

COUNCIL AGENDA

March 20, 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 - Kaelyn Firestone, 1st grade, Blessed Sacrament

CAUCUS

MINUTES of March 6, 2023

APPOINTMENTS

There are none this meeting

REPORTS OF STANDING COMMITTEES

Finance
Service

REPORTS FROM CITY OFFICIALS

City Auditor, Ryan T. Bubb – Operating report for period ending February 28, 2023

Brenda Cooper, Tax Administrator's Office – Income Tax Revenue Reports for period ending February 28, 2023

Roger Loomis, Water Administrator – properties being sent to lien for past due water, sewer and storm water bills in the amount of \$5,782.92

COMMUNICATIONS

Ohio Department of Liquor Control - Transfer liquor application from Newark BBQ LLC, 5 N. 3rd St., Newark, Ohio 43055 to Five North Third LLC, 5 N. 3rd St., Newark, Ohio 43055

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

There are none this meeting

ORDINANCES ON FIRST READING

There are none this meeting

RESOLUTIONS ON SECOND READING

23-17 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$2,500,000.00 -Note Re-issue) (\$759.09 Appropriate Funds from reimbursement of Overtime from Licking County for Hazardous material response)

23-18 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO ENTER INTO A LEASE AGREEMENT WITH PARK NATIONAL BANK FOR THE LEASE-PURCHASE OF ONE (1) MEDIC UNIT FOR THE DIVISION OF FIRE

23-19 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO ENTER INTO A LEASE-PURCHASE AGREEMENT WITH THE PARK NATIONAL BANK FOR THE PURCHASE OF TWO(2) SNOW PLOWS

23-20 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AMENDED AGREEMENT WITH THE NEWARK DEVELOPMENT PARTNERS AS ITS AGENCY AND INSTRUMENTALITY FOR COMMERCIAL DEVELOPMENT IN THE CITY OF NEWARK

23-21 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE NECESSARY PAPERWORK TO HAVE THE CITY OF NEWARK, OHIO, JOIN THE MID-OHIO REGIONAL PLANNING COMMISSION

RESOLUTIONS ON FIRST READING

23-22 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE OFF-SITE DISPOSAL AND BENEFICIAL REUSE OF BIOSOLIDS FROM NEWARK'S WASTEWATER TREATMENT PLANT.

23-23 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$7,088.28 -Appropriate funds from Gov Deals sales into the computer hardware/software account to upgrade/replace station computers)

23-24 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO APPLY FOR, ACCEPT AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT AGREEMENT ON BEHALF OF THE CITY OF NEWARK FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF LEAD SERVICE LINE REPLACEMENTS AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

23-25 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR REPLACEMENT OF LEAD SERVICE LINES WITHIN THE WATER DISTRIBUTION SYSTEM FOR PROJECT YEARS 2023-2027

23-26 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$68,713.48 -City Hall Lobby Improvements)

COMMENTS FROM CITIZENS

MISCELLANEOUS

ADJOURNMENT

Resolution No.23-17

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 673 Buckeye Corridor Storm Sewer Fund, in the amount of \$2,500,000.00 (Note Re-issue)

673.706.5411102	Principal	2,500,000.00
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Section 2. There is hereby an appropriation of the unappropriated balance of the 100 General Fund, in the amount of \$759.09 Appropriate Funds from reimbursement of Overtime from Licking County for Hazardous material response)

100.205.5118	Fire, Overtime	759.09
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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 _____, 2023.

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. 23-18

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO ENTER INTO A LEASE AGREEMENT WITH PARK NATIONAL BANK FOR THE LEASE-PURCHASE OF ONE (1) MEDIC UNIT FOR THE DIVISION OF FIRE

WHEREAS, the Newark Division of Fire within the Department of Public Safety is responsible for providing fire protection and emergency medical services to the citizens of the City of Newark; and

WHEREAS, the Division of Fire requires specialized equipment to provide such fire protection and emergency medical services; and

WHEREAS, a medic unit is one such piece of specialized equipment; and

WHEREAS, the Newark Fire Division is requesting that one (1) medic units be purchased utilizing the State of Ohio Cooperative Purchasing Program (State Term) as allowed under Resolution Number 87-22; and

WHEREAS, under such program bidding is waived as the State of Ohio, Department of Administrative Services has entered into contract for the benefit of the state and local municipalities under ORC 125.04; and

WHEREAS, Park National Bank has been identified as a source of funding for lease-purchase of the medic unit; and

WHEREAS, the source of funding has been identified as available through Capital Improvement for purchase via lease-purchase agreement with Park National Bank.

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

SECTION ONE: The Director of Public Service is hereby authorized and directed to enter into a lease agreement with Park National Bank for lease-purchase of one (1) new medic unit utilizing the Ohio Cooperative Purchasing Program as allowed under Resolution Number 87-22 thereby waiving any competitive bidding requirement.

