

COUNCIL AGENDA

October 20, 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 –

CAUCUS

MINUTES of October 6, 2025

APPOINTMENTS

There are none this meeting.

REPORTS OF STANDING COMMITTEES

Finance

Service

Capital Improvement

REPORTS FROM CITY OFFICIALS

Brenda Cooper, Tax Administrator – Income Tax Revenue Reports for the period ending September 30, 2025

COMMUNICATIONS

Ohio Division of Liquor Control - Transfer liquor permit from Morlen Investments, LLC., 81 Calburn St., to Brewsky's Drive Thru LLC., 81 Calburn St., Newark, Ohio.

Ohio Division of Liquor Control – An application to change the stock ownership in the liquor permit for Roosters Newark Inc.

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

There are none this meeting.

ORDINANCES ON FIRST READING

There are none this meeting.

RESOLUTIONS ON SECOND READING

25-60 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) A ONE YEAR USE OF FUNDS/ACTION PLAN ALONG WITH AN APPLICATION FOR FY 2026 FEDERAL

COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG), AS REQUIRED BY 24 CFR PART 91.220, FOR VARIOUS PROGRAMS RELATED TO HOUSING AND COMMUNITY DEVELOPMENT.

25-61 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO APPLY FOR FINANCIAL SUPPORT FROM THE STATE OF OHIO 2025 LAND AND WATER CONSERVATION FUND GRANT.

25-62 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO APPLY FOR FINANCIAL SUPPORT FROM THE STATE OF OHIO BUREAU OF WORKERS' COMPENSATION FIREFIGHTER EXPOSURE TO ENVIRONMENTAL ELEMENTS GRANT (FEEG).

25-63 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS, AND ENTER INTO A CONTRACT/CONTRACTS, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT AT WELLS PARK.

25-64 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION.

RESOLUTIONS ON FIRST READING

25-65 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION.

25-66 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION.

25-67 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO, ("CITY") TO ENTER INTO A CONTRACT TO SELL APPROXIMATELY 13,760 BOARD FEET OF TIMBER LOCATED ON PART OR ALL OF PARCEL NUMBERS 054-186632-00.000/054-199158-00.000/054-189192-00.000/054-196074-00.000/054-199152-00.000, AND 055-158602-00.000 LOCATED OFF OF EAST MAIN STREET AND ECOLOGY ROW AND OWNED BY THE CITY IN MADISON TOWNSHIP, LICKING COUNTY, OHIO, AND DECLARING AN EMERGENCY.

25-68 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION - STATE CAPITAL IMPROVEMENTS PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED.

25-69 A RESOLUTION ESTABLISHING RATES FOR THE STORMWATER UTILITY SERVICE CHARGE AS AUTHORIZED BY CODIFIED ORDINANCE OF THE CITY OF NEWARK, OHIO.

COMMENTS FROM CITIZENS

MISCELLANEOUS

ADJOURNMENT

BY _____

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) A ONE YEAR USE OF FUNDS/ACTION PLAN ALONG WITH AN APPLICATION FOR FY 2026 FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG), AS REQUIRED BY 24 CFR PART 91.220, FOR VARIOUS PROGRAMS RELATED TO HOUSING AND COMMUNITY DEVELOPMENT.

WHEREAS, it is necessary to prepare and submit to the United States Department of Housing and Urban Development (HUD) a one year use of funds/action plan for Federal Fiscal Year 2026 in order to ensure that Newark may participate in housing and related community development funding opportunities.

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 and submit to HUD a One Year Use of Funds/Action Plan for FY 2026 CDBG, and to make in connection therewith, all certifications, understandings, and assurances, contained therein, including, but not limited to, assurances that the City: will a further fair housing opportunities; follow a residential anti-displacement and relocation assistance plan in connection with CDBG or HOME assisted activities; maintain a drug free workplace as required by 24 CFR Part 24, Subpart F; comply with anti-lobbying restrictions as required by 24 CFR Part 87; will follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (42U.S.C. 4601); will comply with Section 3 of the HUD Act of 1968 (12 & U.S.C. 1701 u); that it is in full compliance with a citizen participation plan that satisfies the requirements of 24 CFR 91.105; that it has developed and is following a community development plan which has been developed in accordance with the primary objective of the statute authorizing the CDBG program, as described in 24 CFR Part 570; that it is following a current Consolidated Plan that has been approved by HUD; that its One Year Use of Funds/Action Plan has been developed so as to give the maximum feasible priority to activities that will benefit low and moderate income families or aid in the prevention or elimination of slums and blight; that at least 70% of the aggregate use of its CDBG funds shall be expended for activities that benefit low to moderate income persons; that it has adopted and is enforcing a policy prohibiting the excessive use of force by law enforcement agencies within its jurisdiction against individuals engaged in non-violent civil rights demonstrations; that has adopted and is enforcing laws against physically barring entrance to or exits from facilities or locations that are subject to non-violent civil rights demonstrations; that its grant will be conducted in conformity with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200 d) and the Fair Housing Act (42 U.S.C. 3601 et seq.); that it will comply with the lead based paint procedures specified in 24 CFR Part 35; and that it will comply with other applicable laws, including 2 CFR part 200.

