

## **COUNCIL AGENDA**

March 6, 2023

*Committee and Council Meetings can be viewed by accessing YouTube*

Council Chambers  
7:00 P.M.

### **ROLL CALL**

**INVOCATION** – Ms. Bline

**PLEDGE OF ALLEGIANCE** - Luke Guanciale, 4<sup>th</sup> grade St. Francis de Sales

### **CAUCUS**

**MINUTES of February 21, 2023**

### **APPOINTMENTS**

There are none this meeting

### **REPORTS OF STANDING COMMITTEES**

Finance  
Service

### **REPORTS FROM CITY OFFICIALS**

**Licking County Municipal Court, Judge B. Matthew George** - 2022 Licking County Municipal Court Annual Report

### **COMMUNICATIONS**

**Ohio Department of Liquor Control** - New liquor application for Madsoph LLC DBA Slingin Pizza, 1234 W. Church St, Newark, Oh 43055

**Ohio Department of Liquor Control** - New liquor application for Buckeye Axe Throwing LLC, DBA Buckeye Axe Throwing, 46 W. Main Street, Newark, Ohio 43055

### **PUBLIC HEARING**

**22-55** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 293 MERCHANT STREET (PARCEL #054-250128-00.000), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF SINGLE FAMILY RESIDENCE - RM - MEDIUM DENSITY DISTRICT, TO TFR-TWO FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

*(Planning Commission has recommended NOT approving or passing Ord. No. 22-55)*

### **PUBLIC HEARING**

**22-57** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1401 MT. VERNON RD., (PARCEL TAX ID #054-269934-00.003), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF GC GENERAL COMMERCIAL ZONING DISTRICT TO LI LIMITED INDUSTRIAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO. *(Planning Commission has recommended approval and passage of Ord. No. 22-57)*

### **PUBLIC HEARING**

**22-58** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1425 MT. VERNON ROAD, (PARCEL TAX ID #054-269934-00.002), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF GC GENERAL COMMERCIAL ZONING DISTRICT TO LI LIMITED INDUSTRIAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO. *(Planning Commission has recommended approval and passage of Ord. No. 22-58)*

### **COMMENTS FROM CITIZENS**

### **ORDINANCES ON SECOND READING**

**23-02** AN ORDINANCE ENACTING AMENDMENTS TO NEWARK'S SEWER USE AND SEWER CHARGES ORDINANCE (91-59); DIRECTING LIMITED PUBLICATION OF THE SEWER USE AND SEWER CHARGES ORDINANCE

### **ORDINANCES ON FIRST READING**

**23-03** TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$1,150,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF CHURCH STREET AREA IMPROVEMENTS AND REPAIR, INCLUDING ELECTRICAL, SIDEWALK, STREET AND STREETScape, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

**23-04** TO PROVIDE FOR THE ISSUANCE OF \$460,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE CITY'S COST FOR HORNS HILL ROAD SANITARY SEWER PROJECT IMPROVEMENTS, AND DECLARING AN EMERGENCY

**23-05** TO PROVIDE FOR THE ISSUANCE OF \$510,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTION OF THE STREAMBANK PROTECTION PROJECT, INCLUDING REPLACEMENT OF THE SHEET PILE DAM ON RACCOON CREEK, SITE PREPARATION AND ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY

**23-06** AN ORDINANCE CONSOLIDATING THREE BOND ANTICIPATION NOTE ISSUES OF THE CITY OF NEWARK, OHIO AND DECLARING AN EMERGENCY

**RESOLUTIONS ON SECOND READING**

**23-12** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR REMITTANCE OF FUNDS, FOR LEASING CITY-OWNED PROPERTY TO OTHERS TO USE FOR AGRICULTURAL PURPOSES.

**23-14** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$3,250,000.00 -Grant Funds for East Side Transmission Line)

**RESOLUTIONS ON FIRST READING**

**23-16 Exp** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$10,000.00-The Moral Recognition Therapy was discontinued. Paying probation Officer Instructors OT is no longer necessary) (\$10,000.00 -ODRC approved a budget revision on 2/1/23. It was determined there was an excess amount of money in the Overtime line item. All excess money will be forwarded to the Woodlands for the Batterer's Intervention Program)( \$27,974.00 - ODRC approved a budget revision in 2/1/23. It was determined there was an excess amount of money in the budget for Workers Comp., Overtime and Health Insurance. All excess money will be forwarded to the Woodlands for the Batterers Intervention Program) (\$277,401.00 -New Brownfield Remediation Program Grant) (\$90,761.41 -Conforming Boundaries Granville Township) (\$111,000.00 -Additional money not needed for note as paying down from debt fund) (\$19,824.63 -Completed projects - move remaining money to debt paying fund)( 5289-Additional funds needed for JEDD distributions agreement)(5611- Additional funds needed for JEDD Income tax refunds)(\$8,188.56 (Health Insurance Cost for Probation Officer Ashley Weaver)

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

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

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

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

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

#### **COMMENTS FROM CITIZENS**

#### **MISCELLANEOUS**

#### **ADJOURNMENT**

ORDINANCE NO. <sup>22-55</sup> [REDACTED]

BY: \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 293 MERCHANT STREET (PARCEL #054-250128-00.000), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF SINGLE FAMILY RESIDENCE – RM – MEDIUM DENSITY DISTRICT TO TFR – TWO FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

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

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

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

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

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

**Section 1:** The zoning map as established by Ordinance 08-33 (A) is hereby revised by changing the zoning classification for the following described property from SINGLE FAMILY RESIDENCE – RM – MEDIUM DENSITY DISTRICT TO TFR – TWO FAMILY RESIDENCE DISTRICT, Zoning Code of the City of Newark.

#### **SEE EXHIBIT “A” FOR LEGAL DESCRIPTION**

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

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

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

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
Clerk of Council

DATE FILED WITH MAYOR: \_\_\_\_\_

DATE APPROVED BY MAYOR: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

FORM APPROVED: \_\_\_\_\_  
Director of Law

DESCRIPTION APPROVED: \_\_\_\_\_  
Brian Morehead, Engineer

Prepared by the Office of the Director of Law

### NOTICE OF HEARING

Notice is hereby given that the Newark City Council shall at a later date to be determined and announced hereafter, take action upon Ordinance No. \_\_\_\_\_. Said Ordinance accepts a proposed amendment to the Zoning Map attached to Ordinance 08-33 (A) which would allow the change of zoning classification of certain real property, generally described as 293 Merchant Street, City of Newark, Licking County, Ohio, Parcel Tax Id #054-250128-00.000. The amendment would change the zoning of the property from Single Family Residence – RM – Medium Density District, to TFR – Two Family Residence District, Zoning Code of the City of Newark, Ohio.

The text or a copy of the text of such Ordinance, together with a copy of Ordinance 08-33 (A) and the Zoning Map attached thereto, and the maps, plans, and reports submitted by the Newark Planning Commission relative to said zoning are on file, for public examination, in the office of the Clerk of Newark City Council, 40 West Main Street, Newark, Ohio.

Notice is further given that a public hearing on said Ordinance shall be held before the Newark City Council during the meeting of Council which begins at 7:00 p.m. on \_\_\_\_\_, at which time and place any interested person may be heard.

BY ORDER OF THE CITY COUNCIL OF NEWARK, OHIO.

JANINE PAUL  
Clerk of Council

TO THE ADVOCATE

Please publish the foregoing Notice of Hearing one day only, to wit: on \_\_\_\_\_.

JANINE PAUL  
Clerk of Council



**DAVID RHODES**  
NEWARK CITY  
DIRECTOR OF PUBLIC

City Hall  
40 West Main Street  
Newark, Ohio 43055-5531  
[www.newarkohio.net](http://www.newarkohio.net)

(740) 670-7703  
[drhodes@newarkohio.net](mailto:drhodes@newarkohio.net)

February 14, 2023

RE: APPLICATION NO. PC-22-53 for Zoning District Change

Location: 293 Merchant Street, Newark, Oh

Parcel #: 054-250128-00.000

Current Zoning Classification: Single Family Residence - RM - Medium Density District

Requested Zoning Classification: TFR - Two Family Residence District

Owner/Applicant: Robert and Heather Vaile

Re: **Ordinance No. 22-55** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 293 MERCHANT STREET (PARCEL #054-250128-00.000), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF SINGLE FAMILY RESIDENCE - RM - MEDIUM DENSITY DISTRICT, TO TFR-TWO FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Ladies and Gentlemen:

A Public Hearing was held by the City of Newark Planning Commission on Tuesday, February 14, 2023.

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

1. The zoning classification for the parcel at 293 Merchant Street shall remain as Single Family Residence - RM - Medium Density District. Ordinance 22-55 is not recommended for passage and approval by Council.

