funding. And we wouldn't have been able to do that if you hadn't supported us. So, thank you.

Mayor Mason: So, two years ago, the Lieutenant Governor stopped in to see us, and we had laid out strategically on my desk four different projects that we had all been designing looking for money on. And as so many people do when they talk, they just all of a sudden will grab something and start looking at it and be like, where are you guys with this one? And it was the Putnam Combined Sewer Project. So, we explained where we were and we're waiting for the permit to install. So he was impressed that we had gotten that far.

Then the next one he picked up and that was the Lear property. We told him where we were and what we were trying to do and how we had driven the cost on that one down from \$6 million to, we at that time thought, \$2.6. As you all know, it ended up being \$700,000. I can't remember what the third one was, but the fourth one was, of course, Dug Road. And again, we told him we had it designed and we were shopping around for money. Frankly, he said he hasn't been to any community that had four projects already designed and were waiting for funding. Normally, that the communities just said, here State of Ohio, help us out. And so we pulled through on all four of those projects. I'm trying to remember what the fourth one was.

Scott Brown: It was Confluence Park.

Mayor Mason: Oh yes, that's right, Confluence Park. And we again had funding from OPWC, NRAC money on that one. Thank you, that's it.

Mr. Vincent: I applaud you, Mayor, and your team. You're getting a lot done and making good headway; that's for sure. Some things that at times we thought could not be done. So you're making it happen.

With that, I meant to do this earlier, but I'm so happy that Mr. Brad Wolfe is back with us this evening. He is back with us and healing.

Mr. Wolfe: Thank you.

Mr. Vincent: It's great that he is here.

Mr. Wolfe: It's nice to be back.

Mr. Vincent: I do appreciate it. Anything else from administration?

**PRIVATE PETITIONS AND COMMUNICATIONS**

Mr. Vincent: We don't have any private petitions or communications. Anything else from Council?

Mr. Roberts moved to adjourn. It was seconded by Mr. Pettit.

Mr. Vincent: All in favor of adjournment signify by saying aye. Those opposed nay.

A voice vote was taken with all being in favor of adjournment. None were opposed. Mrs. Osborn was absent.

Mr. Vincent: Motion carries. We stand adjourned. Thank you, everyone, and have a good evening.

The meeting ended about 7:38 p.m.

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Billie Corns  
Clerk of Council

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Daniel M. Vincent  
President of Zanesville City Council



Department of Public Service  
Andrew Roberts, Chair

**ORDINANCE NO. 2023 - 85  
INTRODUCED BY COUNCIL**

**AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO ENTER INTO A PROFESSIONAL CONTRACT WITH AECOM FOR PHASE 5 REVISIONS TO THE CITY OF ZANESVILLE'S COMBINED SEWER OVERFLOW LONG TERM CONTROL PLAN.**

**WHEREAS**, the City of Zanesville has been required by the Ohio Environmental Protection Agency (OEPA) to have an approved combined sewer overflow Long Term Control Plan (LTCP), which was approved on June 17, 2008; and

**WHEREAS**, the City of Zanesville selected AECOM per Ohio Revised Code 153.65 – 153.71 for assistance in making revisions to the LTCP; and

**WHEREAS**, Phase 4 of the LTCP update, as authorized by Ordinance No. 2021-51, was successfully completed with development of alternatives for a draft LTCP and the OEPA agreeing to a new submittal date of December 31, 2021 to allow for public involvement; and

**WHEREAS**, the administration would like to proceed with an update of the LTCP (Phase 5) as detailed in Attachment A that includes the following: wastewater treatment plant updates follow-up, data compilation and hydraulic modeling, and the submittal of the LTCP Update Report to the OEPA in response to the comments received from the completion of Phase 4.

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

**SECTION ONE:** The Public Service Director is hereby authorized to enter into a professional contract with AECOM for updating the combined sewer overflow LTCP, Phase 5.

**SECTION TWO:** The cost for the services is estimated to be \$35,000 and shall come from line item 613.5453.53225.

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

**PASSED:** \_\_\_\_\_, 2023

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

\_\_\_\_\_  
DANIEL M. VINCENT,  
President of Council

**APPROVED:** \_\_\_\_\_, 2023

**THIS LEGISLATION APPROVED  
AS TO FORM**

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

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



**TASK ORDER**

This Task Order No. 5 ("Task Order"), with an effective date of August 17, 2023, is issued under the Master Design Engineering Services Agreement ("Agreement") dated May 15, 2019 by and between the City of Zanesville, Ohio, a State of Ohio Entity ("Client") and AECOM Technical Services, Inc., a California corporation. ("AECOM"); each also referred to individually as ("Party") and collectively as ("Parties").