Section 2: This Council does hereby authorize the Mayor, and his representative to prepare the above mentioned grant application and to make, in connection therewith, all certifications, understandings, and assurances contained therein, so as to ensure the City of Newark will not be disqualified to receive available funding opportunities for Federal FY 2026.

Section 3: In furtherance of the directives established herein, the Mayor is authorized to take whatever action is legally available to attain all necessary certifications and approval of the furtherance of the best interest of the City and its participation in available housing and development funding programs.

Section 4: That the Mayor be and hereby is designated as the authorizing official to enter into an agreement with HUD to administer the CDBG program.

Section 5: The Mayor, at his discretion, may amend the final One Year Use of Funds during the course of the HUD fiscal year in accordance with the laws, regulations, and directives of HUD.

Section 6: 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 _____, 2025

PRESIDENT OF COUNCIL

ATTEST-CLERK OF COUNCIL

DATE FILED WITH THE MAYOR _____

DATE APPROVED BY THE MAYOR _____

MAYOR

FORM APPROVED _____
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 LAND AND WATER CONSERVATION FUND GRANT.

WHEREAS, the Land and Water Conservation Fund identifies projects funded by the Ohio Department of Natural Resources and eligible applicants must be in compliance with the Ohio Statewide Comprehensive Outdoor Recreation Plan (SCORP).and,

WHEREAS, the Ohio Department of Natural Resources reviews Land and Water Conservation Fund grant applications and submits recommended projects to the National Park Service for approval, and:

WHEREAS, the City of Newark is eligible to apply for 50% reimbursement assistance for the acquisition, development, and rehabilitation of recreational areas; and,

WHEREAS, the City of Newark will provide a 50% local match; and,

WHEREAS, the State of Ohio through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes, through the State of Ohio Land and Water Conservation Fund grant program; and,

WHEREAS, the City of Newark desires financial assistance under the Land and Water Conservation Fund 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 **Land and Water Conservation Fund 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 for the acquisition, development, and rehabilitation of recreational areas.

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

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO APPLY FOR FINANCIAL SUPPORT FROM THE STATE OF OHIO BUREAU OF WORKERS' COMPENSATION FIREFIGHTER EXPOSURE TO ENVIRONMENTAL ELEMENTS GRANT (FEEG).

WHEREAS, the Ohio Bureau of Workers' Compensation is accepting applications for its Safety Grant programs for fiscal year 2026.and,

WHEREAS, the City of Newark is eligible to apply for the Firefighter Exposure to Environmental Elements Grant; and,

WHEREAS, the City of Newark will provide the 5-1 local match; and,

WHEREAS, the City of Newark desires financial assistance under the Ohio Bureau of Workers' Compensation Safety 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 Ohio Bureau of Workers' Compensation Safety 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 for the health and safety of its firefighters.

Section 2: The Mayor is designated as the authorizing official to enter into a reimbursement agreement with the State of Ohio Department of Bureau of Workers' Compensation 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. 25-63

BY _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS, AND ENTER INTO A CONTRACT/CONTRACTS, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT AT WELLS PARK.

WHEREAS, the City of Newark has heretofore issued its Fiscal Year 2025 One Year Community Development Block Grant Action Plan and has set aside a portion of its HUD Entitlement Funds to pay for the purchase and installation of playground equipment for Wells Park; and,

WHEREAS, bid specifications for the aforementioned capital project have been completed and have been approved by the City Law Director; and,

WHEREAS, funds for the project will be paid by the Department of Community Development Community Development Block Grant funds; and,

WHEREAS, the Newark City Council Service Committee has considered this matter at a regularly scheduled meeting thereof and has forwarded this ordinance to the full council for consideration.