Sincerely,

David Rhodes  
Newark City Planning Commission Director  
Cc: Law Director



Zoning Inspector  
City Engineer

**By signing this petition you wish to see 293 Merchant Street remain unaltered and not transformed into a multi-household dwelling place.**

Help us save this house and preserve the historic nature of our neighborhood. In this residential area, <sup>"comprising" of</sup> ~~comprising~~ Merchant Street, 11th Street, and Granville Street we are proud to be the site of many historic and incredible homes, some that are more than a century old, including the Webb House Museum. These homes stand as a testament to the achievements and vision of the residents of Newark. Altering the original intent of the home would forever degrade this integral neighborhood and diminish the history contained therein.

By adding your voice to this petition you are stating that you place value in the vision of those that came before and created this neighborhood, that you with your community wish to preserve our history and character ~~and~~ do not wish to see it become a remnant of what it was by dividing 293 Merchant Street into a ~~split-home residence~~.

*TFR (TWO FAMILY) RESIDENCE*

Thank you for your support!



**By signing this petition you wish to see 293 Merchant Street remain unaltered and not transformed into a multi-household dwelling.**

[illegible]

## MYR-Jeff Hall

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**From:** Socrates Goumas <socgoumas@gmail.com>  
**Sent:** Friday, February 3, 2023 4:18 PM  
**To:** SRV-David Rhodes; MYR-Jeff Hall  
**Subject:** 293 Merchant Street

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Dear Mr. Hall and Mr. Rhodes,

We are Krisanne and Socrates Goumas and live at 309 Merchant Street, Newark. Five years ago we bought our home after living in Granville for 35 years. Living on historic Merchant Street had always been a dream of ours. This lovely street is a hidden gem in the city of Newark.

Since we purchased our home, we have worked hard to make many improvements, inside and outside. "309" has become a second home to our children and grandchildren and we have and continue to make lovely memories here.

We take pride in our home and our neighborhood and want it to remain the street that many people admire and write stories about.

It has been brought to our attention that the new owners of 293 Merchant are asking permission to turn the home into a duplex. We STRONGLY oppose this and ask you to take into consideration what approval of this request would do to our street!

We also ask you to take a look at the property in Granville which the new owners have. It is in disrepair. I recall driving past it many times and thinking that it looked dilapidated and was in need of work. This home, as 293 Merchant, is an older historic home.

Allowing 293 Merchant Street to be made into an apartment for two families is a TERRIBLE idea and will compromise the integrity of OUR neighborhood in which we take great pride!

We beg you to do the right thing and deny the request of changing the zoning and setting a precedent for Merchant Street!

Sincerely,  
Krisanne and Socrates Goumas

**In addition, we have discovered that the new owners would like to turn 293 Merchant into an assisted living center. The letter written by the owners appears to be insincere and condescending to us. If they are so concerned about their aging parents and have been making plans for years to have them live with them, why don't they do just that? Also, their idea that we, as senior citizens may want to consider moving into their nursing home so that we can be with other seniors and stay on our street is a slap in the face.**

We purchased our home to live on a residential street, not on a street which houses a business. Please take your nursing home business elsewhere. We are not buying your syrupy, condescending words and encourage the zoning board not to, either.

ORDINANCE NO. 22-57

BY: \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1401 MT. VERNON ROAD, (PARCEL TAX ID #054-269934-00.003), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF GC GENERAL COMMERCIAL ZONING DISTRICT TO LI LIMITED INDUSTRIAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

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

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

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

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

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

**Section 1:** The zoning map as established by Ordinance 08-33 (A) is hereby revised by changing the zoning classification for the following described property from GC GENERAL COMMERCIAL ZONING DISTRICT TO LI LIMITED INDUSTRIAL DISTRICT, Zoning Code of the City of Newark.

#### **SEE EXHIBIT "A" FOR LEGAL DESCRIPTION**

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

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

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

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
Clerk of Council

DATE FILED WITH MAYOR: \_\_\_\_\_

DATE APPROVED BY MAYOR: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

FORM APPROVED: \_\_\_\_\_  
Director of Law

DESCRIPTION APPROVED: \_\_\_\_\_  
Brian Morehead, Engineer

Prepared by the Office of the Director of Law

### NOTICE OF HEARING

Notice is hereby given that the Newark City Council shall at a later date to be determined and announced hereafter, take action upon Ordinance No. \_\_\_\_\_. Said Ordinance accepts a proposed amendment to the Zoning Map attached to Ordinance 08-33 (A) which would allow the change of zoning classification of certain real property, generally described as 1401 Mt. Vernon Road, City of Newark, Licking County, Ohio, Parcel Tax Id #054-269934-00.003. The amendment would change the zoning of the property from GC – General Commercial Zoning District, to LI – Limited Industrial Zoning District, Zoning Code of the City of Newark, Ohio.

The text or a copy of the text of such Ordinance, together with a copy of Ordinance 08-33 (A) and the Zoning Map attached thereto, and the maps, plans, and reports submitted by the Newark Planning Commission relative to said zoning are on file, for public examination, in the office of the Clerk of Newark City Council, 40 West Main Street, Newark, Ohio.

Notice is further given that a public hearing on said Ordinance shall be held before the Newark City Council during the meeting of Council which begins at 7:00 p.m. on \_\_\_\_\_, at which time and place any interested person may be heard.

BY ORDER OF THE CITY COUNCIL OF NEWARK, OHIO.

JANINE PAUL  
Clerk of Council

TO THE ADVOCATE

Please publish the foregoing Notice of Hearing one day only, to wit: on \_\_\_\_\_.

JANINE PAUL  
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**DAVID RHODES**  
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[drhodes@newarkohio.net](mailto:drhodes@newarkohio.net)

February 14, 2023

RE: APPLICATION NO. PC-22-57 for Zoning District Change

Application Number : PC-22-57  
Owner: Rick Platt  
Applicant: Rick Platt  
Current Zoning: GC - General Commercial  
Proposed Zoning: LI - Limited Industrial

**22-57** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1401 MT. VERNON RD., (PARCEL TAX ID #054-269934-00.003), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF GC GENERAL COMMERCIAL ZONING DISTRICT TO LI LIMITED INDUSTRIAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Ladies and Gentlemen:

A Public Hearing was held by the City of Newark Planning Commission on Tuesday February 14, 2023

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

1. The zoning classification for the parcel at 1401 Mt. Vernon Rd. shall be changed to Li - Limited Industrial and the requested zoning district change is recommended to be approved. Ordinance 22-57 is recommended for passage and approval by Council.

Sincerely,

David Rhodes  
Newark City Planning Commission Director

Cc: Law Director  
Zoning Inspector  
City Engineer

ORDINANCE NO. 22-58

BY: \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1425 MT. VERNON ROAD, (PARCEL TAX ID #054-269934-00.002), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF GC GENERAL COMMERCIAL ZONING DISTRICT TO LI LIMITED INDUSTRIAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

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

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

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

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

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

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

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.


\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
Clerk of Council

DATE FILED WITH MAYOR: \_\_\_\_\_

DATE APPROVED BY MAYOR: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

FORM APPROVED:  \_\_\_\_\_  
Director of Law

DESCRIPTION APPROVED: \_\_\_\_\_  
Brian Morehead, Engineer

Prepared by the Office of the Director of Law

### NOTICE OF HEARING

Notice is hereby given that the Newark City Council shall at a later date to be determined and announced hereafter, take action upon Ordinance No. \_\_\_\_\_. Said Ordinance accepts a proposed amendment to the Zoning Map attached to Ordinance 08-33 (A) which would allow the change of zoning classification of certain real property, generally described as 1425 Mt. Vernon Road, City of Newark, Licking County, Ohio, Parcel Tax Id #054-269934-00.002. The amendment would change the zoning of the property from GC – General Commercial Zoning District, to LI – Limited Industrial Zoning District, Zoning Code of the City of Newark, Ohio.

The text or a copy of the text of such Ordinance, together with a copy of Ordinance 08-33 (A) and the Zoning Map attached thereto, and the maps, plans, and reports submitted by the Newark Planning Commission relative to said zoning are on file, for public examination, in the office of the Clerk of Newark City Council, 40 West Main Street, Newark, Ohio.

Notice is further given that a public hearing on said Ordinance shall be held before the Newark City Council during the meeting of Council which begins at 7:00 p.m. on \_\_\_\_\_, at which time and place any interested person may be heard.

BY ORDER OF THE CITY COUNCIL OF NEWARK, OHIO.

JANINE PAUL  
Clerk of Council

TO THE ADVOCATE

Please publish the foregoing Notice of Hearing one day only, to wit: on \_\_\_\_\_.

