

COUNCIL AGENDA

October 21, 2024

Committee and Council Meetings can be viewed by accessing YouTube

Council Chambers

7:00 P.M.

ROLL CALL

INVOCATION – Mr. Houser

PLEDGE OF ALLEGIANCE

CAUCUS

MINUTES of October 7, 2024

APPOINTMENTS

There are none this meeting.

REPORTS OF STANDING COMMITTEES

Finance

Service

Personnel

REPORTS FROM CITY OFFICIALS

Jill Frew, Tax Office – Income Tax Revenue Reports for the period ending September 30, 2024

COMMUNICATIONS

Charlie Boos, Esq., Executive Director to the Affordable Housing Alliance of Central Ohio – Comments in opposition to Ordinance 24-36.

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

24-36 AN ORDINANCE AMENDING CHAPTER 660 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO WITH REGARD TO CAMPING ON PUBLIC PROPERTY

ORDINANCES ON FIRST READING

24-38 AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND A RESOLUTION AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY

24-39 AN ORDINANCE MODIFYING THE PAY RANGE FOR THE POSITION OF Senior Automotive Mechanic/Equipment Operator IN THE CITY OF NEWARK, DEPARTMENT OF Service, DIVISION OF Street Maintenance AND AMENDING THE DEPARTMENT AUTHORIZATION TABLES OF AND SETTING THE COMPENSATION THEREFORE

24-40 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DEPARTMENT OF PUBLIC SERVICE, DIVISION OF CEMETERY AND PARKS BY RECLASSIFYING THE CLASSIFICATIONS (4) OF GROUNDS MAINTENANCE WORKERS, AND ABOLISHING THE CLASSIFICATION (2) OF EQUIPMENT OPERATORS AND ABOLISHING THE CLASSIFICATION OF ASSISTANT SUPERINTENDENT WHILE CREATING TWO ADDITIONAL CLASSIFICATIONS OF GROUNDS MAINTENANCE WORKERS AND SETTING THE COMPENSATION THEREFORE

RESOLUTIONS ON SECOND READING

24-81 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 2024 EDWARD BYRNE JUSTICE ASSISTANCE GRANT FUNDING.

24-82 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

RESOLUTIONS ON FIRST READING

24-84 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE A CONTRACT FOR REIMBURSEMENT OF LEGAL REPRESENTATION OF INDIGENT PERSONS FOR CALENDAR YEAR 2025 WITH THE LICKING COUNTY BOARD OF COMMISSIONERS FOR THE CITY OF NEWARK, LICKING COUNTY, OHIO AND DECLARING AN EMERGENCY.

24-85 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

24-86 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

24-87 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 REPLACEMENT PROJECT #6 AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

24-88 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE AND AWARD BIDS AND ENTER INTO CONTRACT, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR THE RACCOON CREEK – CHERRY BEND SLOPE REPAIR PROJECT.

24-89 Major rehabilitation of pavement; replacement of composite pavement and construction of additional general use lanes. Bridge and culvert maintenance work to be completed within project area.

24-90 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A NEW MANAGEMENT AGREEMENT WITH THE LICKING COUNTY FAMILY YMCA TO OPEN AND OPERATE THE HOLLANDER POOL

COMMENTS FROM CITIZENS

MISCELLANEOUS

ADJOURNMENT

BY _____

**AN ORDINANCE AMENDING CHAPTER 660 OF THE CODIFIED
ORDINANCES OF THE CITY OF NEWARK, OHIO WITH REGARD TO
CAMPING ON PUBLIC PROPERTY**

WHEREAS, the Codified Ordinances of the City of Newark, Ohio currently contain various provisions in regard to safety, sanitation, and health; and,

WHEREAS, concerns regarding the significant health, safety, and sanitation issues caused by encampments on public property require consideration of additional regulations; and,

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

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

SECTION 1: Chapter 660 of the Codified Ordinances of the City of Newark, Ohio is hereby amended to include Section 660.18 which shall read as follows:

660.18 Prohibited Camping

(a) As used in this section:

1. "To Camp" means to set up or remain in or at a campsite.
2. "Campsite" means any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established, or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

(b) No person may sleep on public sidewalks, streets, or alleyways at any time as a matter of individual and public safety.