The Parties agree as follows:

- 1. Upon execution by the Parties, this Task Order is hereby incorporated by reference into the Agreement.
- 2. The following Attachments are hereby incorporated into this Task Order by reference:

- Attachment 1** Task Order Services, Schedule and Deliverables
- Attachment 2** Task Order Compensation

- 3. **Project Managers** The respective project managers of the Parties shall be (please print) and are to be included in any Notice under Article 4 of the Agreement as it relates to this Task Order:

**AECOM:**

Name	Maria DeLuca, PE
Title	Civil Engineer III
Phone Number	440 836 2125
Email Address	maria.deluca@aecom.com

**Client:**

Name	Scott Brown
Title	Public Service Department – Director
Phone Number	740 617 4910
Email Address	Scott.Brown@coz.org



**AECOM Technical Services, Inc.**

**CLIENT:** City of Zanesville

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

Timothy F. McCann  
\_\_\_\_\_  
Printed Name

Scott Brown  
\_\_\_\_\_  
Printed Name

Associate Vice President  
\_\_\_\_\_  
Printed Title

Public Service Director  
\_\_\_\_\_  
Printed Title

Address  
277 W. Nationwide Blvd  
Columbus, OH 43215

Address  
401 Market Street  
Zanesville, OH 43701

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**Attachment 1**

**Task Order Services, Schedule and Deliverables**

1. Services:

<p><b>TASK 1 – WWTP UPGRADES FOLLOW-UP</b></p> <p>AECOM will coordinate with the City and the City's WWTP upgrades design consultant to discuss planned upgrades under the existing WWTP upgrades project and to develop responses to Comments 1, 12, and 14 of Ohio EPA's letter.</p>
<p><b>TASK 2– DATA COMPILATION AND HYDRAULIC MODELLING</b></p> <p>AECOM will perform the statistical evaluations and hydraulic modelling necessary to respond to Comments 2, 3, 4, 5, 6, 7, and 11 of Ohio EPA's letter.</p>
<p><b>TASK 3 – LTCP UPDATE REPORT REVISIONS</b></p> <p>AECOM will incorporate necessary revisions to the LTCP Update Report based on Ohio EPA's feedback (Comments 8, 9, 10, and 14).</p>

2. Schedule:

<p>The Draft Ohio EPA Response Letter will be submitted to the City for review and comment by September 12, 2023.</p>
<p>The Final Ohio EPA Response Letter will also be submitted to the Ohio EPA prior to September 19, 2023.</p>
<p>The LTCP Update Report with necessary revisions based on Ohio EPA's feedback will be submitted to Ohio EPA prior to January 1, 2024.</p>

3. Deliverables:

<p>AECOM will submit a Draft Ohio EPA Response Letter to the City with responses to the comments included in the Ohio EPA's October 2022 letter. AECOM will incorporate the City's comments into the Final Ohio EPA Response Letter.</p>
<p>AECOM will submit a Final Ohio EPA Response Letter to the Ohio EPA which includes responses to Ohio EPA's October 2022 letter.</p>
<p>AECOM will submit a revised LTCP Update Report to the City and the Ohio EPA which includes necessary revisions to the LTCP Update Implementation Schedule and project phasing.</p>

4. Task Order Special Terms and Conditions Only Applicable to this Task Order:

<p>None</p>
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**Attachment 2  
 Compensation and Payment**

1. **COMPENSATION** The Services set forth in the Task Order will be compensated on the following basis:

- Time & Material - See Section 2.1 for Hourly Labor Rates
- Time and Materials with a Not-to-Exceed ("NTE") amount of \$35,000. The Hourly Labor Rates will be the actual hourly cost rate with a multiplier of 2.90.
- Lump Sum [\$]:

Milestone/Deliverable & Date	Payment Amount

- Cost Plus Fixed Fee:
- Other:

2. **RATE SCHEDULE** : INTENTIONALLY OMITTED

3. **REIMBURSABLE EXPENSES** Reimbursable expenses are actual expenditures made by AECOM for goods, travel expenses and vendor services in support of the performance of the Services and will be billed at the actual cost to AECOM plus ten percent (10%) to cover related administrative costs.

