

COUNCIL AGENDA

May 2, 2022

Committee and Council Meetings can be viewed by accessing YouTube

Council Chambers
7:00 P.M.

ROLL CALL

INVOCATION – Mark Labutis

PLEDGE OF ALLEGIANCE – Paxton Hill – Ben Franklin Elementary

CAUCUS

MINUTES of April 18, 2022

APPOINTMENTS

REPORTS OF STANDING COMMITTEES

Finance
Service

REPORTS FROM CITY OFFICIALS

COMMUNICATIONS

Ohio Division of Liquor Control –Transfer Liquor permit application from David W. Kittle dba Yesterday's Pub to Yesterday's Pub & Lounge LLC 78 Wilson St., Newark, Oh
Newark Development Partners – 2021 Annual Report

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

22-14-A AN ORDINANCE AMENDING CHAPTER 475 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO RELATIVE TO BICYCLES, SKATEBOARDS, TRICYCLES AND TOY VEHICLES WITHIN PORTIONS OF THE MUNICIPAL CORPORATION

ORDINANCES ON FIRST READING

There are none this meeting

RESOLUTIONS ON SECOND READING

22-30 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION(\$275,000.00 - Repayment for Operating Account from Emergency Repairs)

22-34 A RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY NOW OWNED BY THE CITY OF NEWARK, OHIO TO NEWARK DEVELOPMENT PARTNERS AS ITS AGENT FOR INDUSTRIAL, COMMERICAL, DISTRIBUTION AND RESEARCH.

RESOLUTIONS ON FIRST READING

22-37 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

22-38 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

22-39 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO PROCEED WITH THE STEPS NECESSARY TO DESIGNATE A PORTION OF LOCUST STREET IN THE DOWNTOWN AREA AS GERALD K. MCCLAIN WAY

22-40 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY OFFICE FOR FEDERAL FISCAL YEAR 2023 OHIO TRAFFIC SAFETY GRANTS PROGRAMS: SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) AND THE IMPAIRED DRIVING ENFORCMENT PROGRAM (IDEP).

22-41 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY OFFICE FOR FEDERAL FISCAL YEAR 2022 AMERICAN RESCUE PLAN ACT (ARPA) LAW ENFORCEMENT VIOLENCE REDUCTION & STAFFING GRANT.

22-42 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT WINTER CONTRACT (018-23) FOR ROAD SALT AND DECLARING AN EMERGENCY.

22-43 Project scope includes pavement reconstruction, vertical profile improvement, installation of turn lanes, and reconstruction of intersection at Thornwood Drive and West Main Street.

COMMENTS FROM CITIZENS

MISCELLANEOUS

ADJOURNMENT

ORDINANCE NO. 22-14-A

BY _____

**AN ORDINANCE AMENDING CHAPTER 475 OF THE CODIFIED
ORDINANCES OF THE CITY OF NEWARK, OHIO
RELATIVE TO BICYCLES, SKATEBOARDS, TRICYCLES AND TOY
VEHICLES WITHIN PORTIONS OF THE MUNICIPAL CORPORATION**

WHEREAS, the Codified Ordinances of the City of Newark currently provide rules and regulations for the operation of bicycles within the City of Newark, Ohio; and,

WHEREAS, changes in zoning and use designation for certain areas of the City require a review of all applicable ordinances potentially in conflict therewith; and,

WHEREAS, the creation of a Designated Outdoor Refreshment Area in the Downtown area has changed the nature of the use of such area and necessitates consideration of other safety considerations for the affected areas; and,

WHEREAS, the riding of bicycles, skateboards, tricycles, or toy vehicles in certain areas of the downtown specifically as it relates to the Designated Outdoor Refreshment Area raises a variety of health and safety concerns that need to be addressed so as to ensure the safety of all citizens and visitors to the Downtown area: and,

WHEREAS, upon review of the current Chapter 475 of the Codified Ordinances, a revision of this chapter was needed to assist law enforcement with more efficient and effective means to enforce said section; and,

WHEREAS, this matter was considered by the Safety Committee of this Council who passed this Ordinance on to the full Council for consideration.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF NEWARK, COUNTY OF LICKING, STATE OF OHIO, THAT:**

SECTION ONE: Chapter 475 of the Codified Ordinances of the City of Newark, Ohio is hereby amended to include Section 475.141 and 475.22 to read as set forth below:

**CHAPTER 475: BICYCLES, MOTORIZED BICYCLES, AND
MOTORCYCLES GENERALLY**

**475.141 ADDITIONAL REGULATIONS THE OPERATION OF BICYCLES,
TRICYCLES, SKATEBOARDS, AND TOY VEHICLES ON**

SIDEWALKS WITHIN DESIGNATED OUTDOOR REFRESHMENT AREAS AND IN OTHER AREAS OF THE CITY

- (a) No person shall ride or otherwise operate a bicycle, skateboard, tricycle, or toy vehicle at any time or for any reason upon a sidewalk in any Designated Outdoor Refreshment Area (DORA) within the City. Additionally, no person shall ride or otherwise operate a bicycle, skateboard, tricycle, or toy vehicle upon a sidewalk in any other area of the City wherein the number of commercial establishments creates a substantial volume of pedestrian traffic.
- (b) The Director of Public Service is hereby authorized to design and erect signs as needed to identify the Designated Outdoor Refreshment Areas wherein it is prohibited to ride or otherwise operate a bicycle, skateboard, tricycle, or toy vehicle upon a sidewalk sufficient to give reasonable notice to all persons of such prohibition.
- (c) No person over the age of twelve (12) years shall ride or otherwise operate a bicycle, skateboard, or tricycle upon any sidewalk within the City if it is safe to ride or otherwise operate such bicycle, skateboard, or tricycle in the adjacent roadway in conformity with existing rules for operation thereof.
- (d) Whenever any person over the age of (12) is necessitated by safety or by ordinance to ride or otherwise operate a bicycle, skateboard, tricycle, or toy vehicle upon a sidewalk within the city, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking from either direction.
- (e) Except as otherwise provided in this division, whoever rides or otherwise operates a bicycle, skateboard, tricycle, or toy vehicle in a manner that is prohibited under divisions (a), (c), or (d) of this section is guilty of a minor misdemeanor. A violation of this section is a misdemeanor of the fourth degree if the offender persists in prohibited conduct under division (a), (c), or (d) of this section after a reasonable request to desist. A Complaint and Summons shall be issued to such person alleged to be in violation hereof on a form designated and approved by the Director of Public Safety.

475.22 IMPOUNDING OF BICYCLES, SKATEBOARD, TRICYCLE, OR TOY VEHICLES.

Any bicycle, skateboard, tricycle, or toy vehicle operated by any person in violation of any of the provisions of this chapter may be seized by any member of the police department and be impounded at the police department for a period of 60 days. In the event that a bicycle so impounded is not claimed by the owner or operator of the same or by a parent or guardian of such owner or operator, it shall be sold by the chief of police and the proceeds of such sale shall be disposed of in the manner provided by law.

SECTION TWO: This Ordinance shall become effective upon the earliest date permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

ADOPTED this _____ day _____, 2022.

President of Council

ATTEST: _____
Clerk of Council

Date filed with Mayor: _____

Date approved by Mayor: _____

_____, Mayor

Approved as to form: _____
Tricia M. Moore
Director of Law

Resolution No.22-30

BY: _____

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

WHEREAS, to properly, efficiently and expeditiously conduct business of the City of Newark in the best interest of its citizens, there is an immediate requirement for a certain financial transaction as indicated.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, STATE OF OHIO.

Section 1. There is hereby an appropriation of the unappropriated balance of the 669 Storm Water Utility Fund, in the amount of \$275,000.00 (Repayment for Operating Account from Emergency Repairs)

669.169.5527	Storm lines	275,000.00
--------------	-------------	------------

This resolution is a measure providing for an appropriation for current expenses of the municipal corporation; it shall go into effect pursuant to Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, 2021.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____, _____

BY: _____

A RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY NOW OWNED BY THE CITY OF NEWARK, OHIO TO NEWARK DEVELOPMENT PARTNERS AS ITS AGENT FOR INDUSTRIAL, COMMERICAL, DISTRIBUTION AND RESEARCH.