(c) No person may sleep in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk,

(d) No person may occupy a campsite in or upon any sidewalk, street, alley, lane, public right of way, park, bench, or any other publicly-owned property or under any bridge or viaduct unless any one of the following apply:

(i) it is otherwise specifically authorized by this Code;

(ii) by a formal declaration by the Mayor in an emergency circumstance or;

(e) In addition to any other remedy provided by law, any person found in violation of this section may be immediately removed from the premises.

(f) Penalty: Whoever violates any of the provisions of this section is guilty of a minor misdemeanor on the first offense and a misdemeanor of the fourth degree for each subsequent offense in accordance with the penalties as listed in Section 698.02. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Upon conviction for a violation of this Chapter, in addition to any other factors deemed appropriate by the Court, the Court shall consider in mitigation whether or not the person immediately removed all personal property and litter, including but not limited to bottles, cans, and garbage from the campsite after being informed it was in violation of the law.

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

ADOPTED this _____ day _____, 2024.

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

Date filed with Mayor: _____

Date approved by Mayor: _____

JEFF HALL, MAYOR

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

ORDINANCE NO. 24-38

BY: _____

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND A RESOLUTION AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

WHEREAS, Council has had the matter of general updating and revision of the Codified Ordinances of the City before it for some time; and

WHEREAS, it has heretofore entered into a contract with The American Legal Publishing Company to prepare and publish such updating and revision; and

WHEREAS, various ordinances and a resolution of a general and permanent nature have been passed by Council since the date of the last updating and revision of the Codified Ordinances (December 31, 2022) and have been included in the Codified Ordinances of the City; and

WHEREAS, certain changes were made in the Codified Ordinances to bring City law into conformity with State law; and

WHEREAS, an emergency exists in the City in that it is necessary to have an up-to-date Code of laws with which to administer the affairs of the City and to insure law and order.

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

Section 1: That the editing, arrangement and numbering or renumbering of the following ordinances and resolution are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
23-01-A	2-6-23	830.03 to 830.05
23-22-A	9-5-23	1230.04, 1232.01, 1232.02, 1232.99, 1234.04, 1236.02, 1242.03, 1253.02, 1253.08, 1261.02, 1265.021, 1274.07, 1274.08, 1286.01, 1292.06

Section 2: That the following sections of the Codified Ordinances are or contain new matter in the Codified Ordinances and are hereby approved, adopted and enacted:

202.02, 402.077, 402.36, 408.02, 432.30, 432.41, 434.01, 434.03, 436.071, 436.09, 436.16, 438.16, 438.18, 438.24, 438.30, 440.01, 440.08, 442.01, 442.03, 442.05, 452.05, 606.01, 606.06, 606.12, 606.29, 612.02, 612.07, 618.06, 624.01, 630.11, 636.02, 636.045, 636.05, 636.11, 636.12, 636.13, 636.20, 642.02, 642.08, 648.06, 648.08, 648.15, 666.01, 666.05, 666.06, 666.07, 672.02, 672.04, 672.17, 672.18, 698.02

Section 3: That the following section of the Codified Ordinances is hereby repealed:

Section 4: That pursuant to Ohio R.C. 731.23, the Clerk of Council shall publish, in a manner required by law, a notice of the enactment of this ordinance, containing the title of this ordinance, together with a summary of the new matter contained in the 2024 Replacement Pages hereby approved, adopted and enacted, a copy of which summary is attached hereto as Exhibit A.

Section 5: That all ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance except as follows:

(a) The enactment of such sections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and recodification.

Section 6: That for the reasons stated in the preamble hereto, which is made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor.

Passed this ___ day of _____, 20__.

