

COUNCIL AGENDA

March 3, 2025

Committee and Council Meetings can be viewed by accessing YouTube

Council Chambers

7:00 P.M.

ROLL CALL

INVOCATION – Mr. Houser

PLEDGE OF ALLEGIANCE – Rory Black, 4th grade, St. Francis de Sales

CAUCUS

MINUTES of February 18, 2025

APPOINTMENTS

Mayor Hall – Appointing Dan Hunt to the Heath-Newark-Licking County Port Authority Board of Directors. His new term begins immediately to fill the term of a past member. His new four-year term will begin June 1, 2025 and will expire May 31, 2029.

REPORTS OF STANDING COMMITTEES

Finance

Safety

Capital Improvement

REPORTS FROM CITY OFFICIALS

There are none this meeting.

COMMUNICATIONS

Ohio Division of Liquor Control - Transfer liquor permit application from Malherbe Girls LLC dba Bummies Pub & Grub & Patio, 155 N. Cedar St. 1st floor and basement, Newark, Ohio 43055, to Malherbe Girls LLC dba Bummies Pub & Grub & Patio, 399 W. Main St., Newark, Ohio 43055

Tricia Moore, Law Director and Melanie Timmerman, Assistant Law Director – Presentation

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

There are none this meeting.

ORDINANCES ON FIRST READING

25-06 AN ORDINANCE AMENDING PART 8, TITLE TWO: BUSINESS REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO WITH MARKETING CARTRIDGE-BASED

ELECTRONIC NICOTINE DELIVERY SYSTEMS (ENDS) PRODUCTS AND OTHER ENDS PRODUCTS THAT HAVE NOT OBTAINED PREMARKET AUTHORIZATION

25-07 AN ORDINANCE ACCEPTING THE DEED OF DEDICATION OF EASEMENT AND RIGHT-OF-WAY FOR PUBLIC USE OF STEMFLEX WAY, A NEWLY DEVELOPED STREET LOCATED ON THE WEST SIDE OF MT. VERNON ROAD, BETWEEN NORTH 21ST STREET AND MYRTLE AVENUE.

RESOLUTIONS ON SECOND READING

25-05 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (Amount was received as reimbursement for 4th quarter 2024 CPT training from the State of Ohio. Money must be kept separate from the General Fund and only used for authorized law enforcement training purposes.)

RESOLUTIONS ON FIRST READING

25-06 Exp A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (For the purchase of transit passes)

25-07 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO APPLY FOR FINANCIAL SUPPORT FROM THE STATE OF OHIO 2025 URBAN FORESTRY GRANT.

25-08 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (Horns Hill building improvements storage bldg. and radio operations bldg., Natureworks Grant \$45,115 to be reimbursed from state, City share \$63,410)

25-09 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (BWC Grant Awarded – Equipment for the Fire Department, PEP Grant)

25-10 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SAFETY FOR THE CITY OF NEWARK, OHIO, TO RELEASE THE LIEN PREVIOUSLY PLACED AGAINST THE PROPERTY LOCATED AT AND KNOWN AS 900 JONES AVENUE, NEWARK, OHIO (PARCEL NO. 054-192078-00.000) AND DECLARING AN EMERGENCY

COMMENTS FROM CITIZENS

MISCELLANEOUS

ADJOURNMENT

BY _____

**AN ORDINANCE AMENDING PART 8, TITLE TWO: BUSINESS
REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF
NEWARK, OHIO WITH MARKETING CARTRIDGE-BASED ELECTRONIC
NICOTINE DELIVERY SYSTEMS (ENDS) PRODUCTS AND OTHER ENDS
PRODUCTS THAT HAVE NOT OBTAINED PREMARKET AUTHORIZATION**

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

WHEREAS, the City of Newark currently has multiple businesses within its jurisdiction selling cartridge-based electronic nicotine delivery systems (or ENDS) products; and,

WHEREAS, the City of Newark is a charter city and exercises Home Rule pursuant to Article XVIII, Section 3 of the Ohio Constitution for other businesses in the City in regards to ensuring compliance with both State and Federal regulations for the health and safety of the Citizens of the City of Newark and other visitors who patronize businesses within the City; and,

