

COUNCIL AGENDA

January 17, 2023

Committee and Council Meetings can be viewed by accessing YouTube

Council Chambers
7:00 P.M.

ROLL CALL

INVOCATION – Mr. Labutis

PLEDGE OF ALLEGIANCE - Logan Peters, 4th grade, Hillview Elementary

CAUCUS

MINUTES of January 3, 2023

APPOINTMENTS

REPORTS OF STANDING COMMITTEES

Finance
Service
Safety
Capital Improvements

REPORTS FROM CITY OFFICIALS

City Auditor, Ryan T. Bubb – Operating report for period ending December 31, 2022

Brenda Cooper, Tax Administrator's Office – Income Tax Revenue Reports for period ending December 31, 2023

COMMUNICATIONS

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

22-56 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DEPARTMENT OF Safety, DIVISION OF Police BY CREATING THE POSITION OF Criminalist, ABOLISHING THE POSITIONS OF 2 Communications Operator(s), 3 Communications Operator 1(s), 7 Communications Operator 2

(s), 1 Crime Prevention Coordinator, 1 Forensic Scientist, 1 Parking Meter Repair Worker and 1 Police Communication Supervisor AND SETTING THE COMPENSATION THEREFORE--

ORDINANCES ON FIRST READING

23-01 AN ORDINANCE AMENDING PORTIONS OF CHAPTER 830 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO, REGARDING LICENSING REQUIREMENTS FOR ELECTRONIC GAMING PARLORS OPERATED WITHIN THE CITY OF NEWARK, OHIO.

RESOLUTIONS ON SECOND READING

22-112 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (Appropriate funds back into the vehicle maint. fund. Rec's check from State Farm for insurance claim and payment should have went to the vendor repairing vehicle. The repair was paid for out of the vehicle maint. fund)

RESOLUTIONS ON FIRST READING

23-01 ODOT Final Resolution THE PROJECT CONSISTS OF CONSTRUCTING A TWO-LANE ROUNDABOUT INTERSECTING THORNWOOD CROSSIN, THORNWOOD DRIVE, RIVER ROAD, AND REDDINGTON ROAD, INCLUDING ROADWAY REALIGNMENT, DRIVEWAYS, GUARDRAIL, FENCE, DRAINAGE, WATER MAIN WORK, LIGHTING, SIGNAGE, PAVEMENT MARKINGS, TRAFFIC SIGNALS, LANDSCAPING, BUILDING DEMOLITION, AND A STRUCTURE, LYING WITHIN THE CITY OF NEWARK

23-02 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR CERTAIN ESSENTIAL SUPPLIES FOR VARIOUS DEPARTMENTS OF THE CITY OF NEWARK, OHIO, FOR 2023.

23-03 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$100,000.00 -Maintenance of Streets) (\$100,000.00 -Alley Paving)

COMMENTS FROM CITIZENS

MISCELLANEOUS

ADJOURNMENT

BY: _____

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DEPARTMENT OF Safety, DIVISION OF Police BY CREATING THE POSITION OF Criminalist, ABOLISHING THE POSITIONS OF 2 Communications Operator(s), 3 Communications Operator 1(s), 7 Communications Operator 2 (s), 1 Crime Prevention Coordinator, 1 Forensic Scientist, 1 Parking Meter Repair Worker and 1 Police Communication Supervisor AND SETTING THE COMPENSATION THEREFORE

WHEREAS, the Division of Police has had a cause to review their staffing needs and has determined that alteration is warranted in the organization or structure due to changing workplace needs; and,

WHEREAS, it is necessary to amend the position authorization and classification/pay range tables to accomplish the foregoing objective; and,

WHEREAS, the Personnel Committee considered this matter on 12.19.22, and recommended that it be considered by full council.

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

SECTION 1: The position of Criminalist is hereby created within the Department of Safety Division of Police

SECTION 2: The position of Criminalist shall receive compensation at Pay Range 57 in the amount of \$32.61hr/\$67,828.80 annually and receive benefits as set forth in the current Hourly Non-Bargaining Unit Personnel Statement of Policy. This position is in the classified service of the City of Newark.

