

COUNCIL AGENDA

August 7, 2023

Committee and Council Meetings can be viewed by accessing YouTube

Council Chambers
7:00 P.M.

ROLL CALL

INVOCATION – Ms. Bline

PLEDGE OF ALLEGIANCE

CAUCUS

MINUTES of July 17, 2023

APPOINTMENTS

There are none this meeting.

REPORTS OF STANDING COMMITTEES

Finance
Service

REPORTS FROM CITY OFFICIALS

COMMUNICATIONS

PUBLIC HEARING

23-13 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1339 WEST MAIN STREET, CITY OF NEWARK, LICKING COUNTY, OHIO PARCEL TAX ID #054-220188--00.000 FROM THAT OF GO- GENERAL OFFICE DISTRICT TO MB - MEDIUM INTENSITY BUSINESS DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Upon consideration of the information presented, the following actions are recommended:

1. The zoning classification for the parcel at 1339 West main Street shall be changed to MB - Medium Intensity Business. Ordinance 23-13 is recommended for passage and approval by Council.

23-14 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS MORRIS STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-203118-00.000 FROM THAT OF MB - MEDIUM INTENSITY BUSINESS AND SINGLE-FAMILY RESIDENCE - RH HIGH DENSITY DISTRICT TO GC - GENERAL COMMERCIAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Upon consideration of the information presented, the following actions are recommended:

1. The zoning classification for the parcels at Morris Street shall be changed to GC- General Commercial. Ordinance 23-14 is recommended for passage and approval by Council.

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

23-24 AN ORDINANCE ANNEXING CERTAIN TERRITORY, GENERALLY DESCRIBED AS BEING 0.871 ACRES, MORE OR LESS, LOCATED IN NEWARK TOWNSHIP, TO THE CITY OF NEWARK, OHIO

23-25 AN ORDINANCE ANNEXING CERTAIN TERRITORY, GENERALLY DESCRIBED AS BEING 2.035 ACRES, MORE OR LESS, LOCATED IN NEWARK TOWNSHIP, TO THE CITY OF NEWARK, OHIO

23-26 AN ORDINANCE AMENDING PORTIONS OF CHAPTER 1068 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO, REGARDING PROHIBITED ACTS AND PROHIBITED POSSESSIONS IN PARKS AND RECREATION AREAS WITHIN THE CITY OF NEWARK, OHIO.

23-28 AN ORDINANCE ACCEPTING THE DEDICATION TO PUBLIC USE OF THE PLAT AND STREETS IN THE OVERLOOK SUBDIVISION, LOCATED OFF CHERRY VALLEY ROAD.

ORDINANCES ON FIRST READING

23-29 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 74 SOUTH 30TH STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID#054-221880-00.000 FROM THAT OF LB-LIMITED INTENSITY BUSINESS DISTRICT TO GO- GENERAL OFFICE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

23-30 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 196 SOUTH 5TH STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID#054-215028-00.000 FROM THAT OF MB-MEDIUM INTENSITY BUSINESSDISTRICT TO MFR-MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

RESOLUTIONS ON SECOND READING

23-66 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$150,000.00 -Request appropriation to hire 4 additional firefighters effective 8.1.23 and to outfit them with gear and uniforms) (\$693.75 -Requesting funds be appropriated

into the equipment supply account from the sale of hose nozzles/tips on Gov Deals)
(\$100,000.00 -Replace 300 feet of damaged sanitary sewer clay pipe on Church Street between
2nd and 3rd St. as part of East Church St. Storm water improvements project)

23-67 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO ENTER INTO A LEASE-PURCHASE AGREEMENT WITH PARK NATIONAL BANK FOR THE LEASE-PURCHASE OF EIGHT (8) POLICE CRUISERS FOR THE DIVISION OF POLICE

RESOLUTIONS ON FIRST READING

23-68 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE UNITED STATES BUREAU OF JUSTICE ASSISTANCE FOR FISCAL YEAR 2023 EDWARD BYRNE JUSTICE ASSISTANCE GRANT FUNDING.