WHEREAS, concerns regarding the significant health and safety issues caused by the sale of cartridge-based electronic nicotine delivery systems (or ENDS) products and other ENDS products which have not received premarket authorization from the Food and Drug Administration (FDA) under section 910 of the Federal Food, Drug and Cosmetic Act (FD & C Act) (21 U.S.C. 387 through 387u) warrant monitoring by the City and the Licking County Health Department to ensure compliance with both State and Federal Law; and,

WHEREAS, the Ohio Legislature passed ordinance R.C. 9.681 which went into effect April 24, 2024, prohibiting the regulation of tobacco and alternative nicotine products by cities under the Home Rule doctrine; and,

WHEREAS, multiple Ohio cities have sued the State of Ohio challenging the constitutionality of the State law claiming it violates a municipality's right to exercise Home Rule pursuant to the Ohio Constitution Article XVIII, Section 3; and,

WHEREAS, Judge Serrott of the Franklin County Court of Common Pleas in the City of Columbus, et al., vs. State of Ohio, et al, issued a declaratory judgment that R.C. 9.681 is an unconstitutional infringement on the rights of the Plaintiff municipalities to exercise their right to Home Rule pursuant to the Ohio Constitution Article XVIII, Section 3; and

WHEREAS, the case is now being appealed to the Tenth District Court of Appeals;
and,

WHEREAS, it is requested that this Council vote to amend Part 8, Title Two of the Newark Codified Ordinance with the understanding that enforceability of such ordinance is dependent on the ruling of the Court in the pending matter cited above and will not be enforced unless and until it is deemed lawful; and,

WHEREAS, should the Ohio Court find R.C. 9.681 is in fact constitutional and therefore Home Rule does not apply to such regulations, enforcement of this Ordinance will not occur and action will be taken to repeal said legislation; 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: Part 8, Title Two of the Codified Ordinances of the City of Newark, Ohio Titled Business Regulations is hereby amended to include Section 854 which shall read as follows:

**854.00 MARKETING CARTRIDGE-BASED ELECTRONIC BASED NICOTINE
DELIVERY SYSTEMS (OR ENDS) PRODUCTS AND OTHER ENDS PRODUCTS**

854.01 DEFINITIONS

As used in this section:

- (a) Cartridge-based electronic nicotine delivery systems (or ends) products are a type of ends product that consist of includes, or involves a cartridge or pod that holds liquid that is to be aerosolized through product use. For purpose of this definition, a cartridge or pod is a small, enclosed unit (sealed or unsealed) designed to fit within or operate as part of an electronic nicotine delivery system. An example of products that would not be captured by this definition include completely self-contained, disposable products.
- (b) Ends products include devices, components, and/or parts that deliver aerosolized e-liquids when inhaled. For example, the Federal Food and Drug Administration (FDA) considers vapes or vape pens, personal vaporizers, e-cigarettes, cigalikes, e-pens, e-hookahs, e-cigars, and e-pipes to be ends.
- (c) E-liquids are a type of ends product and generally refer to liquid nicotine and nicotine-containing e-liquids (i.e. liquid nicotine combined with colorings, flavorings, and/or other ingredients). Liquids that do not contain nicotine or other material made or derived from tobacco, but that are intended or reasonably expected to be used with or for the human consumption of a tobacco product, may

be components of parts and, therefore, subject to FDA's tobacco control authorities.

- (d) Tobacco product means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw product). The term "tobacco product" does not mean an article that under the Federal Food, Drug, and Cosmetic Act (FD&C Act) is a drug (Section 201(g) (21 U.S.C 321 (g)(1))), a device (Section 201(h)), or a combination product (Section 503(g) (21 U.S.C 353(g))). Section 201 (rr) of the FD&C Act.

854.02 MARKETING CARTRIDGE-BASED ELECTRONIC BASED NICOTINE DELIVERY SYSTEMS (OR ENDS) PRODUCTS AND OTHER ENDS PRODUCTS THAT HAS NOT OBTAINED PREMARKET AUTHORIZATION

No person shall market any cartridge-based electronic nicotine delivery systems (or ENDS) products and other ENDS products that has not obtained premarket authorization from the Food and Drug Administration (FDA) under Section 910 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 387 through 387u).