JANINE PAUL  
Clerk of Council



**DAVID RHODES**  
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(740) 670-7703  
[drhodes@newarkohio.net](mailto:drhodes@newarkohio.net)

February 14, 2023

RE: APPLICATION NO. PC-22-56 for Zoning District Change

Application Number : PC-22-56  
Owner: Rick Platt  
Applicant: Rick Platt  
Current Zoning: GC - General Commercial  
Proposed Zoning: LI - Limited Industrial

**22-58** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 1425 MT. VERNON ROAD, (PARCEL TAX ID #054-269934-00.002), CITY OF NEWARK, LICKING COUNTY, OHIO, FROM THAT OF GC GENERAL COMMERCIAL ZONING DISTRICT TO LI LIMITED INDUSTRIAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Ladies and Gentlemen:

A Public Hearing was held by the City of Newark Planning Commission on Tuesday February 14, 2023

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

1. The zoning classification for the parcel at 1425 Mt. Vernon Rd. shall be changed to Li - Limited Industrial and the requested zoning district change is recommended to be approved. Ordinance 22-58 is recommended for passage and approval by Council.

Sincerely,

David Rhodes  
Newark City Planning Commission Director

Cc: Law Director  
Zoning Inspector  
City Engineer

## **ORDINANCE 23-02**

**BY:** \_\_\_\_\_

### **AN ORDINANCE ENACTING AMENDMENTS TO NEWARK'S SEWER USE AND SEWER CHARGES ORDINANCE (91-59); DIRECTING LIMITED PUBLICATION OF THE SEWER USE AND SEWER CHARGES ORDINANCE.**

**WHEREAS**, it is necessary to amend the Sewer Use and Sewer Charges Ordinances to provide for an increase in the user charges; and,

**WHEREAS**, the Service Committee of the Newark City Council met on the 6<sup>th</sup> day of February, 2023 and voted to forward the amendments in Appendix 1 on to the full Council for its further consideration; and,

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

Section 1: All legislation inconsistent herewith is hereby repealed.

Section 2: As only minor changes to Newark's Sewer Use and Sewer Charges Ordinance are made by this Ordinance and since publication of the entire Sewer Use and Sewer Charges Ordinance, including those sections not amended by this Ordinance, would be prohibitively expensive, the Clerk of Council is hereby authorized to publish this Ordinance by caption.

Section 3: The Sewer Use Charges Appendix I of the Sewer Use Ordinance (91-59) is hereby amended and shall be effective January 1, 2024; Therefore Appendix I: Schedule of Charges and Fees shall read as follows:

## **APPENDIX I**

### **SCHEDULE OF CHARGES AND FEES**

*(Amended by Ordinance 23-XX – Commencing January 1, 2024) (5.5%)*

#### **User Charge**

- |  |                                    |
|--|------------------------------------|
| 1. Administrative Charge<br>Each Account | <b><u>\$8.55/Month/Account</u></b> |
| 2. Commodity Charge                      | <b><u>\$2.16 /100 cu.ft.</u></b>   |



Each account shall be billed monthly for a minimum of 300 cubic feet (3 consumptions) or the actual metered quantity whichever is greater. A deposit shall be required from any person or entity who, establishes a water service account and does not have 12 months of timely paid service. A signup fee shall be required from each new customer. The minimum user charge, for less than a full month of service, shall be:

<u>Service</u>	<u>Minimum Partial Month Chg.</u>
01 to 15 days – no consumption	\$0.00
01 to 15 days – 1 to 3 consumption	Min. Bill
16 to 30 days – Normal Monthly Billing	

## Debt Service Charge

### A. Debt Service Charge

<u>Rate and User Class</u>		<u>Debt Service Charge \$/100 cu.ft.</u>	
		<u>Minimum</u>	<u>Over 3</u>
I	Residential Class	<b>\$0.34</b>	<b>\$1.79</b>
II	Commercial Class	<b>\$3.06</b>	<b>\$3.06</b>
III	Industrial Class	<b>\$1.79</b>	<b>\$1.79</b>
IV	Governmental Class	<b>\$3.06</b>	<b>\$3.06</b>
V	Institutional Class	<b>\$3.06</b>	<b>\$3.06</b>

*Commencing January 1, 2025 (5.0%)*

## User Charge

- Administrative Charge  
Each Account **\$8.97/Month/Account**
- Commodity Charge **\$2.27 /100 cu.ft.**

Each account shall be billed monthly for a minimum of 300 cubic feet (3 consumptions) or the actual metered quantity whichever is greater. A deposit shall be required from any person or entity who, establishes a water service account and does not have 12 months of timely paid service. A signup fee shall be required from each new customer. The minimum user charge, for less than a full month of service, shall be:

<u>Service</u>	<u>Minimum Partial Month Chg.</u>
01 to 15 days – no consumption	\$0.00
01 to 15 days – 1 to 3 consumption	Min Bill
16 to 30 days – Normal Monthly Billing	

### **Debt Service Charge**

<u>Rate and User Class</u>	<u>Debt Service Charge \$/100 cu.ft.</u>	
	<u>Minimum</u>	<u>Over 3</u>
I Residential Class	<b>\$0.35</b>	<b>\$1.88</b>
II Commercial Class	<b>\$3.21</b>	<b>\$3.21</b>
III Industrial Class	<b>\$1.88</b>	<b>\$1.88</b>
IV Governmental Class	<b>\$3.21</b>	<b>\$3.21</b>
V Institutional Class	<b>\$3.21</b>	<b>\$3.21</b>

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*Commencing January 1, 2026 (4.0%)*

### **User Charge**

- Administrative Charge  
Each Account **\$9.33/Month/Account**
- Commodity Charge **2.36 /100 cu.ft.**

Each account shall be billed monthly for a minimum of 300 cubic feet (3 consumptions) or the actual metered quantity whichever is greater. A deposit shall be required from any person or entity who, establishes a water service account and does not have 12 months of timely paid service. A signup fee shall be required from each new customer. The minimum user charge, for less than a full month of service, shall be:

<u>Service</u>	<u>Minimum Partial Month Chg.</u>
01 to 15 days – no consumption	\$0.00
01 to 15 days – 1 to 3 consumption	Min. Bill
16 to 30 days – Normal Monthly Billing	

## Debt Service Charge

Rate and User Class		Debt Service Charge \$/100 cu.ft.	
		<u>Minimum</u>	<u>Over 3</u>
I	Residential Class	<b>\$0.37</b>	<b>\$1.96</b>
II	Commercial Class	<b>\$3.34</b>	<b>\$3.34</b>
III	Industrial Class	<b>\$1.96</b>	<b>\$1.96</b>
IV	Governmental Class	<b>\$3.34</b>	<b>\$3.34</b>
V	Institutional Class	<b>\$3.34</b>	<b>\$3.34</b>

*Commencing January 1, 2027 (2.3%)*

## User Charge

1. Administrative Charge  
Each Account **\$9.55/Month/Account**
2. Commodity Charge **\$2.42 /100 cu.ft.**

Each account shall be billed monthly for a minimum of 300 cubic feet (3 consumptions) or the actual metered quantity whichever is greater. A deposit shall be required from any person or entity who, establishes a water service account and does not have 12 months of timely paid service. A signup fee shall be required from each new customer. The minimum user charge, for less than a full month of service, shall be:

<u>Service</u>	<u>Minimum Partial Month Chg.</u>
01 to 15 days – no consumption	\$0.00
01 to 15 days – 1 to 3 consumption	Min. Bill
16 to 30 days – Normal Monthly Billing	

## Debt Service Charge

Rate and User Class		Debt Service Charge \$/100 cu.ft.	
		<u>Minimum</u>	<u>Over 3</u>
I	Residential Class	<b>\$0.38</b>	<b>\$2.00</b>
II	Commercial Class	<b>\$3.42</b>	<b>\$3.42</b>
III	Industrial Class	<b>\$2.00</b>	<b>\$2.00</b>
IV	Governmental Class	<b>\$3.42</b>	<b>\$3.42</b>
V	Institutional Class	<b>\$3.42</b>	<b>\$3.42</b>

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*Commencing January 1, 2028 (7.0%)*

**User Charge**

1. Administrative Charge  
Each Account **\$10.21/Month/Account**
2. Commodity Charge **\$2.59 /100 cu.ft.**

Each account shall be billed monthly for a minimum of 300 cubic feet (3 consumptions) or the actual metered quantity whichever is greater. A deposit shall be required from any person or entity who, establishes a water service account and does not have 12 months of timely paid service. A signup fee shall be required from each new customer. The minimum user charge, for less than a full month of service, shall be:

<u>Service</u>	<u>Minimum Partial Month Chg.</u>
01 to 15 days – no consumption	\$0.00
01 to 15 days – 1 to 3 consumption	Min. Bill
16 to 30 days – Normal Monthly Billing	