SECTION TWO: This Resolution 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 _____, 2023.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

Prepared by the Office of the Director of Law

RESOLUTION NO. 23-19

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO ENTER INTO A LEASE-PURCHASE AGREEMENT WITH THE PARK NATIONAL BANK FOR THE PURCHASE OF TWO SNOW PLOWS

WHEREAS, the Division of Street and Traffic, within the Department of Public Service, is responsible for maintaining and improving all surface streets and highways and accompanying signage, lighting, and necessary appurtenances thereto within the boundaries of the City of Newark; and.

WHEREAS, the Division of Street and Traffic requires certain specialized equipment to provide such maintenance on a year-round basis and a snow plow is one such piece of necessary specialized equipment; and

WHEREAS, the Director of Public Service is requesting that two (2) snow plows be purchased utilizing the State of Ohio Cooperative Purchasing Program (State Term); and

WHEREAS, under such program bidding is waived as the State of Ohio, Department of Administrative Services has entered into contract for the benefit of the state and local municipalities under ORC 125.04; and

WHEREAS, this matter was addressed in a regularly scheduled meeting of the Service Committee which voted to pass the matter on for consideration by Council.

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

SECTION ONE: The Director of Public Service is hereby authorized and directed to enter into a lease-purchase agreement with the Park National Bank for the purchase of two (2) snow plows utilizing the Ohio Cooperative Purchasing Program thereby waiving any competitive bidding requirement.

SECTION TWO: This Resolution 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 _____, 2023

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

RESOLUTION NO. 23-20

BY: _____

**A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR
OF PUBLIC SERVICE TO ENTER INTO AN AMENDED AGREEMENT
WITH THE NEWARK DEVELOPMENT PARTNERS AS ITS AGENCY
AND INSTRUMENTALITY FOR COMMERCIAL DEVELOPMENT
IN THE CITY OF NEWARK**

WHEREAS, it is the desire of the City of Newark and the Newark Development Partners, a not-for-profit Community Improvement Corporation organized pursuant to Chapter 1724 of the Ohio Revised Code, to work together in a cooperative effort to improve the prospects for commercial development throughout the City of Newark; and,

WHEREAS, it is in the public interest to promote the health and general welfare of all citizens by improving the quality of the City of Newark as a place to live, work and engage in commerce; and,

WHEREAS, the City of Newark wishes to designate Newark Development Partners as its agent and instrumentality for commercial development pursuant to the authority granted by Ohio Revised Code section 1724.10; and,

WHEREAS, this resolution was addressed by the Service Committee at a regularly scheduled meeting thereof which voted to forward the same to full Council for consideration.

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

Section 1: The Director of Public Service is hereby authorized to enter into an Amended Agency Agreement with Newark Development Partners as the agent for future commercial and retail growth in the City of Newark pursuant to Ohio Revised Code section 1724.01 et seq.

Section 2: By this resolution and the amended Agency Agreement with Newark Development Partners, the City of Newark does hereby designated Newark Development Partners as its agency for industrial, commercial, distribution, and research development consistent with the city's policy of promoting the health, safety, morals, and general welfare of the citizens of Newark, Ohio as authorized by Ohio Revised Code section 1724.01 et seq.

Section 3: That the amended agency agreement executed with Newark Development Partners shall provide for the conveyance by the City of Newark to Newark Development Partners, as its designated agent for industrial, commercial,

distribution, and research development and for future commercial and retail growth, any real property and interest in real property owned by the city and determined not to be required by the city for its purposes when the conveyance thereof is determined to promote the general welfare, stabilize the economy, provide employment opportunities, assist in development, or to promote the reclamation, rehabilitation, and reutilization of real property within the city.

Section 4: The City of Newark shall further provide such support and cooperation as necessary and permissible to accomplish the shared goal of commercial revitalization and to develop the city into a hub of business, commercial, and retail growth for the benefit of all its citizens.

Section 3: This resolution shall become 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

Form Approved: _____
Tricia M. Moore
Director of Law

RESOLUTION NO: 23-21

BY: _____

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
NECESSARY PAPERWORK TO HAVE THE CITY OF
NEWARK, OHIO, JOIN THE MID-OHIO REGIONAL
PLANNING COMMISSION**

WHEREAS, this Council, recognizes the need for collaborative, cooperative planning in order to ensure continued growth and prosperity; and,

WHEREAS, the Mid-Ohio Regional Planning Commission's Mission Statement indicates it is "The regional voice and a catalyst for sustainability and economic prosperity in order to secure a competitive advantage for central Ohio"; and,

WHEREAS, the Mid-Ohio Regional Planning Commission currently includes over 60 local governments and has for over 60 years addressed challenges and opportunities associated with growth and development in central Ohio, as well as working with its members to improve the quality of life within the region; and

WHEREAS, this Council believes it would be advantageous for the City of Newark to join the Mid-Ohio Regional Planning Commission and to take advantage of the opportunities provided within that organization as a means of benefitting the citizens of Newark; and,

WHEREAS, this Council agrees to enter into the Articles of Agreement of the Commission and established Bylaws.