854.03 INSPECTIONS

The Licking County Board of Health shall conduct annual inspections of all wholesale and retail facilities that market ENDS products.

854.04 ENFORCEMENT

This chapter shall be enforced by the Licking County Board of Health and its designee(s). The Health Commissioner and his or her designee(s), and the Mayor and his or her designee(s) shall have concurrent jurisdiction to enforce all provisions of this chapter.

854.05 SEVERALBILITY

If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, the invalidity shall not affect the other provisions of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared severable.

854.99 PENALTY

(a) Upon the receipt of a first report that a proprietor of a public place or place of employment has violated any provision of Section 854.02 of this chapter, the Licking County Board of Health shall issue a warning letter to the proprietor. Thereafter, the penalties contained in subsection (b) here of shall apply.

(b) Whoever violates any provision of Section 854.02 of this chapter is guilty of a minor misdemeanor on the first offense; on a second offense, the person is guilty of a misdemeanor of the fourth degree; for a third or subsequent offense, the person is guilty of a misdemeanor of the third degree.

(c) Strict liability is intended for a violation of Section 854.02 of this chapter.

(d) All fines and costs collected as a result of enforcement of section 854.02 of this chapter, shall be paid directly to the enforcing agency to fund future enforcement and education.

SECTION 2: This Ordinance shall not be enforced unless and until it is deemed lawful by either a Court of competent jurisdiction or by an act of the Ohio Legislature.

SECTION 3: 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 _____, 2025.

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

BY: _____

AN ORDINANCE ACCEPTING THE DEED OF DEDICATION OF EASEMENT AND RIGHT-OF-WAY FOR PUBLIC USE OF STEMFLEX WAY, A NEWLY DEVELOPED STREET LOCATED ON THE WEST SIDE OF MT. VERNON ROAD, BETWEEN NORTH 21ST STREET AND MYRTLE AVENUE.

WHEREAS, Newark Planning Commission met on February 11, 2025, and approved and accepted the survey plat and deed of dedication of the easement and right-of-way of a newly developed street named STEMFlex Way, located on the west side of Mt. Vernon Road, between North 21st Street and Myrtle Avenue; and,

WHEREAS, the dedication affects property currently being developed by the Heath-Newark-Licking County Port Authority; and,

WHEREAS, the newly developed street will create public access to additional development sites currently owned by the Heath-Newark-Licking County Port Authority.

WHEREAS, on February 25, 2025, Newark City Planning Commission, acting through its Planning Director, recommended to Newark City Council that it accept the dedication of the additional easements and right-of-way known as STEMFlex Way.

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 and easements, as shown on the survey plat and deed of dedication for public use of the newly developed street known as STEMFlex Way and not heretofore dedicated, are hereby accepted as dedicated to public use.

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

Passed this _____ day of _____, 2025.

President of Council

Attest: _____
Clerk of Council

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor

Form Approved: _____
Law Director

Prepared by the Division of Engineering.

DEED OF DEDICATION OF EASEMENT AND RIGHT OF WAY

Heath-Newark-Licking County Port Authority, a port authority organized under Chapter 4582 of the Ohio Revised Code, and **The Condominium at Northtowne Association**, an Ohio not-for-profit corporation, and **The Condominium at Northpointe Association**, an Ohio not-for-profit corporation, for \$1.00 and other good and valuable consideration, receipt of which is hereby acknowledged, do hereby grant and dedicate to **The City of Newark**, an Ohio municipal corporation, an easement and right of way for public use on, over, across, under, and through the real estate being more fully described in Exhibit A (the "Property"), together with the right to install, construct, maintain, repair, replace, and relocate public streets, sidewalks, utilities, light poles, street signs, and traffic signals.

Reference is hereby made to Ordinance Number _____ / Resolution Number _____ whereby the Council of The City of Newark accepted the dedication of easement and right of way for public use on, over, across, under, and through the Property.

[*Signature Pages to Follow*]

[Signature Page to Deed of Dedication of Easement and Right of Way]

[Signature Page to Deed of Dedication of Easement and Right of Way]

EXECUTED this 24th day of April, 2024.