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

Section 1: The Director of Public Service is hereby authorized and directed to advertise for bids, and enter into a contract, subject to the appropriation of funds, for the purchase and installation of playground equipment at Wells Park.

Section 2: That this Resolution shall take effect on the earliest date allowed by Article 4.07 of the Charter of the City of Newark and remain in full force and effect thereafter.

ADOPTED 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 Department of Community Development.

Resolution No.25-64

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 \$10,150.00 (Payment received from 24CVG02883 Obadia 2 Properties LLC for Property Maintenance violations.)

100.127.5238	Services General	10,150.00
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Section 2. There is hereby an appropriation of the unappropriated balance of the 958 Fund, in the amount of \$100,000.00 (Transfer to pay fire insurance deposit back to homeowners.)

958.127.5621	Fire Deposit Reimbursement	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 _____, 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.25-65

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 \$17,600.00 (Amount was received as proceeds from the sale of used cruisers. It was deposited into 100.155.4910.300 Auction Proceeds Vehicle Auction. We would like to use this money toward the replacement of a totaled cruiser.)

100.203.5532	Vehicles	17,600.00
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Section 2. There is hereby an appropriation of the unappropriated balance of the 333 Infrastructure Fund, in the amount of \$249,822.81 (Horns Hill Tower Project)

333.121.5238	Services General	249,822.81
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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.25-66

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 335 Capital Improvement Fund, in the amount of \$50,000.00 (Donation John & Mary Alford Foundation.)

335.432.5314600	Recreational Amenities Pickleball Court	50,000.00
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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. 25-67

BY _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO, ("CITY") TO ENTER INTO A CONTRACT TO SELL APPROXIMATELY 13,760 BOARD FEET OF TIMBER LOCATED ON PART OR ALL OF PARCEL NUMBERS 054-186632-00.000/054-199158-00.000/054-189192-00.000/054-196074-00.000/ 054-199152-00.000, AND 055-158602-00.000 LOCATED OFF OF EAST MAIN STREET AND ECOLOGY ROW AND OWNED BY THE CITY IN MADISON TOWNSHIP, LICKING COUNTY, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the City owns approximately 7.38 acres of marked trees of material located off of East Main Street and Ecology Row; and

WHEREAS, the City entered into an agreement with for professional services with Wit Brothers Forestry, LLC, to be the Forest Manager for this project; and

WHEREAS, Forest Manager, pursuant to their duties, has secured a potential timber purchaser and proposed terms of sale, attached hereto as Exhibit 1, and

WHEREAS, the harvesting of said timber is an economically beneficial opportunity for the City; and

WHEREAS, an emergency is declared to exist to preserve the health, safety, and welfare of the citizens of the City.

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

SECTION ONE: It is in the best interest of the City and its residents that the Director of Public Service is hereby authorized and directed to negotiate and enter into a contact for the harvesting and sale of timber located off of East Main Street and Ecology Row on parcel numbers: 054-186632-00.000/054-199158-00.000/054-189192-00.000/054-196074-00.000/ 054-199152-00.000 & 055-158602-00.000 owned by the City in Madison Township, Licking County, Ohio.

SECTION TWO: An emergency is declared to exist to preserve the health, safety, and welfare of the City of Newark's citizens. Therefore, this Resolution shall be immediately effective as provided in City of Newark, Ohio, Charter Article 4.07.

Adopted this _____ day of _____, _____.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

APPROVED AS TO FORM:

TRICIA M. MOORE
DIRECTOR OF LAW

Prepared by the Office of the Director of Law

TIMBER SALE AGREEMENT

This Agreement entered into on (date), _____ between Almendinger Sawing LLC ("Buyer and/or Purchaser"), 5501 Caswell Rd. Johnstown, Ohio 43031 hereinafter called Purchaser, agree to purchase; and the City of Newark, ("Seller and/or Landowner"), Ohio, 40 W. Main St., Newark, OH 43055, agree to sell, upon the terms and conditions stated herein, the timber from the designated area described below:

1. SALE AREA:

The boundaries of the sale areas are shown on the attached sale area map, which is made a part hereof:

The estimated amount to be cut under the methods of marking described in Section #4 is: ~13,760 (total # trees includes 3 Black Walnut trees) Board Feet DOYLE TREE SCALE on 45 total marked trees.