President of Council

Attest: _____
Clerk of Council

Date Filed With Mayor: _____

Date Approved by Mayor: _____

Mayor

Form Approved: _____
Law Director

EXHIBIT A

SUMMARY OF NEW MATTER
CONTAINED IN THE 2024 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES OF NEWARK, OHIO

New matter in the Codified Ordinances of Newark, Ohio, as contained in the 2024 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
202.02	General definitions.
402.077	Child care center or type A family child care home definition.
402.36	School bus definition.
408.02	General Code penalty.
432.30	Stopping for school bus; actuating visual signals; discharging children.
432.41	Texting while driving prohibited.
434.01	Driving or physical control of vehicle while under the influence of alcohol or drugs.
434.03	Maximum speed limits; assured clear distance ahead.
436.071	Driving under suspension or in violation of license restriction.
436.09	Display of license plates; registration; obstructions.
436.16	Removal of vehicles after accidents.
438.16	Number of lights permitted; red and flashing lights.
438.18	Vehicle transporting preschool children.
438.24	Limited load extension on left side of passenger vehicle.
438.30	Use of child restraints.
440.01	Load limits.
440.08	Occupying travel trailer, fifth wheel vehicle, or manufactured or mobile home while in motion.
442.01	Definitions pertaining to drivers of commercial vehicles.
442.03	Licensing requirements.
442.05	Criminal offenses.
452.05	Willfully leaving vehicles on unposted private or public property.
606.01	Definitions pertaining to general offenses code.
606.06	Limitation on criminal prosecutions.
606.12	Failure to report a crime or death.
606.29	Misuse of 9-1-1 system.
612.02	Sales to underage persons; prohibitions and misrepresentations.
612.07	Open container prohibited.
618.06	Coloring rabbits and baby poultry; sale or display of poultry.
624.01	Definitions pertaining to drugs.
630.11	Raffle drawings.
636.02	Assault.
636.045	Menacing by stalking.

- 636.05 Menacing.
- 636.11 Endangering children.
- 636.12 Interference with custody.
- 636.13 Failing to provide for a person with a functional impairment.
- 636.20 Illegal distribution of cigarettes, other tobacco products, or alternative nicotine products; transaction scans.
- 642.02 Theft.
- 642.08 Assaulting police dog or horse or assistance dog.
- 648.06 Disturbing a lawful meeting.
- 648.08 Inducing panic.
- 648.15 Impeding public passage of an emergency service responder.
- 666.01 Definitions pertaining to sex related offenses.
- 666.05 Voyeurism.
- 666.06 Polygraph examinations for victims; restrictions on use.
- 666.07 Procuring; engagement in sexual activity for hire.
- 672.02 Carrying concealed weapons.
- 672.04 Improperly handling firearms in a motor vehicle.
- 672.17 Possession of an object indistinguishable from a firearm in a school safety zone.
- 672.18 Concealed handgun licenses; possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession.
- 698.02 Penalties for misdemeanor.

ORDINANCE NO: 24-39

BY: _____

AN ORDINANCE MODIFYING THE PAY RANGE FOR THE POSITION OF Senior Automotive Mechanic/Equipment Operator IN THE CITY OF NEWARK, DEPARTMENT OF Service, DIVISION OF Street Maintenance AND AMENDING THE DEPARTMENT AUTHORIZATION TABLES OF AND SETTING THE COMPENSATION THEREFORE

WHEREAS, the Division of Street Maintenance has had cause to review their staffing needs and has determined that an alteration to the current position of Senior Automotive Mechanic/Equipment Operator is warranted due to changing workplace needs; and,

WHEREAS, in order to accomplish the foregoing objective, it is necessary to amend the position classification/pay range table for the Department of Service - Division of Street Maintenance; and,

WHEREAS, the Personnel Committee considered this matter on October 7, 2024, 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 classification/pay range table for the *Street/Traffic Control Operations Manager* is hereby amended as follows: Pay Range 42 and Class 2 License Pay as per Collective Bargaining Agreement AFSCME 2963

SECTION 3: The position of *Senior Automotive Mechanic/Equipment Operator* shall receive compensation and benefits as set forth in the current Pay Range 42 and Class 2 License Pay as per Collective Bargaining Agreement AFSCME 2963. This position is in the classified non-exempt service of the City of Newark.