SECTION 3: The following positions are hereby abolished: 2 Communications Operator(s), 3 Communications Operator 1(s), 7 Communications Operator 2 (s), 1 Crime Prevention Coordinator, 1 Forensic Scientist, 1 Parking Meter Repair Worker and 1 Police Communication Supervisor

SECTION 4: The authorization table of the Newark Police Non-Uniform Division is amended to reflect the following changes:

**Strength authorization table*

203 - Police Non-Uniform		
	3.203.600.01	Account Clerk 1
	3.203.600.02	Account Clerk 1
	3.203.601.03	Account Clerk 1
	3.203.805.01	Animal Control Officer
	3.203.620.01	Clerk Typist 1
	3.203.621.02	Clerk Typist 1
<i>Abolish</i>	<i>3.203.642.10</i>	<i>Communications Operator</i>
<i>Abolish</i>	<i>3.203.642.11</i>	<i>Communications Operator</i>
<i>Abolish</i>	<i>3.203.640.03</i>	<i>Communications Operator 1</i>
<i>Abolish</i>	<i>3.203.640.04</i>	<i>Communications Operator 1</i>
<i>Abolish</i>	<i>3.203.640.06</i>	<i>Communications Operator 1</i>
<i>Abolish</i>	<i>3.203.640.01</i>	<i>Communications Operator 2</i>
<i>Abolish</i>	<i>3.203.640.02</i>	<i>Communications Operator 2</i>
<i>Abolish</i>	<i>3.203.640.05</i>	<i>Communications Operator 2</i>
<i>Abolish</i>	<i>3.203.641.07</i>	<i>Communications Operator 2</i>
<i>Abolish</i>	<i>3.203.641.08</i>	<i>Communications Operator 2</i>
<i>Abolish</i>	<i>3.203.641.09</i>	<i>Communications Operator 2</i>
<i>Abolish</i>	<i>3.203.641.10</i>	<i>Communications Operator 2</i>
<i>Abolish</i>	<i>8.203.698.01</i>	<i>Crime Prevention Coordinator</i>
	3.203.630.01	Data Entry Coding Specialist
	3.203.630.02	Data Entry Coding Specialist
	3.203.635.01	Detective Bureau Clerk/Analyst
	3.203.631.01	Evidence Custodian
<i>Abolish</i>	<i>3.203.250.01</i>	<i>Forensic Scientist</i>
	3.155.623.01	Impound Clerk
	3.203.679.01	Information System Coordinator
	4.203.678.01	Information Tech Specialist
	3.203.632.01	Parking Enforcement Attendant
	3.203.632.02	Parking Enforcement Attendant
<i>Abolish</i>	<i>3.203.633.01</i>	<i>Parking Meter Repair Worker</i>
<i>Abolish</i>	<i>2.203.240.01</i>	<i>Police Communication Supervisor</i>
	3.203.634.01	Public Safety Officer

		3.203.634.02	Public Safety Officer		
		3.203.634.03	Public Safety Officer		
		3.203.634.04	Public Safety Officer		
		3.203.634.05	Public Safety Officer		
		3.203.635.06	Public Safety Officer		
		4.203.663.01	Secretary 2		
		3.203.811.01	Vehicle Maintenance Worker 2		
	Create	4.203.699.01	Criminalist		
Grand Totals			Positions 39		
Grand Totals as Amended			Positions 24		

SECTION 5: This ordinance shall become effective at the earliest time permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____, _____

PRESIDENT OF COUNCIL

ATTEST

Clerk of Council

DATE FILED WITH MAYOR

DATE APPROVED BY MAYOR

MAYOR

APPROVED AS TO FORM

Director of Law

BY _____

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 830 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO, REGARDING LICENSING REQUIREMENTS FOR ELECTRONIC GAMING PARLORS OPERATED WITHIN THE CITY OF NEWARK, OHIO.

WHEREAS, the City of Newark has previously recognized the need to license and regulate electronic gaming parlors and has enacted legislation requiring the licensing and regulation of such establishments; and

WHEREAS, issues have arisen over time with regard to the management, imposition and monitoring of licensing for electronic gaming parlors by the Department of Public Safety; and

WHEREAS, modifications to the structure of the licensing process and the manner of collecting licensing fees would lead to greater compliance and efficiency within the regulatory process; and

WHEREAS, this matter was considered by the Safety Committee of this Council which passed this Ordinance onto 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 1: Chapter 830 of the Codified Ordinances of the City of Newark, Ohio, is hereby amended and shall read as follows:

830.03 LICENSE FEES.

(b) Any person applying for a license to operate a non-exempt electronic gaming parlor ~~shall, before the issuance thereof, pay to the city a semi-annual~~ IN THE CITY MUST BE LICENSED BY THE STATE OF OHIO AND IN COMPLIANCE WITH ALL STATE REGULATIONS. UPON A SHOWING OF COMPLIANCE WITH STATE REGULATIONS AND BEFORE THE ISSUANCE OF A CITY LICENSE, THE PERSON SHALL PAY TO THE CITY AN ANNUAL FEE as set forth herein for each separately located electronic gaming parlor:

- (1) More than zero, but less than eleven electronic games of skill ~~\$250.00~~ \$500.00
- (2) More than ten but less than twenty-five electronic games of skill ~~\$375.00~~ \$750.00
- (3) Twenty-five or more electronic games of skill ~~\$500.00~~ \$1,000.00

(c) In addition to the ~~semi~~-annual base fee, for each electronic game of skill on site at any electronic gaming parlor, the licensee of a non-exempt electronic gaming parlor shall pay an additional ~~semi~~-annual fee of ~~\$125.00~~ \$250.00

(1) All required annual licensing fees shall be paid on or before the first day of January for the issuance of a license valid through ~~June 30 and on or before the first day of July for the issuance of a license valid through~~ December 31 of every calendar year.