Appraisal Indemnity Statement

Landowner agrees that any Timber appraisal Estimate of volumes and value made by FORESTER in the course of performance under the terms of this agreement are the result of statistical samplings made in accordance with industry standards and with a variety of confidence levels depending upon what is agreed to between LANDOWNER and FORESTER. Due to the variances in accuracy level inherent in sampling techniques, any volumes or values stated by FORESTER are intended to be only estimates, based upon FORESTER'S sampling, and are expressly declared by FORESTER not to be precise statements and expected outcomes. Therefore, LANDOWNER expressly agrees and understands that any volumes or values stated by FORESTER may or may not be the volumes or values actually obtained through the performance of this Agreement by the parties hereto _____ **LANDOWNER INITIALS.**

2. OWNERSHIP:

Sellers hereby declare that they are the legal owners of the property herein called the "Seller's property", consisting of ~7.38+ acres, located off of Cedar St. and 3 trees on E. Main and Ecology Row, in Newark & Madison Township Licking County, Ohio in parcels: 054-186632-00.000/054-199158-00.000/054-189192-00.000/054-189192-00.000/054-196074-00.000/ 054-199152-00.000 & (055-158602-00.000 for the Black Walnut trees). Sellers further state that they have the right to sell and convey Title to the marked, designated timber within specified property boundaries and also convey the right to harvest and remove timber from the property, to Purchaser. Title to the tops of the harvested trees remains with Sellers.

3. PAYMENT:

Purchaser hereby agrees to pay (\$ 16,000 to Seller for timber as described. No trees shall be cut before the full amount is paid to Seller. Seller's Representative, Wit Brothers Forestry LLC, ("WBF") must be notified (48 hours) before Purchaser moves onto the site by calling the Forester Richard A. Cappell authorized agent (937-408-5715) of WBF.

Twenty percent (20%) of the selling price is due at contract signing (\$3,200.00) and the balance due (\$12,800) before moving onto the site.

4. PERIOD OF AGREEMENT:

All timber covered by this agreement shall be paid for, cut and removed and the requirements of this agreement satisfied on or before **(1 year from the date this Agreement is signed)**. Any cause of delay beyond this date will be reviewed by Seller and an extension of time will be considered if requested by Purchaser in writing. Unless an extension of time is granted in writing by Seller, the right, title, and interest to any timber for which payment has been made under the provisions of this section but which has not been removed from the designated property shall revert to Seller without compensation to Purchaser.

5. MARKING:

In the selection cutting area, timber included in this agreement is marked with paint at about shoulder height as follows. Merchantable saw log trees by a complete ring of **BLUE** paint and the same color stump mark. The painted stump marks shall not be cut off or obliterated. **All painted trees may/must be cut or girdled. (At least one tree marked in blue without a stump mark was found at Ecology Row and should not be cut without Newark being compensated).**

6. CONDITIONS FOR CUTTING AND REMOVAL:

Seller grants the freedom of entry and right-of-way to Purchaser and his employees to cut and remove the merchantable timber in and across the area covered by this agreement. Rights-of-way across private lands not covered in this agreement shall be arranged for by Purchaser.

Purchaser shall keep all loading areas, logging camps, stables, and other structures used in connection with this sale, and the ground in their vicinity, in a clean, sanitary condition, and rubbish shall be removed.

When abandoned, the sites shall be restored to their original condition (less wear and tear).

Any method of logging other than by means of animals, motor trucks, farm or crawler tractors, hydraulic tree shears, prehaulers, forwarders and rubber tired four-wheel drive skidders may be employed only with the advanced approval of Seller or Seller's Representative. If, in the opinion of Seller's Representative excessive and /or unreasonable damage to unmarked, undesignated trees or to land is resulting from the use of any one or a combination of logging methods, he may restrict or prohibit the use of such methods.

All roads, bridges, **ditches, fences**, power lines, and telephone lines located within or immediately outside the exterior boundaries of the sale area shall be protected as far as possible during the cutting and logging. Damaged, roads, bridges, ditches and fences

shall be repaired immediately by Purchaser or his agent to a comparable or better standard. Damages to telephone and power lines shall immediately be reported by Purchaser or his agent to the public utility servicing the lines. Roads, bridges, creeks, ditches and trails shall at all times be kept free to logs, tops, brush, and debris resulting from Purchaser's operations hereunder, and any road, bridge, or trail used by Purchaser in connection with this sale that is damaged or injured beyond ordinary wear and tear through such use shall promptly be restored by him to its original condition.