4. **DELAY** To the extent not the fault of AECOM, if the Project Schedule is extended or delayed, or if the orderly and continuous progress of the Services is impaired, then an equitable adjustment shall be made to this Agreement.

5. **CHANGE ORDERS** The Parties may at any time and by written agreement make changes in the Services, Project Schedule, Compensation and/or terms and conditions. The Parties shall effect such change through the use of the change order template set forth as EXHIBIT B to this Agreement.

6. **INVOICING** AECOM may invoice Client on a monthly or progress-billing basis as set forth herein. If Client disagrees with any portion of an invoice, it shall notify AECOM in writing of the amount in dispute and the reason for Client's objection within 10 days of receipt of invoice, setting forth the basis for such dispute with specificity and shall pay the undisputed portion of the invoice consistent with the requirements of this Agreement.

7. **PAYMENT**

7.1 If payment is based on Time and Materials with a NTE, once AECOM reaches the NTE, AECOM will stop further Services pending a Change Order to adjust the budget and schedule for the continued performance of the Services.

7.2 Timely payment is a material term of this Agreement. Client shall pay all undisputed portions of AECOM's invoices within 30 days of receipt without holdback or retention. Amounts remaining unpaid 30 days



after the invoice date shall bear interest at the rate of 1.5% per month on the unpaid balance and AECOM may suspend the Services pending receipt of such payment. In addition, AECOM retains its unrestricted rights under Article 23 (Termination) of the Agreement.

7.3 If the Project is suspended by Client for more than 30 days, AECOM shall be paid for all Services performed prior to the effective date of suspension within 30 days of such suspension. Upon resumption of the Project, AECOM shall be entitled to an equitable adjustment in cost and schedule to compensate AECOM for expenses incurred as a result of the interruption and resumption of the Services.

7.4 To the extent that completion of the Services is delayed beyond the original scheduled completion date and such delay is not the fault of AECOM, an equitable adjustment shall be made to AECOM's Compensation and Project Schedule.

6.5 Except as otherwise specifically provided herein, Client shall pay or reimburse AECOM, as appropriate, for all categories of taxes other than income tax, including without limitation, sales, consumer, use, value added, gross receipts, privilege, and local license taxes related to the Services.

6.5 Client shall make payments to AECOM using one of the following methods:

6.5.1 AECOM LOCKBOX:

AECOM Technical Services, Inc.  
1178 Paysphere Circle  
Chicago, IL 60674

6.5.2 ELECTRONIC FUNDS TRANSFER/ACH PAYMENT:

Account Name: AECOM Technical Services, Inc.  
Bank Name: Bank of America  
Address1: Building D  
Address2: 2000 Clayton Road  
City/State/Zip: Concord, CA 94520-2425  
Account Number: 5800937020  
ABA Routing Number: 071000039

6.5.3 WIRE TRANSFER:

Account Name: AECOM Technical Services, Inc.  
Bank Name: Bank of America  
Address: 100 West 33rd St  
City/State/Zip: New York, NY 10001  
Account Number: 5800937020  
ABA Routing Number: 026009593  
SWIFT Code: BOFAUS3N

6.5.4 Questions related to payment can be sent to:

AECOM Cash Applications Supervisor by phone at (804) 515-8490 or by email at [cashappsremittance@aecom.com](mailto:cashappsremittance@aecom.com)

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ORDINANCE NO. 2023 - 86  
INTRODUCED BY COUNCIL

**AN ORDINANCE AMENDING CHAPTER 1145.06 AND CHAPTER 1159.01 OF THE CITY OF  
ZANESVILLE CODIFIED ORDINANCES**

**WHEREAS**, through a comprehensive review of the Planning and Zoning Code, The Community Development Department has identified a need to update the chapter; and

**WHEREAS**, according to Section 1117.01 “To adapt to changing development conditions and provide for the phased implementation of the City Comprehensive Plan, the Planning Commission may from time to time recommend, and Council may adopt, amendments to the provisions of the text of this Zoning Code...as provided by the Ohio Revised Code.”, and

**WHEREAS**, proper notification of the intent of this proposed legislation was given in a newspaper of general circulation; and

**WHEREAS**, after taking testimony and discussion, the Zanesville Planning Commission has recommended to City Council that the proposed amendments to Chapter 1145.06 and Chapter 1159.01 be approved.