23-69 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$760.20 -EMS Grant from State of Ohio)(\$1,862,682.00 -Lead Service Line Replacement Project #3)(\$12,747.52 -remaining money granted prior year for fire overtime not spent)

COMMENTS FROM CITIZENS

MISCELLANEOUS

ADJOURNMENT

ORDINANCE NO. 23-13

BY: _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1339 WEST MAIN STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-220188-00.000 FROM THAT OF GO – GENERAL OFFICE DISTRICT TO MB – MEDIUM INTENSITY BUSINESS DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

WHEREAS, an application for zoning classification has been filed with Council; and

WHEREAS, pursuant to Article 4.12 of the Charter of the City of Newark, Ohio, this ordinance shall be referred to the Planning Commission immediately after its first reading; and

WHEREAS, the Planning Commission shall hold a public hearing upon such application and the Clerk of Council shall cause notice of such hearing to be publicized one time at least seven (7) days prior to the date of such public hearing; and

WHEREAS, upon the return of the ordinance to Council by the Planning Commission, council shall cause a second reading to be made of this ordinance and shall take such action as is appropriate pursuant to Article 4.12 of the Charter 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 zoning map as established by Ordinance 08-33 (A) is hereby revised by changing the zoning classification for the following described property from GO – GENERAL OFFICE DISTRICT TO MB – MEDIUM INTENSITY BUSINESS DISTRICT, Zoning Code of the City of Newark.

SEE EXHIBIT “A” FOR LEGAL DESCRIPTION

Section 2: Pursuant to Article 4.12(C) of the Charter of the City of Newark, Ohio, a vote of at least six (6) members shall be necessary to adopt or defeat the ordinance in the event the Planning Commission has recommended approval or has made no recommendation. An affirmative vote of at least seven (7) Council members shall be necessary to adopt a zoning ordinance that the Planning Commission has recommended against approval.

Section 3: The Newark Planning Commission is hereby authorized and directed to make the change described herein on the aforementioned zoning map.

Section 4: This ordinance shall become effective at the earliest time permitted by Section 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____, 20____.

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
Director of Law

DESCRIPTION APPROVED: _____
Brian Morehead, Engineer

Prepared by the Office of the Director of Law

ORDINANCE NO. 23-14

BY: _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS MORRIS STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-203118-00.000 FROM THAT OF MB – MEDIUM INTENSITY BUSINESS AND SINGLE-FAMILY RESIDENCE – RH HIGH DENSITY DISTRICT TO GC – GENERAL COMMERCIAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

WHEREAS, an application for zoning classification has been filed with Council; and

WHEREAS, pursuant to Article 4.12 of the Charter of the City of Newark, Ohio, this ordinance shall be referred to the Planning Commission immediately after its first reading; and

WHEREAS, the Planning Commission shall hold a public hearing upon such application and the Clerk of Council shall cause notice of such hearing to be publicized one time at least seven (7) days prior to the date of such public hearing; and

WHEREAS, upon the return of the ordinance to Council by the Planning Commission, council shall cause a second reading to be made of this ordinance and shall take such action as is appropriate pursuant to Article 4.12 of the Charter of the City of Newark, Ohio.

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Section 4: This ordinance shall become effective at the earliest time permitted by Section 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____, 20____.

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
Director of Law

DESCRIPTION APPROVED: _____
Brian Morehead, Engineer

Prepared by the Office of the Director of Law

ORDINANCE NO. 23-24

BY _____

AN ORDINANCE ANNEXING CERTAIN TERRITORY, GENERALLY DESCRIBED AS BEING 0.871 ACRES, MORE OR LESS, LOCATED IN NEWARK TOWNSHIP, TO THE CITY OF NEWARK, OHIO.