**Debt Service Charge**

<u>Rate and</u>		<u>Debt Service Charge \$/100 cu.ft.</u>	
<u>User Class</u>		<u>Minimum</u>	<u>Over 3</u>
I	Residential Class	<b>\$0.40</b>	<b>\$2.14</b>
II	Commercial Class	<b>\$3.66</b>	<b>\$3.66</b>
III	Industrial Class	<b>\$2.14</b>	<b>\$2.14</b>
IV	Governmental Class	<b>\$3.66</b>	<b>\$3.66</b>
V	Institutional Class	<b>\$3.66</b>	<b>\$3.66</b>

*All Charges to increase by 2.3% for 2029 through the year 2032*

C. Strength Surcharge (*effective July 1, 2016*)

**Strength Surcharge in Dollars per 100 Pounds**

- |   |    |                 |
|---|----|-----------------|
| 1. Suspended Solids .....                         | \$ | 18.74/100 lbs.  |
| 2. Carbonaceous Biochemical Oxygen Demand (CBOD5) |    |                 |
| Level I, < 6000 Pounds per Day .....              | \$ | 18.72/100 lbs.  |
| Level II, 6000 to 18,000 Pounds per Day .....     | \$ | 75.00/100 lbs.  |
| Excess, > 18,000 Pounds per Day.....              | \$ | 150.00/100 lbs. |
| 3. Ammonia/TKN .....                              | \$ | 28.53/100 lbs.  |

D. Industrial Waste Surveillance Charge (*effective July 1, 2016*)

**Industrial Waste Surveillance Charge per month**

Tier I.....	\$	250.00 per month
Tier II.....	\$	500.00 per month

Definitions:

Tier I: Less than 5 days per week sampling

Tier II: 5 days *or more* per week sampling

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 \_\_\_\_\_ 2023.

PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

DATE FILED WITH MAYOR: \_\_\_\_\_

DATE APPROVED BY MAYOR: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

FORM APPROVED: \_\_\_\_\_  
DIRECTOR OF LAW

CITY OF NEWARK, OHIO

ORDINANCE NO. 23-03

TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$1,150,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF CHURCH STREET AREA IMPROVEMENTS AND REPAIR, INCLUDING ELECTRICAL, SIDEWALK, STREET AND STREETScape, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the fiscal officer of the City of Newark has heretofore estimated that the life of the project hereinafter described is at least five (5) years, and certified that the maximum maturity of the bonds issued therefor is twenty (20) years, and of the notes to be issued in anticipation thereof as twenty (20) years; and

WHEREAS, outstanding notes are about to mature.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newark (hereinafter called the "City" or the "Municipality"), Licking County, Ohio:

SECTION 1. That it is necessary to issue bonds in the principal amount of not to exceed \$1,150,000 for the purpose of paying the cost of Church Street Area improvements and repair, including electrical, sidewalk, street and streetscape, and all necessary appurtenances thereto. Said bonds shall be dated approximately March 1, 2024, shall bear interest at the rate now estimated at five per centum (5.00%) per annum and shall mature in substantially equal annual or semiannual installments over a period not exceeding twenty (20) years after their issuance.

SECTION 2. That it is hereby determined that renewal notes (hereinafter called the "Notes") in the principal amount of not to exceed \$1,150,000 shall be issued in anticipation of the issuance of said bonds.

SECTION 3. That the Notes shall be dated their date of issuance, shall bear interest at a rate of interest not to exceed five per centum (5.00%) per annum, without further action of this Council, to be evidenced by the execution and delivery of the Notes as herein provided, payable at maturity, and until the principal sum is paid, shall mature within one (1) year of their dated date, and shall be of the denominations of \$100,000 and integral multiples thereof, with one Note in the denomination of \$50,000 plus an otherwise authorized denomination; and shall be sold only to sophisticated investors.

SECTION 4. That for purposes of this ordinance, the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the notes may be transferred only through a book entry, and (ii) physical note certificates in fully registered form are issued only to the Depository or its nominee as registered owner, with the notes "immobilized" to the custody of the Depository, and the book entry maintained by others than this Council is the record that identifies the owners of beneficial interests in those notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its Participants or otherwise, a book entry system to record ownership of beneficial interests in notes or principal and interest, and to effect transfers of notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

"Ordinance" means this ordinance.

All or any portion of the notes may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply to such notes, notwithstanding any other provision of this Ordinance. If and as long as a book entry system is utilized with respect to any of such notes: (i) there shall be a single note of each maturity; (ii) those notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners of notes in book entry form shall have no right to receive notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (v) the notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by this Council. Debt service charges on notes in book entry form registered in the name of a Depository or its nominee shall be payable in the manner provided in this Council's agreement with the Depository to the Depository or its authorized representative (i) in the case of interest, on each interest payment date, and (ii) in all other cases, upon presentation and surrender of notes as provided in this Ordinance.

The paying agent and registrar (the "Paying Agent and Registrar") may, with the approval of this Council, enter into an agreement with the beneficial owner or registered owner of any note in the custody of a Depository providing for making all payments to that owner of principal and interest on that note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this Ordinance, without prior presentation or surrender of the note, upon any conditions which shall be satisfactory to the Paying Agent and Registrar and to this Council. That payment in any event shall be made to the person who is the registered owner of that note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Paying Agent and Registrar shall furnish a copy of each of those agreements, certified to be correct by the Paying Agent and Registrar, to any other paying agents for the notes and to this Council. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor is authorized and directed without further action of this Council to execute, acknowledge and deliver, in the name of and on behalf of this Council, a blanket letter agreement between this Council and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the notes to the Depository for use in a book entry system, and to take all other actions the City Auditor deems appropriate in issuing the notes under a book entry system.

If any Depository determines not to continue to act as Depository for the notes for use in a book entry system, this Council and the Paying Agent and Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this Ordinance. If this Council and the Paying Agent and Registrar do not or are unable to do so, this Council and the Paying Agent and Registrar, after the Paying Agent and Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the notes from the Depository and authenticate and deliver note certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive notes), if the event is not the result of action or inaction by this Council or the Paying Agent and Registrar, of those persons requesting such issuance.

SECTION 5. That the Notes shall be executed by the Mayor and City Auditor, provided that one of such signatures may be a facsimile signature, and may bear the seal of the Municipality. The Notes shall be designated "Church Street Area Improvement Bond Anticipation Notes" and shall be payable at the office of a financial institution approved by the City Auditor and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of this Ordinance and the City Charter.

SECTION 6. That the Notes shall be sold by the City Auditor to Northland Securities, Powell, Ohio, such sale to be made at not less than par and accrued interest. The City Auditor is authorized to execute a certificate awarding the notes with terms conforming to the terms of this Ordinance. The proceeds from such sale, except any premium or accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said proceeds are hereby appropriated. Any premium and accrued interest received by the City shall be transferred to the bond retirement fund to be applied to the payment of principal and interest of the Notes in the manner provided by law.

SECTION 7. That the Notes shall be the full general obligations of the Municipality, and the full faith, credit and revenue of the Municipality are hereby pledged for the prompt payment of the same. The par value received from the sale of bonds anticipated by the Notes, and any excess fund resulting from the issuance of the Notes, shall to the extent necessary be used only for the retirement of the Notes at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 8. That during the period while the Notes run there shall be levied upon all of the taxable property in the Municipality within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if bonds had been issued without the prior issue of the Notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes, or the bonds in anticipation of which they are issued, when and as the same fall due; provided, however, that if bonds or renewal notes are authorized and issued, or available revenues of the City are appropriated and applied to the payment of the Notes (the anticipated repayment revenues), to that extent, said tax need not be levied.

SECTION 9. That this Council, for and on behalf of the City of Newark, hereby covenants that it will restrict the use of the proceeds of the Notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder. The City Auditor or any other officer having responsibility with respect to the issuance of the Notes is authorized and directed to give an appropriate certificate on behalf of the Municipality, on the date of delivery of the Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 regulations thereunder.

The Notes are hereby deemed designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

SECTION 10. That the Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

SECTION 11. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.



SECTION 12. That this Ordinance is hereby declared to be an emergency measure for the preservation of the public peace, health, safety and welfare of the inhabitants of the City to promptly proceed with renewal of outstanding notes, therefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

PASSED: February \_\_\_\_\_, 2023

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of Council

Date filed with Mayor: \_\_\_\_\_

Date approved by Mayor: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Form Approved: \_\_\_\_\_  
Director of Law

*Prepared By: Dinsmore & Shohl LLP*

28188006

CERTIFICATE

The undersigned hereby certifies the foregoing to be a true and correct copy of Ordinance  
No. \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE

I hereby certify that a copy of the foregoing Ordinance was filed with the County  
Auditor, County of Licking, Ohio, on February \_\_\_\_\_, 2023.

\_\_\_\_\_  
Clerk of Council

RECEIPT

The undersigned hereby acknowledges receipt of a copy of the foregoing ordinance.