WHEREAS, the City of Newark, Ohio currently owns various parcels of real property throughout the city which are of no value in their current state of development; and,

WHEREAS, the subject property, because of its size, location and zoning restrictions, is not currently suitable for any municipal purpose; and,

WHEREAS, the City desires to convey the subject property to Newark Development Partners, a Community Improvement Corporation serving as the agent of the City of Newark for growth and development; and,

WHEREAS, the City of Newark and Newark Development Partners have entered into an Amended Designated Agency Agreement authorizing the transfer of real property owned by the City and controlling the manner in which such property may then be developed and/or transferred by Newark Development Partners and the manner in which any revenues generated from such development and transfer are to be disbursed; and,

WHEREAS, the conveyance of the subject real property would promote the general welfare and stabilize the neighborhood in question, assist in develop and promote the reclamation, rehabilitation and reutilization of such real property; and

WHEREAS, the Public Service Committee of the Newark City Council met and considered this matter in regular session and unanimously approved submission of the legislation for full council consideration.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, AND STATE OF OHIO, THAT:

- Section 1: The Director of Public Service is hereby authorized to convey the following listed parcel of real property located within the City of Newark to Newark Development Partners, a Community Development Corporation, pursuant to the terms and conditions of the Amended Designated Agency Agreement previously approved by this Council in Resolution 16-29:
- | ADDRESS | PARCEL NUMBER |
|------------------------|-----------------|
| 75 West National Drive | 054-20689200000 |
- Section 2: Council hereby declares the subject real property to no longer be needed by the City of Newark, Ohio for any municipal purpose and that the City’s interests are best served by conveyance to Newark Development Partners subject to the agreed upon disbursement of and future revenues generated therefrom.
- Section 3: This resolution shall become effective at the earliest time permitted in accordance with Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____ 2022.

PRESIDENT OF COUNCIL

ATTEST: _____ *CLERK OF COUNCIL*

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

Resolution No.22-37

BY: _____

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

WHEREAS, to properly, efficiently and expeditiously conduct business of the City of Newark in the best interest of its citizens, there is an immediate requirement for a certain financial transaction as indicated.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, STATE OF OHIO.

Section 1. There is hereby an appropriation of the unappropriated balance of the 100 General Fund, in the amount of \$1,544.35 (Req to appropriate funds into medical supplies for reimbursement of naloxone purchase and req to appropriate funds into Overtime for reimbursement of special duty provided)

100.204.5303.100	Medical Supplies	360.00
100.205.5118	Fire-Uniformed Overtime	1,184.35

This resolution is a measure providing for an appropriation for current expenses of the municipal corporation; it shall go into effect pursuant to Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, 2022.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____, _____

Resolution No.22-38 Exp

BY: _____

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

WHEREAS, to properly, efficiently and expeditiously conduct business of the City of Newark in the best interest of its citizens, there is an immediate requirement for a certain financial transaction as indicated.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, STATE OF OHIO.

Section 1. There is hereby an appropriation of the unappropriated balance of the 153 Comp Abs Fund, in the amount of \$10,000.00 (Termination payout for Ben Thomas resigning 4.15.22 – Traffic Dept/ Termination Payout for Krista Farris retiring 5.30.22 Street Dept.)

153.302.5143	Termination Sick	700.00
153.302.5144	Termination Vacation	7,700.00
153.302.5145	Termination Comp	1,600.00

Section 2. There is hereby an appropriation of the unappropriated balance of the 621 Water Dept. Fund, in the amount of \$15,000.00 (Lead Line Replacement Issues)

621.707.5534	Meters	15,000.00
--------------	--------	-----------

This resolution is a measure providing for an appropriation for current expenses of the municipal corporation; it shall go into effect pursuant to Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, 2022.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____, _____

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO PROCEED WITH THE STEPS NECESSARY TO DESIGNATE A PORTION OF LOCUST STREET IN THE DOWNTOWN AREA AS GERALD K. MCCLAIN WAY

WHEREAS, in the Downtown area, East Locust Street runs from North 1st Street to North 3rd Street, and West Locust Street begins at North 3rd Street and continues westward to North 5th Street and beyond;

WHEREAS, this Council deems it appropriate to honor Gerald K. McClain for his many various accomplishments and philanthropic contributions to the betterment of the City of Newark, Ohio and Licking County, Ohio, and;

WHEREAS, Council has determined that it is appropriate to honor Gerald K. McClain by designating East and West Locust Street, from North 1st Street to North 5th Street, as **Gerald K. McClain Way**.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, AND STATE OF OHIO, THAT:

Section 1: The Director of Public Service is hereby authorized and directed to proceed with all steps necessary to designate East and West Locust Street from North 1st Street to North 5th Street as **Gerald K. McClain Way**.