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

SECTION ONE: The Mayor is authorized to execute necessary documentation and the Auditor is authorized to remit the membership dues to join the Mid-Ohio Regional Planning Commission. Furthermore, the Mayor shall appoint three representatives to the Mid-Ohio Regional Planning Commission.

SECTION TWO: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

SECTION THREE: This resolution 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 _____, 2023.

President of Council

Attest: _____
Clerk of Council

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor

Form Approved: _____
Director of Law

Prepared by the Law Director's Office.

RESOLUTION NO. 23-22

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE OFF-SITE DISPOSAL AND BENEFICIAL REUSE OF BIOSOLIDS FROM NEWARK'S WASTEWATER TREATMENT PLANT.

WHEREAS, the City of Newark was advised in 1984 by OEPA that off-site disposal of digested biosolids was necessary in order to preserve the environment at the Wastewater Treatment Plant and adjacent land and waters; and,

WHEREAS, the City of Newark in conjunction with the biosolids hauling contractors have since established an environmentally sound off-site disposal program; and,

WHEREAS, the existing contract for disposal of Newark's biosolids terminates September 1, 2023; therefore it is necessary to immediately initiate steps for advertising for a new contract in order to preserve the established procedures and protect the environment and the public peace, health, safety and welfare.

WHEREAS, the Public Service Committee of the Newark City Council met on March 6, 2023 and unanimously approved submission of this 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 and directed to advertise for bids and enter into contract for the off-site disposal and beneficial reuse of biosolids from Newark's Wastewater Treatment Plant.

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 _____ 2023.

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 Water and Wastewater

Resolution No.23-23

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 \$7,088.28 (Appropriate funds from Gov Deals sales into the computer hardware/software account to upgrade/replace station computers

100.204.5536	Computer hardware/software	7,088.28
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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 _____, 2023.

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. 23-24-A

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO APPLY FOR, ACCEPT AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT AGREEMENT ON BEHALF OF THE CITY OF NEWARK FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF LEAD SERVICE LINE REPLACEMENTS AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Newark operates a Water Distribution System throughout the City; and,

WHEREAS, the distribution system has approximately 6,000 lead and/or galvanized water service lines; and,

WHEREAS, replacement of lead and galvanized service lines is a requirement of Ohio EPA in order to eliminate lead material and to maintain efficient and cost-effective operations of the system; and,

WHEREAS, the Ohio Water Supply Loan Fund requires the government authority to pass legislation for application of a loan and the execution of an agreement as well as designating a dedicated repayment source; and,

WHEREAS, the Public Service Committee of the Newark City Council met on March 6, 2023 and approved submission of the legislation for full council consideration.

WHEREAS, it is necessary to immediately proceed with applying for, accepting and entering into a water supply revolving loan account agreement to enhance the health, safety and welfare of the citizens of the City of Newark, Ohio.

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 apply for a WSRLA loan, sign all documents for and enter into a Water Supply Revolving Loan Account Agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for planning, design and/or construction of water facilities on behalf of the City of Newark, Ohio.

Section 2: That the dedicated source of repayment will be user charges.

Section 3: An emergency is declared to exist to preserve the health, safety and welfare of the citizens of the City of Newark. Therefore, this resolution shall become effective immediately upon passage as provided in accordance with Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____ 2023.

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 Water and Wastewater

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR REPLACEMENT OF LEAD SERVICE LINES WITHIN THE WATER DISTRIBUTION SYSTEM FOR PROJECT YEARS 2023-2027

WHEREAS, the City of Newark operates a Water Distribution System that has old service line connections made of various materials; and,

WHEREAS, replacement of these old service lines is a requirement of Ohio EPA in order to eliminate lead material in the system and to maintain efficient and cost-effective operation of the system; and,

WHEREAS, detailed plans and specifications for the aforementioned improvement project are available for review in or through the Director of Public Service office; and,

WHEREAS, there are up to 6,000 service lines that need replaced and the City does not have sufficient personnel to complete this task in a timely manner; and,

WHEREAS, principal forgiveness funding is available through Ohio EPA Water Supply Revolving Loan Account through 2027; and,

WHEREAS, the Public Service Committee of the Newark City Council met on March 6, 2023 and 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 and directed to advertise for bids and enter into contracts, subject to the appropriation of funds, for the replacement of lead service lines in the water distribution system for project years 2023-2027.

Section 2: That the dedicated source of repayment will be user charges.

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 _____ 2023.

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 Water and Wastewater

Resolution No.23-26 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 220 COVID 19 -ARP Fund, in the amount of \$68,713.48 (City Hall Lobby Improvements)

220.100.5511	Building Improvement	25,082.23
220.103.5511	Building Improvement	43,631.25

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 _____, 2023.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____, _____