WHEREAS, a petition for the annexation of certain territory in Newark Township and generally described as being 0.871 acres, more or less, in Newark Township, Licking County, Ohio, adjacent and contiguous to the City of Newark, was duly filed with the Board of County Commissioners and approved for annexation to the City of Newark; and

WHEREAS, the Board of County Commissioners has forwarded the transcript of the proceedings in connection with the annexation, certifying that all requirements set forth in Chapter 709 of the Ohio Revised Code have been fulfilled, to the Clerk of Council who received the transcript on April 28, 2023; and

WHEREAS, more than sixty (60) days but less than one hundred twenty (120) days from the date of filing of said transcript with the Clerk of Council have elapsed, and the application must now be considered by full Council;

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

SECTION 1: The annexation of that real property as applied for in the petition of Connie J. Klema, Attorney at Law, P.O. Box 991, Pataskala, Ohio 43062, as Agent for the Petitioner, Plaza Financial Group, Ltd., of the real estate sought to be annexed, is hereby accepted. The territory is hereby described as follows:

See Exhibit "A" for legal description

SECTION 2: The Clerk of Council is hereby authorized and directed to make three copies containing the petition, the map or plat accompanying the petition, the transcript of the proceedings of the Board of County Commissioners, and the resolutions and ordinances in relation to the annexation along with a certificate as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the County Auditor; one copy to the County Recorder; and the other copy to the Secretary of State. The Clerk shall do all other things required by law.

SECTION 3: The annexation of the above described territory to the City of Newark, Ohio, shall become effective thirty (30) days after the passage of this Ordinance provided that if the Ordinance is subjected to a referendum, the annexation, if approved by the Electors, shall become effective thirty (30) days after such approval. The territory annexed shall have all the rights and privileges and shall be subject to the powers of the City of Newark as are the inhabitants within the original limits of said Municipal Corporation.

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

DESCRIPTION APPROVED:

NEWARK CITY ENGINEER

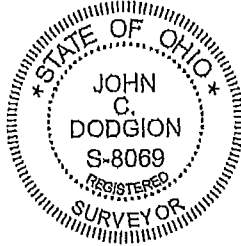
Prepared by the Office of the Director of Law

DESCRIPTION OF 0.871 ACRE
FOR ANNEXATION FROM THE TOWNSHIP OF NEWARK
INTO THE CITY OF NEWARK
02/22/2023
Page 2 of 2

Thence, along said existing corporation line (Ord. #88-27) and the west line of said Lot 4, the same being the east line of said Lyndenwald Acres Subdivision, **North 05 degrees 00 minutes 00 seconds East, 150.00 feet to the Point of Beginning**, containing 0.871 acre, more or less.

Subject to all, legal, easements, right-of-ways, conditions and restrictions. This description is based on existing Auditor's and Recorder's, Licking County, Ohio, record information and is to be used for annexation purposes only.

John C. Dodgion
John C. Dodgion, P.S. 8069



ORDINANCE NO. 23-25

BY _____

AN ORDINANCE ANNEXING CERTAIN TERRITORY, GENERALLY DESCRIBED AS BEING 2.035 ACRES, MORE OR LESS, LOCATED IN NEWARK TOWNSHIP, TO THE CITY OF NEWARK, OHIO.

WHEREAS, a petition for the annexation of certain territory in Newark Township and generally described as being 2.035 acres, more or less, in Newark Township, Licking County, Ohio, adjacent and contiguous to the City of Newark, was duly filed with the Board of County Commissioners and approved for annexation to the City of Newark; and

WHEREAS, the Board of County Commissioners has forwarded the transcript of the proceedings in connection with the annexation, certifying that all requirements set forth in Chapter 709 of the Ohio Revised Code have been fulfilled, to the Clerk of Council who received the transcript on May 5, 2023; and

WHEREAS, more than sixty (60) days but less than one hundred twenty (120) days from the date of filing of said transcript with the Clerk of Council have elapsed, and the application must now be considered by full Council;

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

SECTION 1: The annexation of that real property as applied for in the petition of Jeremy R. Abrams, Attorney at Law, Kidwell & Cunningham, Ltd., 112 North Main Street, Mount Vernon, Ohio 43050, as Agent for the Petitioner, Cardinal Electric Newark, LLC, of the real estate sought to be annexed, is hereby accepted. The territory is hereby described as follows:

See Exhibit "A" for legal description

SECTION 2: The Clerk of Council is hereby authorized and directed to make three copies containing the petition, the map or plat accompanying the petition, the transcript of the proceedings of the Board of County Commissioners, and the resolutions and ordinances in relation to the annexation along with a certificate as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the County Auditor; one copy to the County Recorder; and the other copy to the Secretary of State. The Clerk shall do all other things required by law.