SECTION 4: 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

**Strength authorization table*

Active	Position Number	Description	Department	Benefit Group	Position Status
Yes	2.302.211.01	Assistant Superintendent	Street Maint.	MGMT EXEMPT	Single
Yes	2.302.212.01	Street/Traffic Control Ops Mgr	Street Maint.	MGMT EXEMPT	Single
Yes	2.302.222.01	Superintendent	Street Maint.	MGMT EXEMPT	Single
Yes	3.302.319.01	Data Technician/Sign Fabricator	Street Maint.	AFSCME	Single
Yes	3.302.320.01	Equipment Operator	Street Maint.	AFSCME	Single
Yes	3.302.320.02	Equipment Operator	Street Maint.	AFSCME	Single
Yes	3.302.320.03	Equipment Operator	Street Maint.	AFSCME	Single
Yes	3.302.320.04	Equipment Operator	Street Maint.	AFSCME	Single
Yes	3.302.321.01	Equipment Operator	Street Maint.	AFSCME	Single
Yes	3.302.321.02	Equipment Operator	Street Maint.	AFSCME	Vacant
Yes	3.302.623.01	Sign Fabricator/Impound Clerk	Street Maint.	AFSCME	Vacant
Yes	3.302.812.01	Senior Auto Mechanic/Equip Op	Street Maint.	AFSCME	Single
Yes	3.302.813.02	Auto Mechanic/Equipment Operator	Street Maint.	AFSCME	Single
Yes	3.302.813.03	Auto Mechanic/Equipment Operator	Street Maint.	AFSCME	Vacant
Yes	3.302.830.01	Equipment Operator	Street Maint.	AFSCME	Vacant
Yes	3.302.830.02	Equipment Operator	Street Maint.	AFSCME	Single
Yes	3.302.830.03	Equipment Operator	Street Maint.	AFSCME	Single
Yes	3.302.830.04	Equipment Operator	Street Maint.	AFSCME	Single
Yes	3.302.830.05	Equipment Operator	Street Maint.	AFSCME	Single
Yes	3.302.830.06	Equipment Operator	Street Maint.	AFSCME	Single
Yes	3.302.830.07	Equipment Operator	Street Maint.	AFSCME	Vacant
Yes	3.302.830.08	Equipment Operator	Street Maint.	AFSCME	Single
Yes	3.302.830.09	Equipment Operator	Street Maint.	AFSCME	Single
Yes	3.302.830.10	Equipment Operator	Street Maint.	AFSCME	Vacant
Yes	3.302.830.11	Equipment Operator	Street Maint.	AFSCME	Single
Yes	3.302.830.12	Equipment Operator	Street Maint.	AFSCME	Single
Yes	3.302.830.13	Equipment Operator	Street Maint.	AFSCME	Single
Yes	3.302.830.14	Equipment Operator	Street Maint.	AFSCME	Vacant
Yes	3.302.830.15	Equipment Operator	Street Maint.	AFSCME	Vacant
Yes	3.302.830.16	Equipment Operator	Street Maint.	AFSCME	Vacant
Yes	3.302.864.01	Crew Leader	Street Maint.	AFSCME	Single
Yes	3.302.865.01	Crew Leader	Street Maint.	AFSCME	Vacant
Yes	3.302.865.02	Crew Leader	Street Maint.	AFSCME	Vacant
Yes	4.302.662.01	Secretary 1	Street Maint.	NON-BARG	Single

ORDINANCE NO: 24-40

BY: _____

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DEPARTMENT OF Public Service, DIVISION OF Cemetery and Parks BY RECLASSIFYING THE CLASSIFICATIONS (4) OF Grounds Maintenance Workers, AND ABOLISHING THE CLASSIFICATION (2) OF EQUIPMENT OPERATORS and ABOLISHING THE CLASSIFICATION OF ASSISTANT SUPERINTENDENT while CREATING TWO ADDITIONAL CLASSIFICATIONS OF GROUNDS MAINTENANCE WORKERS and SETTING THE COMPENSATION THEREFORE

WHEREAS, the Division of Cemetery and Parks 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 overall position authorization for the division will decrease by 1;

and,

WHEREAS, the Personnel Committee considered this matter on 10.7.24, 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 Grounds Maintenance Worker is hereby reclassified within the Department of Public Service Division of Cemetery and Parks

SECTION 2: The position classification/pay range table for the hereby is amended as follows.

SECTION 3: The position of Grounds Maintenance Worker shall receive compensation and benefits as set forth in the current Pay Range 34 - AFSCME L2963 Collective Bargaining Agreement. This position is in the classified service of the City of Newark.

SECTION 4: The two positions of Equipment Operator are *abolished*.

SECTION 5: The position of Assistant Superintendent is *abolished*.

SECTION 6: Two positions of Grounds Maintenance Workers are hereby created within the Department of Public Service Division of Cemetery and Parks.