\_\_\_\_\_  
County Auditor  
Licking County, Ohio

Dated: February \_\_\_\_\_, 2023

28703006

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Newark, Ohio, met in regular session, at \_\_\_\_\_ p.m., on the \_\_\_\_\_ day of February, 2023, at \_\_\_\_\_, Newark, Ohio, with the following members present:

There was presented and read to Council Ordinance No. \_\_\_\_\_, entitled:

TO PROVIDE FOR THE ISSUANCE OF NOT TO EXCEED \$1,150,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF CHURCH STREET AREA IMPROVEMENTS AND REPAIR, INCLUDING ELECTRICAL, SIDEWALK, STREET AND STREETScape, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

\_\_\_\_\_ moved to suspend the rule requiring an ordinance or resolution of a general or permanent nature to be read on three different days.

\_\_\_\_\_ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

AYES:

NAYS:

\_\_\_\_\_ then moved that Ordinance No. \_\_\_\_\_ be passed as read.

\_\_\_\_\_ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

AYES:

NAYS:

The ordinance was declared passed February \_\_\_\_\_, 2023.

CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of said City, held on the \_\_\_\_\_ day of February, 2023, to the extent pertinent to consideration and passage of the above-entitled legislation.

\_\_\_\_\_  
Clerk of Council

RESTATED CERTIFICATE AS TO MAXIMUM MATURITY OF  
BONDS AND BOND ANTICIPATION NOTES

The undersigned, being the fiscal officer of the City of Newark, Ohio, within the meaning of Section 133.01 of the Revised Code of Ohio, hereby certifies that the estimated life of the improvements financed with the proceeds of the sale of not to exceed \$1,150,000 of notes, for the purpose of paying the cost of Church Street Area improvements and repair, including electrical, sidewalk, street and streetscape, and all necessary appurtenances thereto; and that the maximum maturity of said bonds in anticipation of which the notes are issued, in accordance with Section 133.20 of the Revised Code of Ohio, is not less than 20 years, which is my estimate of the useful life of the improvements, and the maximum maturity of notes issued in anticipation thereof is twenty (20) years.

IN WITNESS WHEREOF, I have hereunto set my hand, this \_\_\_\_\_ day of February, 2023.

\_\_\_\_\_  
City Auditor

CERTIFICATE OF MEMBERSHIP

The undersigned, City Auditor of the City of Newark, Ohio, hereby certifies that the following were the officers and members of Council during the period proceedings were taken authorizing the issuance of not to exceed \$1,150,000 Church Street Area Improvement Bond

Anticipation Notes:

(Please Type Names Here)

Mayor	_____
City Auditor	_____
Treasurer	_____
Director of Safety	_____
Director of Public Service	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Director of Law	_____

\_\_\_\_\_  
City Auditor

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified obligations.

\_\_\_\_\_  
Clerk of Council

CITY OF NEWARK, OHIO

ORDINANCE NO. 23-04

TO PROVIDE FOR THE ISSUANCE OF \$460,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE CITY'S COST FOR HORNS HILL ROAD SANITARY SEWER PROJECT IMPROVEMENTS, AND DECLARING AN EMERGENCY.

WHEREAS, the Fiscal Officer of the City of Newark has heretofore estimated that the life of the project hereinafter described is at least five (5) years, and certified that the maximum maturity of the bonds issued therefore is twenty (20) years, and of the notes to be issued in anticipation thereof as twenty (20) years.

WHEREAS, outstanding bond anticipation notes in the principal amount of \$460,000 are about to mature and shall be renewed in a reduced amount.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newark (hereinafter called the "City"), Licking County, Ohio:

SECTION 1. That it is necessary to issue bonds of the City in the principal amount of not to exceed \$460,000 for the purpose of paying a portion of the City's cost, and a portion of the property owners' cost in anticipation of the levy and collection of special assessments for Horns Hill Road Sanitary Sewer Project improvements. Said bonds shall be dated approximately March 1, 2024, shall bear interest at the rate now estimated at five per centum (5%) per annum and shall mature in substantially equal annual or semiannual installments over a period not exceeding twenty (20) years after their issuance.

SECTION 2. That it is hereby determined that notes (hereinafter called the "Notes") in the principal amount of not to exceed \$460,000 shall be issued in anticipation of the issuance of said bonds.

SECTION 3. That the Notes shall be dated their date of issuance, shall bear interest at a rate of interest not to exceed five per centum (5.00%) per annum, without further action of this Council, to be evidenced by the execution and delivery of the Notes as herein provided, payable at maturity, and until the principal sum is paid, shall mature within one year of their dated date, and shall be of the such number and denomination as may be requested by the purchaser, provided all Notes shall be issued in minimum denominations of at least \$100,000 or integral multiples thereof, with one note in the denomination of \$60,000 plus an otherwise authorized denomination, and shall be sold only to sophisticated investors.

SECTION 4. That the Notes shall be executed by the Mayor and the City Auditor, provided that such signatures may be facsimile signatures, and may bear the seal of the City. The Notes shall be designated "Horns Hill Road Sanitary Sewer Project Improvement Bond Anticipation Notes" and shall be payable at the office of a financial institution approved by the City Auditor and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of this ordinance and the City Charter. The Notes may be issued under a book entry only system. That for purposes of this ordinance, the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book entry, and (ii) physical note certificates in fully registered form are issued only to the Depository or its nominee as registered owner, with the Notes "immobilized" to the custody of the Depository, and the book entry maintained by others than this Council is the record that identifies the owners of beneficial interests in those Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Notes or principal and interest, and to effect transfers

of Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

"Ordinance" means this ordinance.

All or any portion of the Notes may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply to such Notes, notwithstanding any other provision of this Ordinance. If and as long as a book entry system is utilized with respect to any of such Notes: (i) there shall be a single Note of each maturity; (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners of Notes in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by this Council. Debt service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in the manner provided in this Council's agreement with the Depository to the Depository or its authorized representative (i) in the case of interest, on each interest payment date, and (ii) in all other cases, upon presentation and surrender of Notes as provided in this Ordinance.

The paying agent and registrar (the "Paying Agent and Registrar") may, with the approval of this Council, enter into an agreement with the beneficial owner or registered owner of any Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this Ordinance, without prior presentation or surrender of the Note, upon any conditions which shall be satisfactory to the Paying Agent and Registrar and to this Council. That payment in any event shall be made to the person who is the registered owner of that Note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Paying Agent and Registrar shall furnish a copy of each of those agreements, certified to be correct by the Paying Agent and Registrar, to any other paying agents for the Notes and to this Council. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor is authorized and directed without further action of this Council to execute, acknowledge and deliver, in the name of and on behalf of this Council, a blanket letter agreement between this Council and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Notes to the Depository for use in a book entry system, and to take all other actions the City Auditor deems appropriate in issuing the Notes under a book entry system.

If any Depository determines not to continue to act as Depository for the Notes for use in a book entry system, this Council and the Paying Agent and Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this Ordinance. If this Council and the Paying Agent and Registrar do not or are unable to do so, this Council and the Paying Agent and Registrar, after the Paying Agent and Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Notes from the Depository and authenticate and deliver Note certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Notes), if the event is not the result of action or inaction by this Council or the Paying Agent and Registrar, of those persons requesting such issuance.

SECTION 5. That the Notes shall be executed by the Mayor and City Auditor, provided that one of such signatures may be a facsimile signature, and may bear the seal of the City. The Notes shall be designated "Horns Hill Road Sanitary Sewer Project Improvement Bond Anticipation Notes" and shall be payable at the office of a financial institution approved by the City Auditor and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of this Ordinance and the City Charter.

SECTION 6. That the Notes shall be sold by the City Auditor to the original purchaser as evidenced by the execution of a Certificate of Award (the "Certificate of Award") which the City Auditor is hereby authorized to sign on behalf of the City, such sale to be made at not less than par and accrued interest. The Certificate of Award shall state the interest rate and the dated date for the Notes. The proceeds from such sale, except any premium or accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said proceeds are hereby appropriated. Any premium and accrued interest received by the City shall be transferred to the bond retirement fund to be applied to the payment of principal and interest of the Notes in the manner provided by law.

SECTION 7. That the Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value received from the sale of bonds anticipated by the Notes, and any excess fund resulting from the issuance of the Notes, shall to the extent necessary be used only for the retirement of the Notes at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 8. That during the period while the Notes run there shall be levied upon all of the taxable property in the City within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if bonds had been issued without the prior issue of the Notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes, or the bonds in anticipation of which they are issued, when and as the same fall due; provided, however, that if bonds or renewal Notes are authorized and issued, or surplus City revenues are appropriated and applied to the payment of the Notes (the anticipated repayment revenues), to that extent, said tax need not be levied.

SECTION 9. That this Council, for and on behalf of the City of Newark, hereby covenants that it will restrict the use of the proceeds of the Notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder. The City Auditor or any other officer having responsibility with respect to the issuance of the Notes is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of the Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 regulations thereunder.

The Notes are hereby deemed designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

SECTION 10. That the Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

SECTION 11. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.