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

**SECTION ONE:** Chapter 1145.06 of the City of Zanesville Planning and Zoning Code currently reads:

**1145.06 TABLE 17: PERMITTED AND CONDITIONAL USES IN SPECIAL ZONING DISTRICTS.**

Uses are listed alphabetically within groups.

GROUP V: Permitted Uses in AE District.

- (1) Agriculture as defined in this Zoning Code, except mink, poultry or hog farms, cattle feeding stations, or farms feeding offal or garbage.
- (2) Farm stands for sale only of produce grown on the same parcel of land
- (3) Feed, flour and grain storage
- (4) Forestry and orchards
- (5) Greenhouses and nurseries
- (6) Hiking trails, bridle paths and picnic areas
- (7) Home occupations
- (8) Manufactured homes, single-family detached, on individual lots, anchored in a manner approved by the Public Service Director
- (9) Parks, playgrounds, golf courses, forest preserves, wildlife sanctuaries and other publicly owned open space
- (10) Permitted public uses, as defined in this Code
- (11) Single-family detached dwellings
- (12) Streets and alleys
- (13) Accessory uses, buildings and structures to all permitted uses in the district, including:
  - A. Agricultural buildings and structures
  - B. Club houses and other structures on the grounds of parks, golf courses, etc.
  - C. Private greenhouses
  - D. Private boat houses
  - E. Individual sewage disposal units
  - F. Private non-commercial stables

Off-street parking and loading and signs as provided in Chapter 1149.

GROUP W: Conditional Uses in AE Districts.

- (1) Airports
- (2) Campgrounds
- (3) Cemeteries
- (4) Commercial stables
- (5) Conditional public uses as defined in this Code
- (6) Dumps, sanitary landfills and other disposal areas
- (7) Education institutions
- (8) Excavation for artificial lakes, borrow pits and top soil removal
- (9) Feeding stations, cattle



ORDINANCE NO. 2023 - 86

- (10) Golf courses and country clubs, private
- (11) Mink, poultry and hog farms, cattle feeding stations, and farms feeding offal or garbage
- (12) Recycling centers, solid waste
- (13) Religious institutions, as defined in this Code
- (14) Surface mining and quarries
- (15) Transfer stations, solid waste
- (16) Accessory uses, buildings and structures to all conditional uses in the district, including off-street parking and loading and signs as provided in Chapters 1149 and 1153
- (17) Outdoor recreation or indoor/outdoor entertainment center.

**SECTION TWO:** Chapter 1145.06 and of the City of Zanesville Codified Ordinances shall be amended to read as follows:

**1145.06 TABLE 17: PERMITTED AND CONDITIONAL USES IN SPECIAL ZONING DISTRICTS.**

Uses are listed alphabetically within groups.

GROUP V: Permitted Uses in AE District.

- (1) Agriculture as defined in this Zoning Code
- (2) Farm stands for sale only of produce grown on the same parcel of land
- (3) Feed, flour and grain storage
- (4) Forestry and orchards
- (5) Greenhouses and nurseries
- (6) Hiking trails, bridle paths and picnic areas
- (7) Home occupations
- (8) Manufactured homes, single-family detached, on individual lots, anchored in a manner approved by the Public Service Director
- (9) Parks, playgrounds, golf courses, forest preserves, wildlife sanctuaries and other publicly owned open space
- (10) Permitted public uses, as defined in this Code
- (11) Single-family detached dwellings
- (12) Streets and alleys
- (13) Accessory uses, buildings and structures to all permitted uses in the district, including:
  - A. Agricultural buildings and structures
  - B. Club houses and other structures on the grounds of parks, golf courses, etc.
  - C. Private greenhouses
  - D. Private boat houses
  - E. Individual sewage disposal units
  - F. Private non-commercial stables

Off-street parking and loading and signs as provided in Chapter 1149.

GROUP W: Conditional Uses in AE Districts.