The Condominium at Northpointe Association

Signature: *Cheryl Grubbaugh*

Print Cheryl Grubbaugh Name:

Print Title: Board President

STATE OF OHIO)
) SS
COUNTY OF LICKING)

The foregoing instrument was acknowledged before me this 24th day of APRIL, 2024, by CHERYL GRUBAUGH, Board President of **The Condominium at Northpointe Association**, an Ohio not-for-profit corporation, on behalf of said corporation.



KANDACE L WATKINS
Notary Public
State of Ohio
My Comm. Expires
April 5, 2028

Kandace Watkins
NOTARY PUBLIC

This instrument was prepared by:
Reese Pyle Meyer PLL
36 N. Second St., P.O. Box 919
Newark, Ohio 43058-0919
(740) 345-3431

[Signature Page to Deed of Dedication of Easement and Right of Way]

EXHIBIT A

PROPOSED EASEMENT AREAS TO BE DEDICATED TO CITY OF NEWARK QUARTER TOWNSHIP 1, TOWNSHIP 1, RANGE 12, UNITED STATES MILITARY LANDS, CITY OF NEWARK, COUNTY OF LICKING, STATE OF OHIO

Curve Table					
Curve #	Length	Radius	Delta	CH. BRG.	CH. DIST.
C1	127.14'	49.00'	148°39'52"	N80°32'14"E	94.36'
C2	52.22'	51.00'	58°40'04"	S54°27'52"E	49.97'
C3	59.25'	30.00'	113°09'04"	N39°37'34"E	50.08'

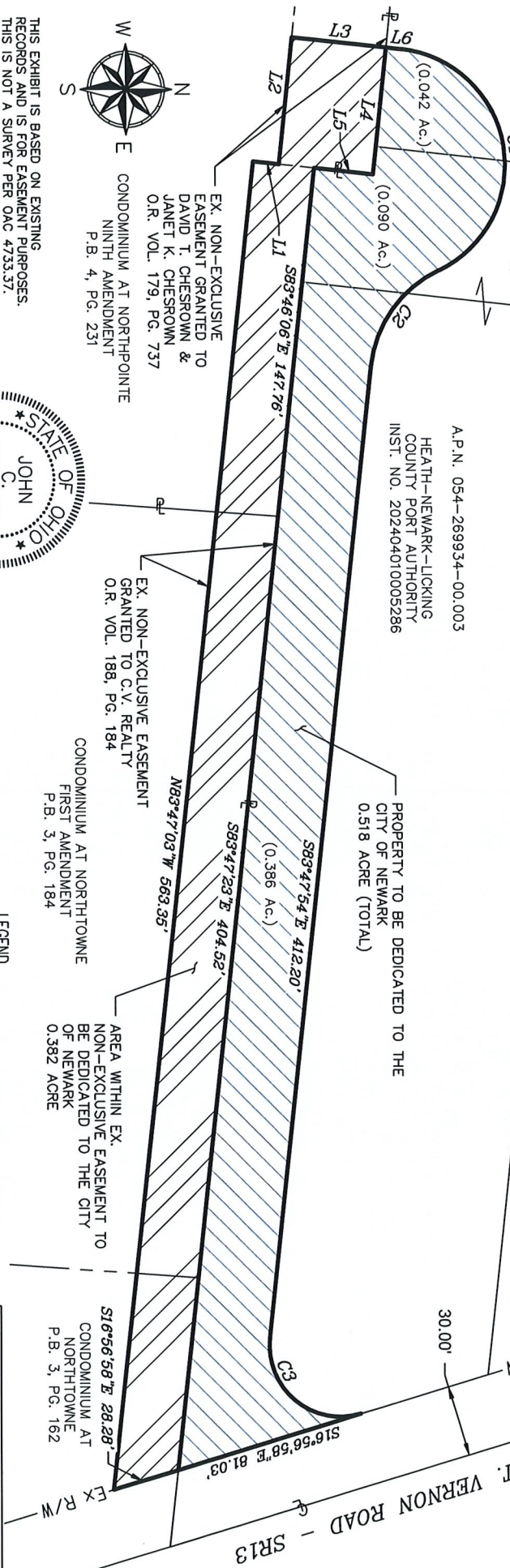
Line Table		
Line #	Direction	Length
L1	N06°05'50"E	11.00'
L2	N83°47'42"W	53.81'
L3	N06°12'18"E	40.00'
L4	N83°47'42"W	53.74'
L5	N06°05'50"E	25.00'
L6	N06°12'18"E	6.58'