7. BEST MANAGEMENT PRACTICES (BMP'S):

Soil and water resources shall be protected according to the best industry standards known as Best Management Practices ("BMP'S). Purchaser or his agent, once finished using any cutting section or portion thereof, shall, weather and ground conditions permitting, immediately clear and smooth skid trails, logging roads, and loading areas used or created by his operations and construct water diversions on trails and roads. Water diversions shall be constructed according to the best industry standards known as BMP'S. Landing areas and primary skid roads shall be seeded according to BMP prescriptions. Seller's Representative will designate the location of BMP's. Logging operations will be restricted during periods of wet weather to prevent damage to the soils. **Seller's Representative will have the final decision on moisture conditions.** Stream courses may be crossed with the use of a culvert or portable bridge but shall not be used as skidways or haulways. BMP's will be followed on any stream course crossing. A portable bridge may be needed and if so supplied by the logger.

Except within a clearcutting area, (N/A) all trees will be delimbed and topped before skidding. **The maximum length of logs to be skidded will be 32' unless otherwise specified by the forester.**

Treetops remain the property of **Sellers.**

8. FIRE PRECAUTIONS:

During the time this agreement remains in force, Purchaser shall do all in his power to prevent and suppress forest fires on the sale area and in its vicinity and shall require his employees, contractors, and employees of contractors to do likewise. Purchaser shall be strictly liable for all damages caused by a fire related to Purchaser's operations, and all other agents. Logging or other waste shall not be burned on Seller's property.

9. PENALTIES AND SCALING:

Unmarked and undesignated merchantable trees* which are cut in logging without Seller or Seller's Representative permission, shall be paid for at **3** times the market price. Market price shall be the current Ohio average reported and published stumpage prices or the average price paid by the buyer for said species whichever is greater, Doyle Tree Scale, by species for sawtimber trees and by species, grade and size for veneer trees.

Severely damaged merchantable trees* that occur as a result of the harvest activities (according to Seller's Representative) shall be sold to the buyer/purchaser at the current

market price (average price paid by buyer for undamaged tree species). These trees shall be measured and marked by Seller's Representative before being removed from the property.

If the damage trees exceed 5% of the total sale volume (Board Feet Doyle Scale), all damaged trees will be sold at 1.5 times the current market price as established by the buyer on the timber sale.

The volume estimate of any tree cut and removed in violation of the terms of this agreement shall be derived by applying species, diameter, and length. Trees will be measured at 4.5' on the uphill side of the tree.

Sawlogs shall be scaled, when necessary, by the Doyle Tree/log scale.

*MERCHANTABLE TREES - means any tree measuring 16" and larger in diameter, measured 4.5' off the ground on the uphill side of the tree, with at least one 8-foot log in it.

10. ASSIGNMENT:

This Agreement shall not be assigned in whole or part without the written consent of Seller or Seller's Representative. Assignment shall not be unreasonably withheld.

11. INSURANCE PROVISIONS:

It is agreed between the parties that Purchaser shall abide by the applicable provisions of Ohio laws and carries the appropriate insurances.

Purchaser must inform all in advance, all contractors and employees of contractors of the terms of this agreement affecting their work and when cutting and logging is in progress, he shall have a representative on the sale area who shall be authorized to receive, on behalf of Purchaser, any or all notices and instructions in regard to work under the agreement given to Seller, and to take such actions thereon as is required by the terms of this agreement. Purchaser shall make his representative known to Seller or Seller's Representative.

All operations on the sale area, including the removal of cut timber, may be suspended by Seller's Representative if the conditions and requirements contained in this agreement are disregarded. Failure to comply with any one said conditions and requirements, if persisted in, shall be sufficient cause for the termination of this agreement.

The conditions of sale are completely set forth in this agreement, and none of its terms can be varied or modified, except in writing by Seller or Seller's Representative.

12. ASSUMPTION OF RISK:

Purchaser acknowledges that the harvesting of trees requires the use of potentially dangerous equipment and knowingly and willingly assumes all risks associated with this endeavor.