SECTION 12. That this Ordinance is hereby declared to be an emergency measure for the preservation of the public peace, health, safety and welfare of the inhabitants of the City to provide for timely payment of outstanding notes, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

PASSED: February \_\_\_\_\_, 2023

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of Council

Date filed with Mayor: \_\_\_\_\_

Date approved by Mayor: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Form Approved: \_\_\_\_\_  
Director of Law

28108006

CERTIFICATE

The undersigned hereby certifies the foregoing to be a true and correct copy of Ordinance  
No. \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE

I hereby certify that a copy of the foregoing Ordinance was filed with the County  
Auditor, County of Licking, Ohio, on February \_\_\_\_, 2023.

\_\_\_\_\_  
Clerk of Council

RECEIPT

The undersigned hereby acknowledges receipt of a copy of the foregoing ordinance.

\_\_\_\_\_  
County Auditor  
Licking County, Ohio

Dated: February \_\_\_\_, 2023

28108006

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Newark, Ohio, met in regular session, at \_\_\_\_\_ p.m., on the \_\_\_\_\_ day of February, 2023, at \_\_\_\_\_, Newark, Ohio, with the following members present:

There was presented and read to Council Ordinance No. \_\_\_\_\_, entitled:

TO PROVIDE FOR THE ISSUANCE OF \$460,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE CITY'S COST FOR HORNS HILL ROAD SANITARY SEWER PROJECT IMPROVEMENTS, AND DECLARING AN EMERGENCY.

\_\_\_\_\_ moved to suspend the rule requiring each ordinance or resolution to be read on three different days. \_\_\_\_\_ seconded the motion and, the roll being called upon the question, the votes resulted as follows:

AYES:

NAYS:

\_\_\_\_\_ then moved that Ordinance No. \_\_\_\_\_ be passed. \_\_\_\_\_ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

AYES:

NAYS:

The ordinance was declared passed February \_\_\_\_\_, 2023.

CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the foregoing is a true and correct extract from the minutes of the meetings of the Council of said City, held on the \_\_\_\_\_ day of February, 2023, to the extent pertinent to consideration and passage of the above-entitled legislation.

\_\_\_\_\_  
Clerk of Council

RESTATED CERTIFICATE AS TO MAXIMUM MATURITY OF  
BONDS AND BOND ANTICIPATION NOTES

The undersigned, being the City Auditor of the City of Newark, Ohio, hereby certifies that the life of the proposed Horns Hill Road Sanitary Sewer Project Improvements is at least five (5) years and that estimated life of the improvements financed with the proceeds of the sale of not to exceed \$460,000 of notes, for the purpose of paying a portion of the City's cost for Horns Hill Road Sanitary Sewer Project improvements, is at least twenty (20) years and that the maximum maturity of bonds issued for said purpose, in accordance with Section 133.20 of the Ohio Revised Code, is twenty (20) years and the maximum maturity of notes issued in anticipation thereof is twenty (20) years.

IN WITNESS THEREOF, I have hereunto set my hand this \_\_\_\_\_ day of February, 2023.

\_\_\_\_\_  
City Auditor

CERTIFICATE OF MEMBERSHIP

The undersigned, City Auditor of the City of Newark, Ohio, hereby certifies that the following were the officers and members of Council during the period proceedings were taken authorizing the issuance of not to exceed \$460,000 Horns Hill Road Sanitary Sewer Project Improvement Bond Anticipation Notes:

(Please Type Names Here)

Mayor	_____
City Auditor	_____
Treasurer	_____
Director of Safety	_____
Director of Public Service	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Director of Law	_____

\_\_\_\_\_  
City Auditor

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified obligations.

\_\_\_\_\_  
Clerk of Council

CITY OF NEWARK, OHIO

ORDINANCE NO. 23-05

TO PROVIDE FOR THE ISSUANCE OF \$510,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTION OF THE STREAMBANK PROTECTION PROJECT, INCLUDING REPLACEMENT OF THE SHEET PILE DAM ON RACCOON CREEK, SITE PREPARATION AND ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

WHEREAS, the Fiscal Officer of the City of Newark has heretofore estimated that the life of the project hereinafter described is at least five (5) years, and certified that the maximum maturity of the bonds issued therefore is twenty (20) years, and of the notes to be issued in anticipation thereof as fifteen (15) years; and

WHEREAS, outstanding notes are about to mature.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newark (hereinafter called the "Municipality"), Licking County, Ohio, a majority of the members elected thereto concurring:

SECTION 1. That it is necessary to issue bonds of the Municipality in the principal amount of not to exceed \$510,000 for the purpose of paying the cost of construction of the Streambank Protection Project, including replacement of the sheet pile dam on Raccoon Creek, site preparation and all necessary appurtenances, including costs of issuance. Said bonds shall be dated approximately March 1, 2024, shall bear interest at the rate now estimated at five per centum (5%) per annum and shall mature in substantially equal annual or semiannual installments over a period not exceeding twenty (20) years after their issuance.

SECTION 2. That it is hereby determined that notes (hereinafter called the "Notes") in the principal amount of not to exceed \$510,000 shall be issued in anticipation of the issuance of said bonds.

SECTION 3. That the Notes shall be dated their date of issuance, shall bear interest at a rate of interest not to exceed five per centum (5.00%) per annum, without further action of this Council, to be evidenced by the execution and delivery of the Notes as herein provided, payable at maturity, and until the principal sum is paid, shall mature not more than one year from date of issuance, and shall be of the such number and denomination as may be requested by the purchaser, provided all Notes shall be issued in denominations of \$100,000 or integral multiples thereof, with one note in the denomination of \$10,000 plus an otherwise authorized denomination and shall be sold only to sophisticated investors.

SECTION 4. That the Notes shall be executed by the Mayor and the City Auditor, provided that such signatures may be facsimile signatures, and may bear the seal of the Municipality. The Notes shall be designated "Streambank Protection Project Bond Anticipation Notes" and shall be payable at the office of a financial institution approved by the City Auditor and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of this ordinance and the City Charter. The Notes may be issued under a book entry only system. That for purposes of this ordinance, the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book entry, and (ii) physical note certificates in fully registered form are issued only to the Depository or its nominee as registered owner, with the Notes "immobilized" to the custody of the Depository, and the book entry maintained by others than this Council is the record that identifies the owners of beneficial interests in those Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Notes or principal and interest, and to effect transfers of Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

"Ordinance" means this ordinance.

All or any portion of the Notes may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply to such Notes, notwithstanding any other provision of this Ordinance. If and as long as a book entry system is utilized with respect to any of such Notes: (i) there shall be a single Note of each maturity; (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners of Notes in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by this Council. Debt service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in the manner provided in this Council's agreement with the Depository to the Depository or its authorized representative (i) in the case of interest, on each interest payment date, and (ii) in all other cases, upon presentation and surrender of Notes as provided in this Ordinance.

The paying agent and registrar (the "Paying Agent and Registrar") may, with the approval of this Council, enter into an agreement with the beneficial owner or registered owner of any Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this Ordinance, without prior presentation or surrender of the Note, upon any conditions which shall be satisfactory to the Paying Agent and Registrar and to this Council. That payment in any event shall be made to the person who is the registered owner of that Note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Paying Agent and Registrar shall furnish a copy of each of those agreements, certified to be correct by the Paying Agent and Registrar, to any other paying agents for the Notes and to this Council. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor is authorized and directed without further action of this Council to execute, acknowledge and deliver, in the name of and on behalf of this Council, a blanket letter agreement between this Council and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Notes to the Depository for use in a book entry system, and to take all other actions the City Auditor deems appropriate in issuing the Notes under a book entry system.

If any Depository determines not to continue to act as Depository for the Notes for use in a book entry system, this Council and the Paying Agent and Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this Ordinance. If this Council and the Paying Agent and Registrar do not or are unable to do so, this Council and the Paying Agent and Registrar, after the Paying Agent and Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Notes from the Depository and authenticate and deliver Note certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Notes), if the event is not the result of action or inaction by this Council or the Paying Agent and Registrar, of those persons requesting such issuance.

SECTION 5. That the Notes shall be executed by the Mayor and City Auditor, provided that one of such signatures may be a facsimile signature, and may bear the seal of the Municipality. The Notes shall be payable at the office of a financial institution approved by the City Auditor and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of this Ordinance and the City Charter.

SECTION 6. That the Notes shall be sold by the City Auditor to Northland Securities as evidenced by the execution of a Certificate of Award (the "Certificate of Award"), which the City Auditor is hereby authorized to sign on behalf of the City, such sale to be made at not less than par and accrued interest. The Certificate of Award shall state the interest rate and the dated date for the Notes. The proceeds from such sale, except any premium or accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said proceeds are hereby appropriated. Any premium and accrued interest received by the City shall be transferred to the bond retirement fund to be applied to the payment of principal and interest of the Notes in the manner provided by law.