SECTION 7: 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

**Strength authorization table*

Active	Position Number	Description	Department	Benefit Group	Position Status
Yes	2.432.210.01	Superintendent	432 - Cemetery & Parks	MGMT EXEMPT	Single
Yes	2.432.211.01	Assistant Superintendent	432 - Cemetery & Parks	MGMT EXEMPT	Vacant
Yes	2.432.230.01	Operations Manager	432 - Cemetery & Parks	MGMT EXEMPT	Single
Yes	3.432.830.01	Equipment Operator	432 - Cemetery & Parks	AFSCME FT	Vacant
Yes	3.432.830.02	Equipment Operator	432 - Cemetery & Parks	AFSCME FT	Single
Yes	3.432.831.01	Grounds Maintenance Worker	432 - Cemetery & Parks	AFSCME-FT	Single
Yes	3.432.831.02	Grounds Maintenance Worker	432 - Cemetery & Parks	AFSCME-FT	Single
Yes	3.432.831.03	Grounds Maintenance Worker	432 - Cemetery & Parks	AFSCME-FT	Single
Yes	3.432.831.04	Grounds Maintenance Worker	432 - Cemetery & Parks	AFSCME-FT	Vacant
Create	3.432.831.05	Grounds Maintenance Worker	432 - Cemetery & Parks	AFSCME-FT	Pending
Create	3.432.831.06	Grounds Maintenance Worker	432 - Cemetery & Parks	AFSCME-FT	Pending
Yes	4.432.666.01	Office Manager/Account Clerk	432 - Cemetery & Parks	NON-BARG FT	Single

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 2024 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 2024 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 \$11,646. allocation set by the Bureau of Justice Assistance.

WHEREAS, this matter was addressed by the Finance Committee at a regularly scheduled meeting thereof which recommended consideration of passage 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: 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 2024, 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 _____, 2024

_____, PRESIDENT OF COUNCIL

ATTEST _____, CLERK OF COUNCIL

DATE FILED WITH MAYOR _____

DATE APPROVED BY MAYOR _____

_____, MAYOR

FORM APPROVED: _____, DIRECTOR OF LAW

Resolution No.24-82

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 621 Water Fund, in the amount of \$30,000.00 (Merchant fees for online water payments)

621.706.5238	Services General	30,000.00
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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 _____, 2024.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____

BY _____

A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE A CONTRACT FOR REIMBURSEMENT OF LEGAL REPRESENTATION OF INDIGENT PERSONS FOR CALENDAR YEAR 2025 WITH THE LICKING COUNTY BOARD OF COMMISSIONERS FOR THE CITY OF NEWARK, LICKING COUNTY, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, in circumstances where an indigent individual is charged with a violation of ordinances of the City of Newark, and that person requests appointed counsel because the defendant is indigent, the Licking County Municipal Court will appoint an attorney to provide for the individual's defense; and,

WHEREAS, the county provides legal representation for indigent adults through an appointed counsel system adopted in accordance with Ohio Revised Code Section 120.33.

WHEREAS, the county may contract with a municipal corporation to provide legal representation for indigent persons charged with a violation of an ordinance of a municipal corporation for which the penalty or any possible adjudication includes the loss of liberty.

WHEREAS, if there is no existing agreement between the City of Newark and Licking County Board of Commissioners regarding the reimbursement of the counsel appointed for defendant, Licking County is unable to reimburse such attorney.

WHEREAS, it is necessary to annually execute a new agreement between the City of Newark and the Licking County Board of Commissioners regarding such reimbursement; and,

WHEREAS, the contract must be executed on or before December 31, 2024 and therefore this Resolution must be effective ahead of that date to ensure the continuation of the required contractual reimbursement process; and

WHEREAS, the Service Committee of the Newark City Council has considered this matter and forwards the same to the full Council for its 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 enter into and execute a Contract for Legal Representation of Indigent Persons in the Licking County Municipal Court with the Licking County Board of Commissioners regarding the reimbursement of counsel fees for indigents charged with violations of Municipal

Ordinances for which the penalty or any possible adjudication includes potential loss of liberty.

SECTION 2: This Resolution shall become effective immediately for the reasons as set forth herein and to protect the public peace, health, safety or welfare pursuant to Article 4.07 of the Charter of the City of Newark, Ohio.

Adopted 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

Prepared by the Office of the Director of Law

Resolution No.24-85

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 621 Water Fund and the 669 Storm Fund, in the amount of \$105,522.89 (2024 Bond Fees)

621.706.5419440	Principal Payment Water Project Bond	64,662.38
669.169.5416430	Principal Payment Moull St Bond	40,860.51

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 _____, 2024.

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.24-86 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 333 Infrastructure Fund, in the amount of \$500,000.00 (Cherry Bend Slip Repairs)

333.122.5271500	Cherry Bend Slip Repairs	500,000.00
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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 _____, 2024.