Section 2: This resolution shall become effective at the earliest time permitted in accordance with Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____ 2022.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

Prepared by the Division of Engineering

RESOLUTION 22-40

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY OFFICE FOR FEDERAL FISCAL YEAR 2023 OHIO TRAFFIC SAFETY GRANTS PROGRAMS: SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) AND THE IMPAIRED DRIVING ENFORCEMENT PROGRAM (IDEP).

Whereas, the National Highway Administration and the Federal Highway Administration of the U.S. Department of Transportation provide federal funding for the costs of local law enforcement initiatives designed to improve highway safety; and,

WHEREAS, the City of Newark was notified by the Ohio Department of Public Safety that the City is eligible to submit applications for Fiscal Year 2023 State and Community Highway Funds; and,

WHEREAS, each unit of local government receiving funds must establish special revenue funds into which all payment received by the unit of local government under the Programs are deposited, and it is necessary to establish special revenue accounts for that purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING AND STATE OF OHIO THAT:

Section 1: This Council authorizes and directs the Mayor, or his representative to prepare applications to the Ohio Department of Public Safety Office of the Governor's Highway Safety Representative, for funding assistance through the Highway Safety Grant Programs: STEP and IDEP to make in connection therewith, all certifications, understandings, and assurances, contained therein.

Section 2: In furtherance of the directives established herein, the Mayor is authorized to take whatever action is legally available to attain such funding in the best interest of the City and its participation in available highway safety funding programs.

Section 3: The Mayor is designated as the authorizing official to enter into an agreement with the Ohio Department of Public Safety Office of the Governor's Highway Safety Representative, to administer the grant programs and to accept said funds when they become available.

Section 4: There are hereby established a special revenue funds to be known as the Highway Safety Grant Program funds. The Auditor is authorized and directed to deposit all receipts from the Highway Safety Grant Programs into these funds. Monies deposited into the funds are to be used solely for the purpose of improving highway safety.

ADOPTED THE _____ DAY OF _____, 2022

_____, COUNCIL PRESIDENT

ATTEST _____, CLERK OF COUNCIL

DATE FILED WITH MAYOR _____

DATE APPROVED BY MAYOR _____

_____, MAYOR

FORM APPROVED _____, DIRECTOR OF LAW

RESOLUTION 22-41

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY OFFICE FOR FEDERAL FISCAL YEAR 2022 AMERICAN RESCUE PLAN ACT (ARPA) LAW ENFORCEMENT VIOLENCE REDUCTION & STAFFING GRANT.

Whereas, Governor Mike DeWine designated the Ohio Office of Criminal Justice Services (OCJS) to administer a portion of the ARPA funding and the General Assembly appropriated a total of \$175 million to provide grants to support communities that have experienced an increase in violent crime, more difficulty providing services to respond to or mitigate the effects of violence during the COVID-19 pandemic, or both; and,

WHEREAS, the City of Newark was notified by the Ohio Department of Public Safety that the City is eligible to submit an application for Fiscal Year 2022 ARPA Law Enforcement Violence Reduction & Staffing Grant Funds; and,

WHEREAS, each unit of local government receiving funds must establish special revenue funds into which all payment received by the unit of local government under the ARPA Law Enforcement Violence Reduction & Staffing Grant is deposited, and it is necessary to establish special revenue accounts for that purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING AND STATE OF OHIO THAT:

Section 1: This Council authorizes and directs the Mayor, or his representative to prepare an application to the Ohio Department of Public Safety Office of Criminal Justice Services, for funding assistance through the ARPA Law Enforcement Violence Reduction & Staffing Grant; and, to make in connection therewith, all certifications, understandings, and assurances, contained therein.

Section 2: In furtherance of the directives established herein, the Mayor is authorized to take whatever action is legally available to attain such funding in the best interest of the City and its participation in available ARPA funds.

Section 3: The Mayor is designated as the authorizing official to enter into an agreement with the Ohio Department of Public Safety Office of Criminal Justice Services, to administer the grant programs and to accept said funds when they become available.

Section 4: There are hereby established a special revenue funds to be known as the ARPA Law Enforcement Violence Reduction & Staffing Grant funds. The Auditor is authorized and directed to deposit all receipts from the OCJS ARPA Law Enforcement Violence Reduction & Staffing Grant into these funds. Monies deposited into the funds are to be used solely for the purpose of reducing violent crime and /or providing services to respond to or mitigate the effects of violence during the COVID-19 pandemic.