SECTION 7. That the Notes shall be the full general obligations of the Municipality, and the full faith, credit and revenue of the Municipality are hereby pledged for the prompt payment of the same. The par value received from the sale of bonds anticipated by the Notes, and any excess funds resulting from the issuance of the Notes, shall to the extent necessary be used only for the retirement of the Notes at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 8. That during the period while the Notes run there shall be levied upon all of the taxable property in the Municipality within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if bonds had been issued without the prior issue of the Notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes, or the bonds in anticipation of which they are issued, when and as the same fall due; provided, however, that if bonds or renewal Notes are authorized and issued, or surplus City revenues are appropriated and applied to the payment of the Notes (the anticipated repayment revenues), to that extent, said tax need not be levied.

SECTION 9. That this Council, for and on behalf of the City of Newark, hereby covenants that it will restrict the use of the proceeds of the Notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder. The City Auditor or any other officer having responsibility with respect to the issuance of the Notes is authorized and directed to give an appropriate certificate on behalf of the Municipality, on the date of delivery of the Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 regulations thereunder.

The Notes are hereby deemed designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

SECTION 10. That the Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

SECTION 11. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.



SECTION 12. That this ordinance is hereby declared to be an emergency measure for the presentation of the public peace, health, safety and welfare of the inhabitants of the City to promptly construct the improvements. Therefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

PASSED: February \_\_\_\_\_, 2023

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of Council

Date filed with Mayor: \_\_\_\_\_

Date approved by Mayor: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Form Approved: \_\_\_\_\_  
Director of Law

28105006

CERTIFICATE

The undersigned hereby certifies the foregoing to be a true and correct copy of Ordinance  
No. \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE

I hereby certify that a copy of the foregoing Ordinance was filed with the County  
Auditor, County of Licking, Ohio, on February \_\_\_\_\_, 2023.

\_\_\_\_\_  
Clerk of Council

RECEIPT

The undersigned hereby acknowledges receipt of a copy of the foregoing ordinance.

\_\_\_\_\_  
County Auditor  
Licking County, Ohio

Dated: February \_\_\_\_\_, 2023

28108006

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Newark, Ohio, met in regular session, at \_\_\_\_\_ p.m., on the \_\_\_\_\_ day of February, 2023, at \_\_\_\_\_, Newark, Ohio, with the following members present:

There was presented and read to Council Ordinance No. \_\_\_\_\_, entitled:

TO PROVIDE FOR THE ISSUANCE OF \$510,000 OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTION OF THE STREAMBANK PROTECTION PROJECT, INCLUDING REPLACEMENT OF THE SHEET PILE DAM ON RACCOON CREEK, SITE PREPARATION AND ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

\_\_\_\_\_ moved to suspend the rule requiring each ordinance or resolution to be read on three different days. \_\_\_\_\_ seconded the motion and, the roll being called upon the question, the votes resulted as follows:

AYES:

NAYS:

\_\_\_\_\_ then moved that Ordinance No. \_\_\_\_\_ be passed. \_\_\_\_\_ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

AYES:

NAYS:

The ordinance was declared passed February \_\_\_\_\_, 2023.

CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the foregoing is a true and correct extract from the minutes of the meetings of the Council of said City, held on the \_\_\_\_\_ day of February, 2023, to the extent pertinent to consideration and passage of the above-entitled legislation.

\_\_\_\_\_  
Clerk of Council

28108006

RESTATED CERTIFICATE AS TO MAXIMUM MATURITY OF  
BONDS AND BOND ANTICIPATION NOTES

The undersigned, being the City Auditor of the City of Newark, Ohio, hereby certifies that the life of the proposed project is at least five (5) years and that estimated life of the improvements financed with the proceeds of the sale of not to exceed \$510,000 of notes, for the purpose of paying the cost of construction of the Streambank Protection Project, including replacement of the sheet pile dam on Raccoon Creek, site preparation and all necessary appurtenances, including costs of issuance, is at least twenty (20) years and that the maximum maturity of bonds issued for said purpose, in accordance with Section 133.20 of the Ohio Revised Code, is twenty (20) years and the maximum maturity of notes issued in anticipation thereof is fifteen (15) years.

IN WITNESS THEREOF, I have hereunto set my hand this \_\_\_\_\_ day of February, 2023.

\_\_\_\_\_  
City Auditor

CERTIFICATE OF MEMBERSHIP

The undersigned, City Auditor of the City of Newark, Ohio, hereby certifies that the following were the officers and members of council during the period proceedings were taken authorizing the issuance of not to exceed \$510,000 Streambank Protection Project Bond

Anticipation Notes:

(Please Type Names Here)

Mayor	_____
City Auditor	_____
Treasurer	_____
Director of Safety	_____
Director of Public Service	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Director of Law	_____

\_\_\_\_\_  
City Auditor

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified obligations.

\_\_\_\_\_  
Clerk of Council

CITY OF NEWARK, OHIO

ORDINANCE NO. 23-06

AN ORDINANCE CONSOLIDATING THREE BOND  
ANTICIPATION NOTE ISSUES OF THE CITY OF  
NEWARK, OHIO AND DECLARING AN EMERGENCY

WHEREAS, this Council of the City of Newark, Ohio has passed three Ordinances (collectively, the "Note Ordinances"), which authorized three bond anticipation note issues in an aggregate principal amount of \$2,120,000 (collectively, the "Notes") as follows: (1) \$1,150,000 Church Street Area Improvement Bond Anticipation Notes; (2) \$460,000 Horns Hill Road Sanitary Sewer Project Improvement Bond Anticipation Notes; and (3) \$510,000 Streambank Protection Project Bond Anticipation Notes; and

WHEREAS, this Council desires to consolidate the three issues of Notes into a single bond anticipation note issue to achieve certain cost savings;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newark (hereinafter called the "City"), County of Licking, Ohio, two-thirds of the members elected thereto concurring:

SECTION 1. That, pursuant to the provisions of Section 133.30 of the Ohio Revised Code (the "Revised Code"), the three separate issues of Notes shall be consolidated into a single issue, which shall be known as "Various Purpose General Obligation Bond Anticipation Notes, Series 2023" (the "2023 Notes").

SECTION 2. That the 2023 Notes shall be issued in said maximum principal sum of \$2,120,000 for the above-described purposes under authority of the general laws of the State of Ohio, particularly the Uniform Public Securities Law of the Revised Code. The provisions of the Note Ordinances are incorporated herein by reference. The 2023 Notes shall be issued in authorized denominations of \$100,000, with one note in the denomination of \$20,000 plus an otherwise authorized denomination, and shall be sold only to sophisticated investors.

SECTION 3. That the proceeds of the sale of the 2023 Notes shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code, to the respective purposes and funds in accordance with the amounts of each of the issues of Notes authorized by the appropriate Note Ordinance.

SECTION 4. The City covenants that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on the 2023 Notes under Section 103(a) of the Internal Revenue Code of 1986, as amended (the "Code"). The City will not directly or indirectly use or permit the use of any proceeds of the 2023 Notes or any other funds of the City, or take or omit to take any action that would cause the 2023 Notes to be "arbitrage bonds" within the meaning of Sections 103(b)(2) and 148 of the Code. To that end, the City will comply with all requirements of Sections 103(b)(2) and 148 of the Code to the extent applicable to the 2023 Notes. In the event that at any time the City is of the opinion that for purposes of this Section 4 it is necessary to restrict or limit the yield on the investment of any moneys, the City shall take such action as may be necessary. The Council of the City, or any other officer having responsibility with respect to the issuance of the 2023 Notes, is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of said 2023 Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder, and to execute and deliver on behalf of the City an IRS Form 8038-G in connection with the issuance of the 2023 Notes.

The 2023 Notes are hereby deemed designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

SECTION 5. That the Clerk of Council is hereby directed to forward a copy of this ordinance and the Note Ordinances to the County Auditor.

SECTION 6. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 7. That this Ordinance is declared to be an emergency measure for the preservation of the public peace, health, safety and welfare of the inhabitants of the City, in order to timely pay outstanding notes. Therefore, this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

PASSED February \_\_\_\_, 2023

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of Council

Date filed with Mayor: \_\_\_\_\_

Date approved by Mayor: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Form Approved: \_\_\_\_\_  
Director of Law

*Prepared By: Dinsmore & Shohl LLP*

28708206

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified this day to the County Auditor.

\_\_\_\_\_  
Clerk of Council

Dated: February \_\_\_\_, 2023

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing ordinance.