SECTION 3: The annexation of the above described territory to the City of Newark, Ohio, shall become effective thirty (30) days after the passage of this Ordinance provided that if the Ordinance is subjected to a referendum, the annexation, if approved by the Electors, shall become effective thirty (30) days after such approval. The territory annexed shall have all the rights and privileges and shall be subject to the powers of the City of Newark as are the inhabitants within the original limits of said Municipal Corporation.

Passed this _____ day of _____, 2023

President of Council

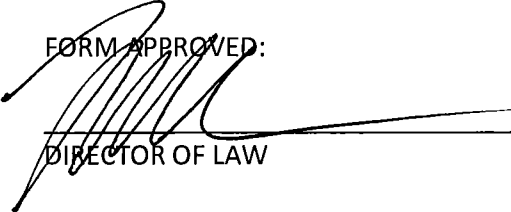
ATTEST: _____
Clerk of Council

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED:



DIRECTOR OF LAW

DESCRIPTION APPROVED:

NEWARK CITY ENGINEER

Prepared by the Office of the Director of Law

**PETITION FOR ANNEXATION
TO THE CITY OF NEWARK, OHIO
WITH THE CONSENT OF ALL PARTIES
R.C. 709.02, R.C. 709.021, and R.C. 709.22**

Total of 2.035 Acres, Newark Township

To: Board of County Commissioners of Licking County, Ohio

The undersigned petitioners hereby petition for annexation, and respectfully represent unto the Licking County, Ohio Board of Commissioners as follows:

1. That the petitioner, Cardinal Electric Newark, LLC, is the owner in fee simple title to the territory legally described herein as Parcels One and Two.
2. The territory described herein is located in the County of Licking in the State of Ohio, and is not now within the corporate limits of any other municipality, and is contiguous and adjacent to the corporate limits of the City of Newark.
3. The undersigned, being a duly authorized representative of the petitioners, hereby petitions for annexation of the following territory to the City of Newark, Licking County, Ohio:

Situated in the State of Ohio, County of Licking, Township of Newark and bounded and described as follows:

Being a part of the 1st and 2nd Quarters of Township 2, Range 12, United States Military Lands and situated in Newark Township, Licking County, Ohio and described as follows:

Parcel One:

Commencing at a point marked by an iron pin in the Southeast corner of Gregory Park Addition as the same is recorded in Vol. 8,, pages 74, 75 and 76 of the Plat Records of Licking County, Ohio; thence South 85 degrees 21' East, along said Gregory Park Addition South line a distance of 32.00 feet to a point in the centerline of State Route 13; thence South 15 degrees 38' 30" East, along the centerline of State Route 13 a distance of 213.22 feet to a point, which point is the true place of beginning of the tract of land described herein; thence South 15 degrees 38' 30" East, along the centerline of State Route 13 a distance of 106.61 feet to a point; thence North 85 degrees 21' West, parallel with said Gregory Park Addition South line a distance of 319.66 feet to a point marked by an iron pin, passing an iron pin at 32.00 feet; thence North 4 degrees 39' East, a distance of 100.00 feet to a point marked by an iron pin; thence South 85 degrees 21' East, a distance of 282.68 feet, passing an iron pin at 250.68 feet, to the place of beginning, containing 0.655 acres, more or less.