13. INDEMNIFICATION:

Purchaser agrees to defend and hold Seller or Seller's Representative harmless from loss, damage or liability in the case of claim or suit made against Seller or Seller's Representative, by reason of any incident arising from, concerning or in any way connected with the harvest of trees.

14. PERMITS:

Purchaser is responsible for obtaining all Federal, State, County, and Local Permits to conduct logging where applicable. Purchaser is responsible for compliance with all Federal, State, and local EPA laws and the Regulation of the "Agricultural Pollution Abatement Law (HB - 88) ", as well as any permits for the same.

WBF agent/representative for Seller, will file an Operation and Management Plan with the Local Licking County Soil and Water Conservation District SWCD East Main St. Newark, Ohio 43040.

15. OTHER PROVISIONS:

NOTICES: All notices shall be in writing and shall be either hand delivered to Seller, Purchaser or persons designated to receive notice or mailed to the respective address listed on page one of this agreement.

ENTIRETY OF AGREEMENT: This Agreement contains all terms agreed to between the parties. All prior agreements, written or oral, are superseded by this written agreement. This Agreement shall not be altered, changed or modified except in writing and signed by both parties. This Agreement is binding on heirs, successors, and assigns of the respective parties.

This Agreement shall become binding upon the signing of this agreement by the intended parties. In witness whereof, the parties have affixed and dated their signatures.

Purchaser (printed)