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. 24-87

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 REPLACEMENT PROJECT #6 AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

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

WHEREAS, the distribution system has approximately 5,000 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 October 7, 2024 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 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: 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 _____ 2024.

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: 24-88

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE AND AWARD BIDS AND ENTER INTO CONTRACT, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR THE RACCOON CREEK – CHERRY BEND SLOPE REPAIR PROJECT.

WHEREAS, it is necessary to perform the above construction project in the City of Newark to enhance the convenience, safety, and general well being of the citizens of the City; and,

WHEREAS, the Service Committee of Council considered and authorized the submittal of this legislation during its October 7, 2024, meeting; and,

WHEREAS, the Newark City Engineer has prepared specifications and estimates for cost for the proposed project and filed the same with the Director of Public Service.

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 and award bids and enter into contracts, subject to the appropriation of funds, for the following projects in accordance with the specifications and cost estimates for same to be filed in the Public Service Director’s office.

- 1. Raccoon Creek – Cherry Bend Slope Repair Project, 202112

Section 2: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Adopted this _____ day of _____, 2024.

President of Council

Attest: _____
Clerk of Council

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor

Form Approved By: _____
Law Director

Prepared by the Division of Engineering.

BY: _____

PRELIMINARY LEGISLATION

Consent

Rev. 6/26/00

Resolution #: 24-89

County/Route/Section: LIC SR 16/37/ 14.24/15.72

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

SECTION I – Project Description

WHEREAS, the Ohio Department of Transportation (ODOT) has determined the need for the described project:

Major rehabilitation of pavement; replacement of composite pavement and construction of additional general use lanes. Bridge and culvert maintenance work to be completed within project area.

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

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION II – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project as follows:

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

SECTION IV – Utilities and Right-of-Way Statement

If city owned utilities, within a corporation limit or in a private easement outside corporation limits, need to be relocated due to this ODOT project, the city will be reimbursed for any relocation work; ODOT will perform the coordination, relocation, and reimbursement which shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

If other public and private utilities need to be relocated due to this ODOT project they will not be reimbursed for relocation; with exceptions due to an easement, etc.

SECTION V – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain

the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI Authority to Sign

The LPA hereby authorizes, David Rhodes, Director of Public Service, of the City of Newark is hereby empowered on behalf of the City of Newark to enter into agreements with the Director of Transportation which are necessary to complete the above described project.

SECTION VII-Emergency measure

If required, Resolution is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. Following appropriate legislative action, **as an emergency measure**, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 20____.
(Date)

President of Council: _____

Attested: _____
(Clerk of Council)

Date filed with Mayor: _____

Date Approved by Mayor: _____

Mayor: _____

Approved as to form – Director of Law: _____

Contracting Agent – Service Director: _____

**CERTIFICATE OF COPY
STATE OF OHIO**

City of Newark of Licking County, Ohio

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

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

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

(SEAL)

(Clerk)
City of Newark of Licking County, Ohio

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

Attested: _____ Date _____



For the State of Ohio

Attested: _____ Date _____
(Director, Ohio Department of Transportation)

RESOLUTION NO. 24-90

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A NEW MANAGEMENT AGREEMENT WITH THE LICKING COUNTY FAMILY YMCA TO OPEN AND OPERATE THE HOLLANDER POOL

WHEREAS, the City of Newark and the Licking County Family YMCA have been parties to an operating agreement for the management and operation of the Hollander Pool owned by the City; and,

WHEREAS, the Facility has not been in operation or open to the public for the past few years; and,

WHEREAS, the City has made certain repairs and improvements to the facility in an effort to re-open the facility for public recreation purposes and both the City and the YMCA wish to enter into a new management and operation agreement to facilitate the opening and proper operation of the facility for the benefit of all residents; and,

WHEREAS, this matter was addressed in the Service Committee on October 7, 2024, which recommended consideration of the same by full Council.

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

SECTION ONE: The Director of Public Service is hereby authorized and directed to enter into the attached management agreement, subject to the appropriation of funds, with the Licking County Family YMCA for the maintenance and operation of the Hollander Pool, subject to amendment, modification, and extension from time to time.

SECTION TWO: This Ordinance shall be effective at the first date permitted as provided in Article 4.07 of the Charter of the City of Newark.

Adopted this _____ day of _____, _____.

PRESIDENT OF COUNCIL

Attest: _____
Clerk of Council

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor

Form Approved: _____
Director of Law

Resolution Prepared by The Office of The Director of Law