Parcel Two:

Commencing at a point marked by an iron pin in the Southeast corner of Gregory Park Addition as the same is recorded in Vol. 8, pages 74, 75 and 76 of the Plat Records of Licking County, Ohio; thence North 85 degrees 21' West, along said Gregory Park South

line a distance of 476.49 feet to a point in said Gregory Park South line marked by an iron pin; thence South 4 degrees 39' West, a distance of 100.00 feet to a point marked by an iron pin, which point is the true place of beginning of the tract of land described herein; thence South 85 degrees 21' East, a distance of 299.77 feet to a point marked by an iron pin; thence South 4 degrees 39' West, a distance of 200.00 feet to a point marked by an iron pin, passing an iron pin at 100.00 feet; thence North 85 degrees 21' West, a distance of 299.77 feet to a point; thence North 4 degrees 39' East, a distance of 200.00 feet, to the place of beginning, containing 1.38 acres, more or less.

Parcel Numbers: 058-286554-03.000 & 058-286716-00.000

Prior Instrument of Record: Instrument Number 202201040000169, Licking County, Ohio, Official Records.

Address: 1725 Mount Vernon Road, Newark, Ohio 43055

Jeremy R. Abrams, Attorney at Law, Kidwell & Cunningham, Ltd., 112 North Main Street, Mount Vernon, Ohio 43050, is appointed agent for the petitioner as required by R.C. 709.02, with full power to amend, increase or decrease the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this petition, without further expressed consent of the petitioners.

Please take notice that, simultaneously with the filing of this petition, our agent, Jeremy R. Abrams, Attorney at Law, is also filing a list of all tracts, lots, or parcels in the territory proposed for annexation, and all tracts, lots, or parcels located adjacent to that territory, as required by R.C. 709.02.

NOTICE: WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY.

In Witness Whereof, the undersigned property owners hereby affix their signature on the date so indicated.

Petitioner: Cardinal Electric Newark, LLC

By: Joseph M. Curry, Jr. 12-19-22
Joseph M. Curry, Jr., Member Date

Witness:

James M. Curry

BY _____

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 1068 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO, REGARDING PROHIBITED ACTS AND PROHIBITED POSSESSIONS IN PARKS AND RECREATION AREAS WITHIN THE CITY OF NEWARK, OHIO.

WHEREAS, the City of Newark has previously recognized the need to regulate activity occurring within the natural assets belonging to the City in order ensure enjoyment by current and future residents in Chapter 1068 of the City of Newark Codified Ordinances; and

WHEREAS, requests to use Parks and Recreation properties for the purposes of metal detecting and related activities have been made and declined in the interest of avoiding injury and disturbance of Parks and Recreation Property; and

WHEREAS, metal detecting and related activities are not currently addressed by Chapter 1068, modifications to the structure of this Chapter would address the aforementioned concerns and desire to preserve the City of Newark's Parks and Recreation properties from potential injury caused by such activity; and

WHEREAS, this matter was considered by the Department of Public Service, Division of Parks and Recreation 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 1068 of the Codified Ordinances of the City of Newark, Ohio, is hereby amended and shall read as follows:

1068.03 PROHIBITED ACTS.

No person, in any park or recreational area, shall:

- (a) Drive any vehicle on any area except driveways, roads or designated parking areas;
- (b) Park a vehicle anywhere except on a designated parking area and space;
- (c) Permit a vehicle to stand upon the driveways, roads or parking areas to the obstruction of other vehicular or pedestrian travel;
- (d) Operate a vehicle at a rate of speed in excess of fifteen miles per hour;
- (e) Operate a vehicle in such a manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud noise unusual to its normal operation, or the rubber tires of such vehicle squeal or leave rubber tire marks on the roadways;