(2) Any person applying for a license under this section after the first of January ~~or after the first of July~~ of any given year shall pay the full ~~semi~~-annual licensing fee as set forth herein without any pro-rating of the fee based upon date and time of application.

830.04 LICENSE REVOCATION; APPEALS.

(b) The Director of Public Safety may revoke the license granted to any licensee under this chapter if such licensee is ~~found to be~~ **NONCOMPLIANT WITH STATE LICENSING REGULATIONS OR HAS BEEN FOUND** guilty of violating any of the laws of the State or the ordinances of the City. Appeals of decisions by the Director of Public Safety under this chapter shall be governed by Ohio R.C. Chapter 2506.

830.05 GROUNDS FOR REFUSAL TO ISSUE LICENSE.

The Director of Public Safety may refuse to issue a license under this chapter to any person who **IS NOT PROPERLY LICENSED BY THE STATE OF OHIO, IF APPLICABLE, OR WHO** has been found guilty of a violation of any law of the State or ordinance of the City, with the exception of minor misdemeanor traffic offenses.

SECTION 2: This Ordinance shall be effective at the earliest time permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

Adopted this ____ day of _____, _____.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

APPROVED AS TO FORM:

DIRECTOR OF LAW

Prepared by the Office of the Director of Law

Resolution No.22-112

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 \$1,900.00 (Appropriate funds back into the vehicle maint. fund. Rec's check from State Farm for insurance claim and payment should have went to the vendor repairing vehicle. The repair was paid for out of the vehicle maint. fund)

100.204.5274	Vehicle Maint.	1,900.00
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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: _____

Resolution No. 23-01

(ODOT Resolution No. 18-30)

PID No. 87642

FINAL RESOLUTION

The following Final Resolution enacted by the City of **Newark**, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on the **7th day of May, 2018**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of constructing a two-lane roundabout intersecting Thornwood Crossing, Thornwood Drive, River Road, and Reddington Road, including roadway realignment, driveways, guardrail, fence, drainage, water main work, lighting, signage, pavement markings, traffic signals, landscaping, building demolition, and a structure, lying within the City of Newark; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of **One Hundred Thirty-One Thousand Five Hundred Seventy-Eight and - - - - 95/100 Dollars (\$131,578.95)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above-described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

- I. That the estimated sum of **One Hundred Thirty-One Thousand Five Hundred Seventy-Eight and - - - 95/100 Dollars (\$131,578.95)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the Treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that **Service Director** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution _____ with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution _____ was duly passed by the LPA on the _____ day of _____, 20____, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the Office of the Clerk of Council of the City of Newark, Ohio, in Volume _____, at Page _____, and under the date of _____, 20____.

Legislative Authority of the
City of **Newark**, Ohio

Service Director

Adopted the _____ day of _____, 20____.

President of Council

Attest: _____
Clerk of Council

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor

Form Approved By: _____
Law Director

Prepared by ODOT and the Clerk of Council.

FISCAL OFFICER'S CERTIFICATE
(Chapter 5521 and Section 5705.41, Ohio Revised Code)

I hereby certify to that the money, to wit: **\$131,578.95** required for the payment of the cost other than that thereof assumed by the **Federal** Government, for the improvement of that portion of **Thornwood Crossing**, lying within the corporate limits of the City of **Newark**, more particularly described as follows:

The project consists of constructing a two-lane roundabout intersecting Thornwood Crossing, Thornwood Drive, River Road, and Reddington Road, including roadway realignment, driveways, guardrail, fence, drainage, water main work, lighting, signage, pavement markings, traffic signals, landscaping, building demolition, and a structure, lying within the City of Newark; and

has been lawfully appropriated for such purpose and is in the treasury to the credit of, or has been levied placed on the duplicate and in process of collection for the appropriate fund, and not appropriated for any other purpose; or is being obtained by sale of bonds issued on account of said improvement, which bonds are sold and in process of delivery.