Signature of Purchaser

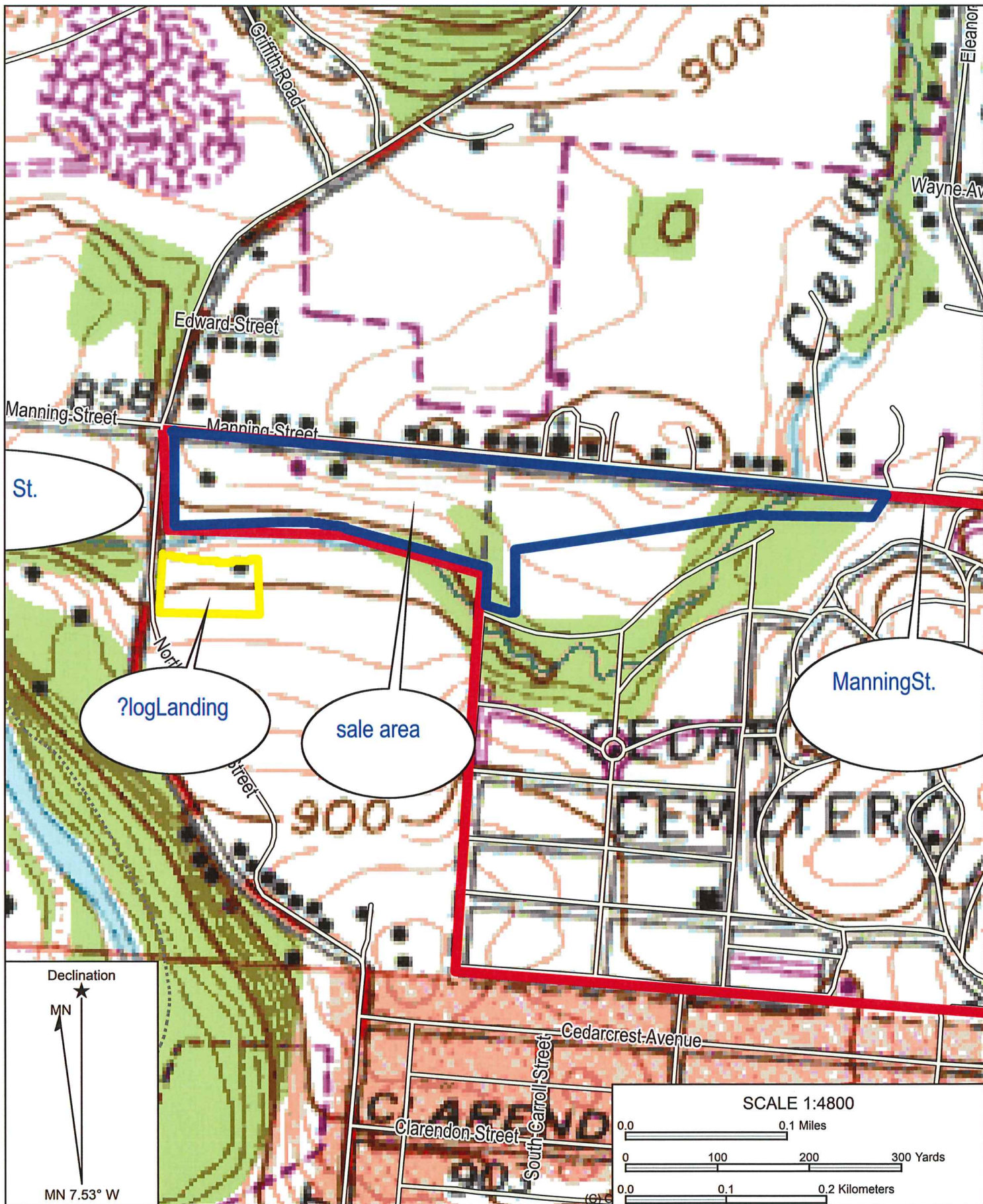
Witness

Seller or Authorized Agent (printed)

Signature of Seller or Authorized Agent

Witness

16. Map of Timber sale



Name: NEWARK
Date: 06/30/25
Scale: 1 inch = 400 ft.

Location: 040° 04' 14.5053" N, 082° 23' 29.7803" W
Caption: CityofNewar

BY: _____

A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION - STATE CAPITAL IMPROVEMENTS PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED.

WHEREAS, the State Capital Improvements Program provides financial assistance to political subdivisions for capital improvements to public infrastructure, and;

WHEREAS, The Ohio Public Works Commission has announced funding in Round 40 that may be offered as a grant or loan for road, bridge and other infrastructure projects, and;

WHEREAS, the City of Newark is proposing to make a capital improvements funding application for construction projects within the City of Newark, namely:

1. Resurfacing and related roadway work on West Main Street, South 30th Street, East Main Street and Granville Street, ODOT PID# 118682 – Application for portion of City’s funding toward the overall project cost.

WHEREAS, the infrastructure improvements herein above described are considered to be a priority need for the community and are a qualified project under OPWC program; and,

WHEREAS, this matter was addressed by the Service Committee at a regularly scheduled meeting thereof which recommended consideration of passage by full Council.

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

Section 1: The Director of Public Service of the City of Newark is hereby authorized to apply to the OPWC for funds as described above.

Section 2: The Director of Public Service of the City of Newark is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Section 3: This ordinance shall take effect at the earliest time permitted by Article 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

Form Approved: _____
Law Director

Prepared by the Division of Engineering

RESOLUTION NO. 25-69

BY _____

A RESOLUTION ESTABLISHING RATES FOR THE STORMWATER UTILITY SERVICE CHARGE AS AUTHORIZED BY CODIFIED ORDINANCE OF THE CITY OF NEWARK, OHIO.

WHEREAS, Ordinance 05-55 was adopted by Newark City Council on December 19, 2005 and approved by the Mayor of the City of Newark on December 20, 2005; and

WHEREAS, Ordinance 05-55 amended the Municipal Code of the City of Newark, Ohio by adding a new Chapter 52.00 Stormwater Utility to the Municipal Code; and

WHEREAS, Ordinance 05-55 provides for the funding of the operation, maintenance, and improvement of the stormwater system within the limits of the City of Newark; and

WHEREAS, Ordinance 05-55 specifies in Section 7(3): “City Council shall, by resolution, establish the base rate for the stormwater utility service charge. The base rate shall be calculated to ensure adequate revenues to fund the expenditures of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system within the city limits.”; and

WHEREAS, the Public Service Committee of the Newark City Council met on October 6, 2025 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: In accordance with Ordinance 05-55 Section 7(3) the base rate for the stormwater service charge shall hereby be set in accordance with the table.

<u>Rate/ERU/Month</u>	<u>Effective Date</u>
\$8.05	1/1/2026
\$8.41	1/1/2027
\$8.79	1/1/2028
\$9.19	1/1/2029
\$9.60	1/1/2030
\$10.03	1/1/2031
\$10.48	1/1/2032
\$10.95	1/1/2033
\$11.44	1/1/2034
\$11.95	1/1/2035

Note: ERU is the abbreviation for Equivalent Residential Unit as defined in Ordinance 05-55

Section 2: This resolution shall become effective at the earliest time permitted in accordance with Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____, 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 Division of Water and Wastewater