- (1) Airports
- (2) Campgrounds
- (3) Cemeteries
- (4) Commercial stables
- (5) Conditional public uses as defined in this Code
- (6) Dumps, sanitary landfills and other disposal areas
- (7) Education institutions
- (8) Excavation for artificial lakes, borrow pits and top soil removal
- (9) Golf courses and country clubs, private
- (10) Recycling centers, solid waste
- (11) Religious institutions, as defined in this Code
- (12) Surface mining and quarries
- (13) Transfer stations, solid waste
- (14) Accessory uses, buildings and structures to all conditional uses in the district, including off-street parking and loading and signs as provided in Chapters 1149 and 1153
- (15) Outdoor recreation or indoor/outdoor entertainment center.

**SECTION THREE:** Chapter 1159.01 of the City of Zanesville Planning and Zoning Code currently reads:

**1159.01 ACCESSORY USES AND STRUCTURES; GENERAL PROVISIONS.**

(a) Compatibility. Accessory uses and structures shall be compatible with the principal use of the lot on which they are located and shall not be established prior to the establishment of the principal use. Except in the AE District, the keeping, preparation or culture of poultry, pigeons or livestock shall not be an accessory use.

(b) Location. Accessory uses may be located in court yards and required yards only as provided in Table 34, Section 1159.21.

(c) Standards. All accessory uses shall conform to the standards in Table 33, Section 1159.20.

**SECTION FOUR:** Chapter 1159.01 of the City of Zanesville Planning and Zoning Code shall be amended to read as follows:

**1159.01 ACCESSORY USES AND STRUCTURES; GENERAL PROVISIONS.**

(a) Compatibility. Accessory uses and structures shall be compatible with the principal use of the lot on which they are located and shall not be established prior to the establishment of the principal use.

(b) Location. Accessory uses may be located in court yards and required yards only as provided in Table 34, Section 1159.21.

(c) Standards. All accessory uses shall conform to the standards in Table 33, Section 1159.20.

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

PASSED: \_\_\_\_\_, 2023

ATTEST: \_\_\_\_\_  
**BILLIE CORNS**  
**CLERK OF COUNCIL**

\_\_\_\_\_  
**DANIEL M. VINCENT**  
**PRESIDENT OF COUNCIL**

APPROVED: \_\_\_\_\_, 2023

\_\_\_\_\_  
**DON MASON**  
**MAYOR**

THIS LEGISLATION APPROVED AS TO FORM

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

Matthew Schley  
Community Development Director

ORDINANCE NO. 2023-87  
INTRODUCED BY COUNCIL

**AN ORDINANCE AUTHORIZING THE COMMUNITY DEVELOPMENT DIRECTOR TO  
SUBMIT AN APPLICATION FOR FUNDING TO THE OHIO DEPARTMENT OF  
NATURAL RESOURCES FOR THE ABANDONED MINE LAND ECONOMIC  
REVITALIZATION (AMLER) GRANT AND DECLARING AN EMERGENCY**

**WHEREAS**, the Ohio Department of Natural Resources has offered grant funding through the AMLER program, and

**WHEREAS**, the City has submitted a successful Letter of Intent and was deemed eligible on August 11<sup>th</sup>, 2023; and

**WHEREAS**, the AMLER program does not require a matching component for funding; and

**WHEREAS**, the application date is September 15<sup>th</sup>, 2023; and

**WHEREAS**, failure to meet this grant deadline would result in furthering the risk to public health and safety for adequate river access to the Muskingum River.

**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 prepare, submit, and execute all documents pertaining to this grant application for the purposes of improving access to the Muskingum River.

**SECTION TWO:** The Community Development Director is hereby authorized to execute all necessary documents for acceptance of up to \$700,000.00 in funding if awarded through the AMLER Program.

**SECTION THREE:** This Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

**SECTION FOUR:** Failure to meet the deadline of September 15<sup>th</sup>, 2023 would result in the continuance of a public health and safety risk. 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 member of City Council, this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

ORDINANCE NO. 2023-87

PASSED: \_\_\_\_\_, 2023

ATTEST: \_\_\_\_\_  
BILLIE CORNS  
CLERK OF COUNCIL

\_\_\_\_\_  
DANIEL M. VINCENT  
PRESIDENT OF COUNCIL

APPROVED: \_\_\_\_\_, 2023

THIS LEGISLATION APPROVED  
AS TO FORM

\_\_\_\_\_  
DON MASON  
MAYOR

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

Public Service Committee  
Andrew Roberts, Chair

**ORDINANCE NO. 2023 – 88  
INTRODUCED BY COUNCIL**

**AN ORDINANCE AUTHORIZING THE PUBLIC SERVICE DIRECTOR TO ACCEPT THE LOWEST AND BEST BID, EVEN THOUGH IT CAME IN ABOVE THE CITY’S INITIAL ESTIMATES, FOR THE DESIGN AND CONSTRUCTION OF THE AIRPORT BEACON AND RUNWAY REILS PROJECT, AND DECLARING AN EMERGENCY.**