A.P.N. 054-269934-00.162
HEATH-NEWARK-LICKING
COUNTY PORT AUTHORITY
INST. NO. 202404010005288

A.P.N. 054-269934-00.002
HEATH-NEWARK-LICKING
COUNTY PORT AUTHORITY
INST. NO. 202404010005287

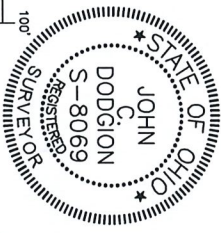
A.P.N. 054-269934-00.003
HEATH-NEWARK-LICKING
COUNTY PORT AUTHORITY
INST. NO. 202404010005286

PROPERTY TO BE DEDICATED TO THE
CITY OF NEWARK
0.518 ACRE (TOTAL)



THIS EXHIBIT IS BASED ON EXISTING
RECORDS AND IS FOR EASEMENT PURPOSES.
THIS IS NOT A SURVEY PER OAC 4733.37.

GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.



JOHN C. DODGION
REG. SURVEYOR NO. 8069
DRN. BY: AS CHK. BY: JD

LEGEND

PROP. AREA TO BE DEDICATED TO CITY OF NEWARK

PROP. AREA WITHIN EX. NON-EXCLUSIVE EASEMENT TO BE DEDICATED TO CITY OF NEWARK

APRIL 25, 2024
JOB NO. 834201

PREPARED BY:
SMART
88 W. CHURCH STREET, NEWARK, OHIO 43055
PHONE: (740) 345-4700 FAX: (740) 322-0706



740-670-7707



DRhodes@newarkohio.net



www.NewarkOhio.net

DAVID RHODES
PUBLIC SERVICE DIRECTOR

February 25, 2025

To: Newark City Council

RE: NEWARK PLANNING COMMISSION - APPLICATION NO. PC-25-09
Dedication Deed of New Street Right-of-Way – STEMFlex Way

Ladies and Gentlemen:

The City of Newark Planning Commission met on Tuesday, February 11, 2025 and reviewed the Deed of Dedication documents for right-of-way and easements on a new street known as STEMFlex Way, on the west side of Mt. Vernon Road, between North 21st Street and Myrtle Avenue. Planning Commission voted to approve the Deed of Dedication as a result of the review comments provided by the City Engineer.

As Planning Director for the City of Newark, I recommend to Newark City Council that it accept the Deed of Dedication for the right-of-way of STEMFlex Way.

The City Engineer will provide the Clerk of Council the legislation for your consideration.

Sincerely,

David Rhodes
Newark City Planning Commission Director

Cc: City Engineer

Resolution No.25-05

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 \$55,093.21 (Amount was received as reimbursement for 4th quarter 2024 CPT training from the State of Ohio. Money must be kept separate from the General Fund and only used for authorized law enforcement training purposes.)

100.203.5220.2	Continuing Professional Training	55,093.21
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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 _____, 2025.

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.25-06 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 231 Adult Probation Fund, in the amount of \$6,000.00 (For the purchase of transit passes)

231.113.5319	Miscellaneous Supplies	6,000.00
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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 _____, 2025.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO APPLY FOR FINANCIAL SUPPORT FROM THE STATE OF OHIO 2025 URBAN FORESTRY GRANT.

WHEREAS, The USDA Forest Service provides funding to eligible government agencies and nonprofit organizations; and,

WHEREAS, The City of Newark is eligible to apply for reimbursement assistance to invest in the long term growth and development of local urban and community forestry programs; and,

WHEREAS, the City meets the Disadvantaged Communities Requirement for 100% reimbursement as defined by the Environmental Protection Agency's Disadvantaged Communities Map; and,

WHEREAS, the State of Ohio through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes, through the State of Urban Forestry Grant program; and,

WHEREAS, the City of Newark desires financial assistance under the Urban Forestry Grant Program; and,

WHEREAS, the City of Newark approves filing this application for financial assistance; and,

WHEREAS, the City of Newark does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the **Urban Forestry Grant Program**.