- (f) Undertake mechanical repair or lubrication of a vehicle other than emergency repairs necessary to restore a disabled vehicle to an operable condition;
- (g) Operate a motorcycle or motorized bicycle within Horns Hill Park. No motorized vehicles of any type other than City maintenance vehicles are permitted on or along any bike trails;
- (h) Build a fire except in established fireplaces or in permanently installed charcoal grills provided;
- (i) Place or leave any rubbish, litter, garbage, refuse or debris of any nature except within designated receptacles provided by the City;
- (j) Throw or deposit any type of debris or waste material on or along any City park roadway or park area;
- (k) Sleep, recline on or sit on top of any park bench or picnic table;
- (l) Hunt, molest, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird, other than as authorized by a permit issued by the Superintendent of Parks and Recreation;
- (m) Permit pets, including dogs, cats or other domestic animals, to be unleashed or to run loose at any time, other than those being trained for K-9 units. Horses are not permitted in any park or recreational area other than Everett Park. Further, the owner or person having custody of a domestic animal shall be responsible for removal of any animal solid waste. Pets are not permitted in Horns Hill Park, except guide, listener or support dogs registered as such;
- (n) Operate, or permit to be operated, any gasoline engine or remote control driven model airplane or car within any park area, except by a permit issued by the Superintendent;
- (o) Wade, swim or bathe, except at the Municipal swimming pool, or by a special event permit, issued by the Superintendent pursuant to Section 1068.06;
- (p) Enter or remain in the gazebo on The Square in violation of the restrictions posted thereon, except by a permit issued by the Superintendent in the manner provided in this chapter;
- (q) Enter or remain in the shelter houses in Horns Hill Park in violation of the restrictions posted thereon, except by a permit issued by the Superintendent in the manner provided in this chapter;
- (r) Remove the picnic tables from the shelter houses and parks or recreation areas;
- (s) With respect to the areas containing nature trails established by the Superintendent and marked as such at Horns Hill Park, fail to remain on the nature trails;
- (t) Leave or permit a child under twelve years of age to be at the T. J. Evans Family Park without adequate adult supervision;

(u) Set up or make camp except by permit issued by the Superintendent in accordance with this chapter; or

(v) Use skateboards on driveways, roads or designated parking areas in any park or recreational area other than a specific area designed and authorized for skateboarding.

(w) USE ANY DEVICE FOR THE PURPOSE OF LOCATING OR REMOVING ANY METALLIC OBJECTS OR ANY OTHER OBJECTS OF VALUE.

1068.04 PROHIBITED POSSESSIONS.

No person shall bring into or have in his or her possession in any park, playground, playfield, swimming pool or other area under the jurisdiction of the Department of Public Service, Division of Parks and Recreation, any of the following:

(a) Any gun, slingshot, bow or other weapon in which the propelling force is gunpowder, spring action or air;

(b) Any fireworks, other than as authorized by a permit issued by the Fire Chief and the Superintendent of Parks and Recreation;

(c) Any alcoholic beverages, other than by a permit issued by the Superintendent;

(d) Any trapping device; or

(e) Aerosol paint cans; OR

(f) ANY DEVICE USED FOR THE PURPOSE OF LOCATING OR REMOVING ANY METALLIC OBJECTS OR ANY OTHER OBJECTS OF VALUE FROM ANY LANDS OR WATERS.

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

BY: _____

AN ORDINANCE ACCEPTING THE DEDICATION TO PUBLIC USE OF THE PLAT AND STREETS IN THE OVERLOOK SUBDIVISION, LOCATED OFF CHERRY VALLEY ROAD.

WHEREAS, Newark City Planning Commission met in regular session on July 11, 2023, and approved and accepted the final plat for The Overlook Subdivision; and,

WHEREAS, on July 17, 2023, Newark City Planning Commission, acting through its Planning Director, recommended to Newark City Council that it accept the plat and dedication of the streets in The Overlook Subdivision.

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

Section 1: All or parts of the roads, streets, avenues, and easements, as shown on the Plat of The Overlook Subdivision, and not heretofore dedicated are hereby accepted as dedicated to public use.

Section 2: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this _____ day of _____, 2023.