Section 5: This Resolution shall become effective upon the earliest date permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

ADOPTED THE _____ DAY OF _____, 2022

_____, COUNCIL PRESIDENT

ATTEST _____, CLERK OF COUNCIL

DATE FILED WITH MAYOR _____

DATE APPROVED BY MAYOR _____

_____, MAYOR

FORM APPROVED _____, DIRECTOR OF LAW

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT WINTER CONTRACT (018-23) FOR ROAD SALT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Newark in Licking County (hereinafter referred to as the “Political Subdivision”) hereby submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual winter road salt bid (018-23) in accordance with Ohio Revised Code 5513.01 (B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT’s signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless of any claims, actions, expenses, or other damages arising out of the Political Subdivision’s participation in the winter road salt contract; and
- d. The Political Subdivision’s electronic order for Sodium Chloride (Road Salt) will be in the amount of **1500 tons**, of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically submitted salt quantities from its awarded salt supplier during the contract’s effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request no later than Friday, April 29, 2022 by 5:00pm. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision’s participation request. Furthermore, it is the sole responsibility of the Political

Subdivision to ensure ODOT has received this participation agreement as well and the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

WHEREAS, The emergency measure is necessary for the immediate preservation of the public, peace, health, safety, and welfare due to the program deadline set by ODOT.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING AND STATE OF OHIO, THAT:

Section 1: That this participation agreement for the ODOT winter road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT winter salt contract.

Section 2: That the Service Director is hereby authorized to agree in the name of the City of Newark to be bound by all terms and conditions as the Director of Transportation prescribes.

Section 3: That the Service Director is hereby authorized to agree in the name of the City of Newark to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City of Newark participates, for items it receives pursuant to the contract.

Section 4: This Resolution shall become effective immediately as an emergency pursuant to Article 4.07 of the Charter of the City of Newark, Ohio for the immediate preservation of the public peace, health, safety, and welfare

Adopted this _____ day of _____, 2022.

President of Council

Attest: _____
Clerk of Council

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor

Service Director

Form Approved: _____
Law Director

Prepared by the Division of Engineering.

PRELIMINARY LEGISLATION

Participatory

Rev. 6/26/00

Resolution #: 22-43

County/Route/Section: LIC TR 134 00.53

The following is a Resolution enacted by the City of Newark of Licking County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the LPA has determined the need for the described project:

Project scope includes pavement reconstruction, vertical profile improvement, installation of turn lanes, and reconstruction of intersection at Thornwood Drive and West Main Street.

NOW THEREFORE, be it ordained by the City of Newark of Licking County, Ohio.

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION II – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into an LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

For a breakout of costs and funding sources by Phase, please refer to Agreement 37463, Attachment 1.

The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

SECTION IV – Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way includes eligible utility costs.

The LPA agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodation, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI - Authority to Sign

The LPA hereby authorizes David Rhodes, Service Director of the City of Newark is hereby empowered on behalf of the City of Newark to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, Service Director to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Newark to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION VII – Effective Date

Following appropriate legislative action, **this Resolution** shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022.
(Date)

President of Council: _____

Attested: _____
(Clerk of Council)

Date filed with Mayor: _____

Date Approved by Mayor: _____

Mayor: _____

Approved as to form – Director of Law: _____

Contracting Agent – Service Director: _____

**CERTIFICATE OF COPY
STATE OF OHIO**

City of Newark of Licking County, Ohio

I, _____, as Clerk of the City of Newark of Licking County, Ohio, do hereby
certify that the foregoing is a true and correct copy of Resolution _____ adopted by the legislative
Authority of the said City of Newark on the _____ day of _____, _____.

That the publication of such Resolution has been made and certified of record according to Law; that no proceedings
looking to a referendum upon such Resolution have been taken; and that such Resolution and certificate of
publication thereof are of record in _____, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this _____ day of _____ 2_____.

(Clerk)

(SEAL)

City of Newark of Licking County, Ohio

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the
executed legislation.)

The foregoing is accepted as a basis for proceeding with the project herein described.
For the City of Newark of Licking County, Ohio.

Attested: _____ Date _____

(Contractual Agent)

.....
For the State of Ohio

Attested: _____ Date _____

(Director, Ohio Department of Transportation)