\_\_\_\_\_  
County Auditor  
Licking County, Ohio

Dated: February \_\_\_\_, 2023

28108006



EXTRACT FROM MINUTES OF MEETING

The Council of the City of Newark, Ohio, met in regular session at \_\_\_\_\_ p.m. on the \_\_\_\_\_ day of February, 2023, at \_\_\_\_\_, Newark, Ohio with the following members present:

There was presented and read to Council Ordinance No. \_\_\_\_\_, entitled:

AN ORDINANCE CONSOLIDATING THREE BOND  
ANTICIPATION NOTE ISSUES OF THE CITY OF  
NEWARK, OHIO AND DECLARING AN EMERGENCY

\_\_\_\_\_ moved to suspend the rule requiring each ordinance or resolution to be read on different days. \_\_\_\_\_ seconded the motion and, the roll being called on the question, the vote resulted as follows:

AYES:

NAYS:

\_\_\_\_\_ then moved that Ordinance No. \_\_\_\_\_ be adopted. \_\_\_\_\_ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

AYES:

NAYS:

The Ordinance was declared passed February \_\_\_\_\_, 2023.

CERTIFICATE

The undersigned, Clerk of Council, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of said City, held on the \_\_\_\_\_ day of February, 2023, to the extent pertinent to consideration and adoption of the above-entitled legislation.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE OF MEMBERSHIP

The undersigned, City Auditor of the City of Newark, County of Licking, Ohio, hereby certifies that the following were the officers and members of Council during the period proceedings were taken authorizing the issuance of \$2,120,000 Various Purpose General Obligation Bond Anticipation Notes:

(Please Type Names Here)

Mayor	_____
City Auditor	_____
Treasurer	_____
Director of Safety	_____
Director of Public Service	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Member of Council	_____
Director of Law	_____

\_\_\_\_\_  
City Auditor

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said Municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified Obligation.

\_\_\_\_\_  
Clerk of Council

RESOLUTION NO. 23-12

BY: \_\_\_\_\_

**A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR REMITTANCE OF FUNDS, FOR LEASING CITY-OWNED PROPERTY TO OTHERS TO USE FOR AGRICULTURAL PURPOSES.**

**WHEREAS**, the Division of Water and Wastewater wishes to lease property to others for agricultural purposes for a three year period; and,

**WHEREAS**, the Service Committee considered and authorized the submittal of this legislation during its February 6, 2023 meeting; and,

**WHEREAS**, a farm rental agreement has been developed and is on file in the Water Office:

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

Section 1: The Director of Public Service is hereby authorized and directed to advertise for bids and enter into contract for remittance of funds for leasing City-owned property to others to use for agricultural purposes.

Section 2: This Resolution shall come into full force and effect at the earliest opportunity allowable by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_ 2023

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

DATE FILED WITH MAYOR: \_\_\_\_\_

DATE APPROVED BY MAYOR: \_\_\_\_\_

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MAYOR

FORM APPROVED:

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DIRECTOR OF LAW

Prepared by the Division of Water and Wastewater

Resolution No.23-14

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 623 Water Projects Fund, in the amount of \$3,250,000.00 (Grant Funds for East Side Transmission Line)

623.706.5521.603	Water Lines	3,250,000.00
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This resolution is a measure providing for an appropriation for current expenses of the municipal corporation; it shall go into effect pursuant to Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

President of Council \_\_\_\_\_

Attest Clerk of Council \_\_\_\_\_

Date filed with Mayor \_\_\_\_\_

Date approved by Mayor \_\_\_\_\_

Mayor \_\_\_\_\_

Approved as to form Director of Law \_\_\_\_\_, \_\_\_\_\_

Resolution No.23-16 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 a disappropriation of the appropriated balance of the 231 Probation Grant Fund, in the amount of \$10,000.00 (The Moral Recognition Therapy was discontinued. Paying probation Officer Instructors OT is no longer necessary)

231.113.5118	ISP Grant Overtime	10,000.00
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Section 2. There is hereby an appropriation of the unappropriated balance of the 231 Probation Grant Fund, in the amount of \$10,000.00 (ODRC approved a budget revision on 2/1/23. It was determined there was an excess amount of money in the Overtime line item. All excess money will be forwarded to the Woodlands for the Batterer's Intervention Program)

231.113.5238	Services General	10,000.00
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Section 3. There is hereby an appropriation of the unappropriated balance of the 231 Probation Grant Fund, in the amount of \$27,974.00 ( ODRC approved a budget revision in 2/1/23. It was determined there was an excess amount of money in the budget for Workers Comp., Overtime and Health Insurance. All excess money will be forwarded to the Woodlands for the Battered Intervention Program)

231.113.5238	Services General	27,974.00
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Section 4. There is hereby an appropriation of the unappropriated balance of the 234 Brownfield Cleanup Fund, in the amount of \$277,401.00 (New Brownfield Remediation Program Grant)

234.149.5238	Services General	277,401.00
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Section 5. There is hereby an appropriation of the unappropriated balance of the 100 General Fund, in the amount of \$90,761.41 (Conforming Boundaries Granville Township)

100.121.5289.3	Other Gov't, Granville	Inter/Intra Billings	90,761.41
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Section 6. There is hereby a disappropriation of the appropriated balance of the 665 CSO/Sewer Projects Fund, in the amount of \$111,000.00 (Additional money not needed for note as paying down from debt fund)

665.760.5411	Note	111,000.00
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Section 7. There is hereby an appropriation of the unappropriated balance of the 665 CSO/Sewer Projects Fund, in the amount of \$19,824.63 (Completed projects - move remaining money to debt paying fund)

665.755.5901621	OPT	5811.00
665.760.5901661	OPT	8,745.53
665.761.5901623	OPT	5,268.10

Section 8. There is hereby an appropriation of the unappropriated balance of the 930 JEDD Fund, in the amount of \$30,000.00 (5289-Additional funds needed for JEDD distributions agreement)(5611-Additional funds needed for JEDD Income tax refunds)

930.134.5289	Other Inter/Intra Gov't. Billings	29,300.00
930.134.5611	Refunds	700.00

Section 9. There is hereby an appropriation of the unappropriated balance of the 231 Probation Grant Fund, in the amount of \$8,188.56 (Health Insurance Cost for Probation Officer Ashley Weaver)

231.236.5124	Health Insurance	8,188.56
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This resolution is a measure providing for an appropriation for current expenses of the municipal corporation; it shall go into effect pursuant to Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

President of Council \_\_\_\_\_

Attest Clerk of Council \_\_\_\_\_

Date filed with Mayor \_\_\_\_\_

Date approved by Mayor \_\_\_\_\_

Mayor \_\_\_\_\_

Approved as to form Director of Law \_\_\_\_\_, \_\_\_\_\_

Resolution No.23-17

BY: \_\_\_\_\_

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

WHEREAS, to properly, efficiently and expeditiously conduct business of the City of Newark in the best interest of its citizens, there is an immediate requirement for a certain financial transaction as indicated.

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

Section 1. There is hereby an appropriation of the unappropriated balance of the 673 Buckeye Corridor Storm Sewer Fund, in the amount of \$2,500,000.00 (Note Re-issue)

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

100.205.5118	Fire, Overtime	759.09
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This resolution is a measure providing for an appropriation for current expenses of the municipal corporation; it shall go into effect pursuant to Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

President of Council \_\_\_\_\_

Attest Clerk of Council \_\_\_\_\_

Date filed with Mayor \_\_\_\_\_

Date approved by Mayor \_\_\_\_\_

Mayor \_\_\_\_\_

Approved as to form Director of Law \_\_\_\_\_, \_\_\_\_\_



RESOLUTION NO. 23-18

BY: \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

**SECTION TWO:** This Resolution shall become effective at the earliest time permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

DATE FILED WITH MAYOR: \_\_\_\_\_

DATE APPROVED BY MAYOR: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

FORM APPROVED: \_\_\_\_\_  
DIRECTOR OF LAW

Prepared by the Office of the Director of Law

RESOLUTION NO. 23-19

BY: \_\_\_\_\_

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

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

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

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

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

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

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

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

**SECTION TWO:** This Resolution shall become effective at the earliest time permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

DATE FILED WITH MAYOR: \_\_\_\_\_

DATE APPROVED BY MAYOR: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

FORM APPROVED: \_\_\_\_\_  
DIRECTOR OF LAW

**RESOLUTION NO. 23-20**

**BY:** \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

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

**Section 3:** This resolution shall become effective at the earliest time permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

Attest: \_\_\_\_\_  
Clerk of Council

Date Filed with Mayor: \_\_\_\_\_

Date Approved by Mayor: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Form Approved: \_\_\_\_\_  
Tricia M. Moore  
Director of Law

Resolution Prepared By the Office of The Director of Law

**RESOLUTION NO: 23-21**

**BY:** \_\_\_\_\_

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

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

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

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

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

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

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

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

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

**SECTION THREE:** This resolution shall become effective at the earliest time permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Date Filed with Mayor: \_\_\_\_\_

Date Approved by Mayor: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Form Approved: \_\_\_\_\_  
Director of Law

Prepared by the Law Director's Office.