President of Council

Attest: _____
Clerk of Council

Date Filed with Mayor: _____

Date Signed by Mayor: _____

Mayor

Form Approved: _____
Law Director

Prepared by the Division of Engineering

ORDINANCE NO. 23-29

BY: _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 74 SOUTH 30TH STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-221880-00.000 FROM THAT OF LB – LIMITED INTENSITY BUSINESS DISTRICT TO GO – GENERAL OFFICE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

WHEREAS, an application for zoning classification has been filed with Council; and

WHEREAS, pursuant to Article 4.12 of the Charter of the City of Newark, Ohio, this ordinance shall be referred to the Planning Commission immediately after its first reading; and

WHEREAS, the Planning Commission shall hold a public hearing upon such application and the Clerk of Council shall cause notice of such hearing to be publicized one time at least seven (7) days prior to the date of such public hearing; and

WHEREAS, upon the return of the ordinance to Council by the Planning Commission, council shall cause a second reading to be made of this ordinance and shall take such action as is appropriate pursuant to Article 4.12 of the Charter 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 zoning map as established by Ordinance 08-33 (A) is hereby revised by changing the zoning classification for the following described property from LB – LIMITED INTENSITY BUSINESS DISTRICT TO GO – GENERAL OFFICE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

SEE EXHIBIT “A” FOR LEGAL DESCRIPTION

Section 2: Pursuant to Article 4.12(C) of the Charter of the City of Newark, Ohio, a vote of at least six (6) members shall be necessary to adopt or defeat the ordinance in the event the Planning Commission has recommended approval or has made no recommendation. An affirmative vote of at least seven (7) Council members shall be necessary to adopt a zoning ordinance that the Planning Commission has recommended against approval.

Section 3: The Newark Planning Commission is hereby authorized and directed to make the change described herein on the aforementioned zoning map.

Section 4: This ordinance shall become effective at the earliest time permitted by Section 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____, 20__.

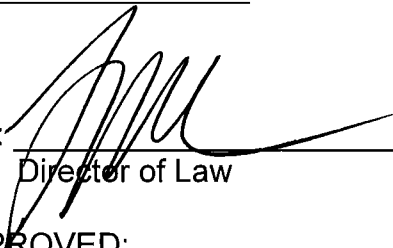
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED:  _____
Director of Law

DESCRIPTION APPROVED: _____
Brian Morehead, Engineer

Prepared by the Office of the Director of Law

ORDINANCE NO. 23-30

BY: _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 196 SOUTH 5TH STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-215028-00.000 FROM THAT OF MB – MEDIUM INTENSITY BUSINESS DISTRICT TO MFR – MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

WHEREAS, an application for zoning classification has been filed with Council; and

WHEREAS, pursuant to Article 4.12 of the Charter of the City of Newark, Ohio, this ordinance shall be referred to the Planning Commission immediately after its first reading; and

WHEREAS, the Planning Commission shall hold a public hearing upon such application and the Clerk of Council shall cause notice of such hearing to be publicized one time at least seven (7) days prior to the date of such public hearing; and

WHEREAS, upon the return of the ordinance to Council by the Planning Commission, council shall cause a second reading to be made of this ordinance and shall take such action as is appropriate pursuant to Article 4.12 of the Charter 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 zoning map as established by Ordinance 08-33 (A) is hereby revised by changing the zoning classification for the following described property from MB – MEDIUM INTENSITY BUSINESS DISTRICT TO MFR – MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

SEE EXHIBIT “A” FOR LEGAL DESCRIPTION

Section 2: Pursuant to Article 4.12(C) of the Charter of the City of Newark, Ohio, a vote of at least six (6) members shall be necessary to adopt or defeat the ordinance in the event the Planning Commission has recommended approval or has made no recommendation. An affirmative vote of at least seven (7) Council members shall be necessary to adopt a zoning ordinance that the Planning Commission has recommended against approval.

Section 3: The Newark Planning Commission is hereby authorized and directed to make the change described herein on the aforementioned zoning map.

Section 4: This ordinance shall become effective at the earliest time permitted by Section 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____, 20____.