I further certify that this certificate was made, sealed and filed with the legislative authority of the City of **Newark**, Ohio, after said legislative authority passed the final resolution in connection with the within described project; and that this certificate was forthwith recorded in the record of the proceedings of said legislative authority, namely:

Legislative Authority's Journal, Volume _____, at Page _____,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as said fiscal officer, this _____ day of _____, 20____.

(Fiscal Officer's Seal)
(If Applicable)

Fiscal Officer of the City of
Newark, Ohio

C O N T R A C T
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of **Newark**, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of constructing a two-lane roundabout intersecting Thornwood Crossing, Thornwood Drive, River Road, and Reddington Road, including roadway realignment, driveways, guardrail, fence, drainage, water main work, lighting, signage, pavement markings, traffic signals, landscaping, building demolition, and a structure, lying within the City of Newark.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **One Hundred Thirty-One Thousand Five Hundred Seventy-Eight and - - - 95/100 Dollars, (\$131,578.95).**
5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

7. The LPA agrees that change orders and extra work contracts required fulfilling 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.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;
 - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,

- C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
- D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;
- E. To place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows:

**City of Newark
40 West Main Street
Newark, Ohio
43055**

**Ohio Department of Transportation
Office of Contract Sales & Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223**

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.

2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.
3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.

6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XII: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile signature on any other party delivered in such a manner as if such signature were an original.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL
(If Applicable)

**OHIO DEPARTMENT OF
TRANSPORTATION**

LOCAL PUBLIC AGENCY
City of Newark

Director of Transportation

Service Director

Date

Approved:
Dave Yost
Attorney General of Ohio

By: _____
Corinna Efke
Unit Coordinator, Transportation
Executive Agencies Section

**OHIO DEPARTMENT OF TRANSPORTATION
ACCOUNT RECEIVABLE**

Make check payable to: Treasurer of State

Mail to: Helene Ware

Senior Financial Analyst

Ohio Department of Transportation

Office of Contract Sales & Estimating - #4110

1980 West Broad Street, 1st Floor

Columbus, Ohio 43223

PID No. 87642

Invoice No. 11575

To: **City of Newark**
40 West Main Street
Newark, Ohio
43055

Federal Project No. E100098
Licking County
City of Newark
Thornwood Crossing

PLEASE ENCLOSE A COPY OF THIS INVOICE TO IDENTIFY YOUR REMITTANCE

Proposal of Participation	Type of Agreement	Amount
		\$131,578.95

Contract amount \$131,578.95
ODOT Engineering amount. \$ 0.00

For the improvement of that portion of **Thornwood Crossing**, more particularly described as follows:

The project consists of constructing a two-lane roundabout intersecting Thornwood Crossing, Thornwood Drive, River Road, and Reddington Road, including roadway realignment, driveways, guardrail, fence, drainage, water main work, lighting, signage, pavement markings, traffic signals, landscaping, building demolition, and a structure, lying within the City of Newark.

Total Amount Due	\$131,578.95
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Ohio Department of Transportation

E-SIGNED by Nathan Fling

on 2022-12-09 14:31:12 GMT

By: _____
Administrator, Office of Contract
Sales & Estimating

RESOLUTION NO: 23-02

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR CERTAIN ESSENTIAL SUPPLIES FOR VARIOUS DEPARTMENTS OF THE CITY OF NEWARK, OHIO, FOR 2023.

WHEREAS, it is necessary to provide for certain essential supplies and materials which are to be used on a daily basis by the various departments of the City of Newark, Ohio, and;

WHEREAS, such supplies and materials may be purchased at the most advantageous prices through competitive bidding;

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 advertise for bids and enter into contracts for the purchase of various supplies and materials as indicated below for the use by several departments of the City, in accordance with specifications, which are hereby approved, on file in the office of the Director of Public Service, subject to the provision of necessary funding:

- (a) Chemicals for Water and Wastewater Operations
- (b) Street Maintenance Materials
- (c) Miscellaneous Items as Needed

Section 2: This Resolution shall come into force and effect in accordance with *Section 4.07 of the Newark City Charter*.

Passed this _____ day of _____, 20____.

President of Council

Attest: _____
Clerk of Council

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor Jeff Hall

Form Approved: _____
Law Director

Resolution No.23-03 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 a disappropriation of the appropriated balance of the Capital Improvements Fund, in the amount of \$100,000.00 (Maintenance of Streets)

335.122.5276	Maintenance Streets	of 100,000.00
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Section 2. There is hereby an appropriation of the unappropriated balance of the Capital Improvements Fund, in the amount of \$100,000.00 (Alley Paving)

335.122.5276400	Alley Paving	100,000.00
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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 _____, _____