*WHEREAS*, the City staff examined the current condition of the Beacon and REILs and determined that they have reached their useful life expectancy and must be replaced; and

*WHEREAS*, in Ordinance 2023-18 Council authorized the Public Service Director to advertise for bids and enter into a contract with the lowest and best bidder for the Airport Beacon and Runway REILs Project; and

*WHEREAS*, Jess Howard provided the only bid received, and was, therefore, the lowest and best bid; however, the bid is \$400 over the allowable amount and requires additional Council approval; and

*WHEREAS*, because of the delay in the bidding process, the condition of the City’s Airport has continued to deteriorate, and it is now necessary to expedite these transactions to repair and maintain city services crucial to the health, peace, and welfare of our citizens.

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

**SECTION 1:** The Public Service Director is hereby authorized to enter into a contract with the lowest and best bidder, Jess Howard, in the amount of \$165,400.00, for the Airport Beacon and Runway REILs Project as specified in Ordinance 2023-18.

**SECTION 2:** The City Council understands and intends to provide funding for the local share of the cost for the design, bid, and construction inspection services which shall be paid from City Line Item: 615-6415-54413, with the FAA contributing 90% Airport Improvement Program (AIP) funding, 5% CARES Act funding, and 5% city funding.

**SECTION 3:** For the reasons stated herein, this Ordinance is declared to be an emergency measure. Provided it receives the affirmative vote of **SEVEN** or more members of City Council, this Ordinance shall take effect and be in force immediately upon its passage and approval of the Mayor.

**ORDINANCE NO. 2023 – 88**

**PASSED:** \_\_\_\_\_, 2023

**ATTEST:** \_\_\_\_\_  
**Billie Corns,**  
**Clerk of Council**

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

**APPROVED:** \_\_\_\_\_, 2023

**This legislation approved as to form:**

\_\_\_\_\_  
**Donald Mason,**  
**Mayor**

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

Community Development Director  
Matthew Schley

ORDINANCE NO. 2023 - 76  
INTRODUCED BY COUNCIL

**AN ORDINANCE TO AMEND AND REVISE THE ZONING MAP AND  
MAKE PERMANENT ZONING IN THE CITY OF ZANESVILLE, OHIO  
AS HEREIN PROVIDED**

**WHEREAS**, an application has been duly made requesting a zone change from C-1 Neighborhood Commercial District to RS-5 High-Density Single-Family Residential District; and

**WHEREAS**, proper notification of the intent of this Council to consider this request to rezone the below described property was given to abutters within 200 feet of the requested rezoning and in a newspaper of general circulation; and

**WHEREAS**, after testimony and discussion the Zanesville Planning Commission recommended to City Council that the zone change request further identified on Exhibit "A", be approved.

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

**SECTION ONE:** The application for rezone change with respect to the real property hereinafter described and shown in Exhibit "A" is hereby approved and the zoning with respect to said property is so changed.

**SECTION TWO:** The Zoning Map of the City of Zanesville, Ohio, and the same is hereby amended and revised by changing the zoning as follows:

From C-1 Neighborhood Commercial District to RS-5 High-Density Single-Family Residential District, situated in the City of Zanesville, County of Muskingum, and State of Ohio, and bounded and described as follows:

Auditors Parcel #83-01-04-03-000, recorded in Deed Volume 3136, Page 717 being located in the Muskingum County Recorder's Office.

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

PASSED: \_\_\_\_\_, 2023

ATTEST: \_\_\_\_\_  
Billie Corns  
Clerk of Council

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

APPROVED: \_\_\_\_\_, 2023

THIS LEGISLATION APPROVED  
AS TO FORM

\_\_\_\_\_  
Donald Mason  
Mayor

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

**EXHIBIT "A"**  
**ATTACHMENT TO ORDINANCE 2023-76**