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED:  _____
Director of Law

DESCRIPTION APPROVED: _____
Brian Morehead, Engineer

Prepared by the Office of the Director of Law

Resolution No.23-66

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 \$150,000.00 (Request appropriation to hire 4 additional firefighters effective 8.1.23 and to outfit them with gear and uniforms)

100.205.5111	Salaries Uniformed	65,735.64
100.205.5121	Pension	15,776.35
100.205.5124	Health Insurance	36,880.00
100.205.5124.110	Health Insurance, non AFSCME	580.00
100.205.5124.400	Life Insurance	220.00
100.205.5126	Medicare	953.17
100.205.5127	Workers Comp	1,023.11
100.205.5117	Holiday Bank	7,608.27
100.205.5238.999	Quartermaster	1,600.00
100.204.5311	Fire Supplies	19,623.46

Section 2. There is hereby an appropriation of the unappropriated balance of the 100 General Fund, in the amount of \$693.75 (Requesting funds be appropriated into the equipment supply account from the sale of hose nozzles/tips on Gov Deals)

100.204.5331	Equipment Supplies	693.75
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Section 3. There is hereby an appropriation of the unappropriated balance of the 661 Sewer Department Fund, in the amount of \$100,000.00 (Replace 300 feet of damaged sanitary sewer clay pipe on Church Street between 2nd and 3rd St. as part of East Church St. Storm water improvements project)

661.712.5522	Sewer Lines	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 _____, 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. 23-67

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 PARK NATIONAL BANK FOR THE LEASE-PURCHASE OF EIGHT (8) POLICE CRUISERS FOR THE DIVISION OF POLICE

WHEREAS, the Newark Division of Police within the Department of Public Safety is responsible for preserving peace and protecting the citizens of the City of Newark; and

WHEREAS, the Division of Police requires specialized equipment to provide such protective services; and

WHEREAS, a specially outfitted police cruiser is one such piece of specialized equipment; and

WHEREAS, the Newark Division of Police is requesting that eight (8) specially outfitted police cruisers 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 the lease-purchase of eight (8) police cruisers; 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 Park National Bank for the purchase of eight (8) new specially outfitted police cruisers 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

BY _____

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE UNITED STATES BUREAU OF JUSTICE ASSISTANCE FOR FISCAL YEAR 2023 EDWARD BYRNE JUSTICE ASSISTANCE GRANT FUNDING.

WHEREAS, the federal Edward Byrne Memorial Justice Assistance Grant provides federal financial assistance to state and local law enforcement agencies for activities which, among other purposes, improve the effectiveness of the criminal justice system; and,

WHEREAS, the United States Department of Justice Bureau of Justice Assistance has prepared Fiscal Year 2023 funding directives which provides that funds are available for certain crime prevention activities; and,

WHEREAS, a Memorandum of Understanding between the City of Newark and Licking County must be executed in order to apply for the \$15,142. allocation set by the Bureau of Justice Assistance.

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 does hereby authorize and direct the Mayor, and his representative, to prepare applications to the United States Bureau of Justice Assistance funding assistance through the Edward Byrne Justice Assistance Grant for Fiscal Year 2023, 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 crime prevention funding programs.
- Section 3: That the Mayor be and hereby is designated as the authorizing official to enter into an agreement with the United States Bureau of Justice Assistance to administer the grant program and to accept said funds when they become available.
- Section 4: This Resolution shall become effective upon the earliest date permitted by Article 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

FORM APPROVED: _____, DIRECTOR OF LAW

Resolution No.23-69 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 297 Fire Safety Grant Fund, in the amount of \$760.20 (EMS Grant from State of Ohio)

297.296.5303100	Medical Supplies EMS	760.20
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Section 2. There is hereby an appropriation of the unappropriated balance of the 623 Water Fund, in the amount of \$1,862,682.00 (Lead Service Line Replacement Project #3)

623.706.5000303	Lead Service Lines #3	1,742,682.00
623.706.5231303	Professional Services Lead Service Line	120,000.00

Section 3. There is hereby an appropriation of the unappropriated balance of the 220 COVID Fund, in the amount of \$12,747.52 (remaining money granted prior year for fire overtime not spent)

220.205.5118	Overtime	12,747.52
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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 _____, _____