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

Section 1: The Mayor is authorized to take whatever action is legally available to attain funding in the best interest of the City and its participation in available grant funding to invest in the long term growth and development of local urban and community forestry programs.

Section 2: The Mayor is designated as the authorizing official to enter into a reimbursement agreement with the State of Ohio Department of Natural Resources and accept said funds.

Section 3: This Resolution shall become effective upon the earliest date permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

ADOPTED THE _____ DAY OF _____, 2025

_____, PRESIDENT OF COUNCIL

_____, ATTEST, CLERK OF COUNCIL

_____, DATE FILED WITH THE MAYOR

_____, DATE APPROVED BY MAYOR

_____, MAYOR

_____, FORM APPROVED BY LAW DIRECTOR

Resolution No.25-08

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 335 Capital Improvement Fund, in the amount of \$35,000.00 (Horns Hill building improvements storage bldg. and radio operations bldg.)

335.121.5511	Building Improvements	35,000.00
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Section 2. There is hereby an appropriation of the unappropriated balance of the 335 Capital Improvement Fund, in the amount of \$108,525.00 (Natureworks Grant \$45,115 to be reimbursed from state, City share \$63,410)

335.432.5314600	Recreation Amenities – Pickleball Court	108,525.00
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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 _____, 2025.

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.25-09

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 \$11,026.94 (BWC Grant Awarded – Equipment for the Fire Department)

100.204.5331	Machinery Equipment & Supplies	11,026.94
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Section 2. There is hereby an appropriation of the unappropriated balance of the 221 Street Fund, in the amount of \$1,000.00 (PEP Grant)

221.302.5315	Street Maintenance Supplies	1,000.00
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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 _____, 2025.

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. 25-10

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SAFETY FOR THE CITY OF NEWARK, OHIO, TO RELEASE THE LIEN PREVIOUSLY PLACED AGAINST THE PROPERTY LOCATED AT AND KNOWN AS 900 JONES AVENUE, NEWARK, OHIO (PARCEL NO. 054-192078-00.000) AND DECLARING AN EMERGENCY

WHEREAS, on December 2, 2024 this Council authorized pursuant to Ordinance 24-43, the placement of a lien against the property located at and known as 900 Jones Avenue, Newark, Ohio (“Property”) in the amount of \$5,400.00 as and for costs incurred by the Newark City Property Maintenance Department with respect to property maintenance violations; and,

WHEREAS, prior to the filing of the lien with the Licking County Auditor’s Office on December 27, 2024, Roy Van Atta, Licking County Treasurer, filed a foreclosure action in the Licking County Common Pleas Court concerning the Property; and,

WHEREAS, prior to the filing of the lien with the Licking County Auditor’s Office on December 27, 2024, Roy Van Atta, Licking County Treasurer, was granted judgment in foreclosure on July 18, 2024 by the Licking County Common Pleas Court and the Property sold at a public Sheriff’s sale to a third party on October 17, 2024; and,

WHEREAS, prior to the filing of the lien with the Licking County Auditor’s Office on December 27, 2024, the Sheriff’s sale selling the property to a third party was confirmed by the Licking County Common Pleas Court on November 1, 2024, pursuant to law via Judgment Entry; and,

WHEREAS, the release of the lien underlying the Property in question will appropriately reflect the impact of the foreclosure proceeding and subsequent sale of the Property to a new owner with whom the City of Newark no longer has a claim for costs incurred by the Newark City Property Maintenance Department with respect to property maintenance violations; and

WHEREAS, an emergency exists in that to protect the best interests of the residents of the City of Newark, the lien must be released in light of the aforementioned foreclosure and sale proceedings.

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 Safety is hereby authorized and directed to release the lien previously authorized by the Council at Ordinance 24-43 as against the property located at and known as 900 Jones Avenue, Newark, Ohio and to prepare, execute, and record any and all necessary documents to facilitate the release thereof.

SECTION TWO: This Resolution shall become immediate upon approval as an emergency for the reasons as stated herein pursuant to Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____, 2025.

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