

COUNCIL AGENDA

April 18, 2022

Committee and Council Meetings can be viewed by accessing YouTube

Council Chambers
7:00 P.M.

ROLL CALL

INVOCATION – Beth Bline

PLEDGE OF ALLEGIANCE – Jude Moore, 2nd grade St. Francis

CAUCUS

MINUTES of April 4, 2022

APPOINTMENTS

Mayor Hall – Reappointing Bob Klingensmith to the Heath-Newark-Licking County Port Authority Board of Directors. Four year term beginning June 1, 2022 and expiring May 31, 2026.

REPORTS OF STANDING COMMITTEES

Finance
Service
Safety

REPORTS FROM CITY OFFICIALS

City Auditor, Ryan T. Bubb – Operating report for period ending March 31, 2022

Brenda Cooper, Tax Administrator's Office – Income Tax Revenue Reports for period ending March 31, 2022

COMMUNICATIONS

Ohio Division of Liquor Control – Transfer Liquor permit application from Lee Bendick dba Somewhere Else Lounge to Somewhere Else On Main LLC, 382-386 W. Main St., Newark, Oh

Ohio Public Utilities Commission – Staff Report of Investigation, Columbia Gas of Ohio Inc. Case nos. 21-637-GA-AIR, et al.

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

There are none this meeting

ORDINANCES ON FIRST READING

22-14-A AN ORDINANCE AMENDING CHAPTER 475 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO RELATIVE TO BICYCLES, SKATEBOARDS, TRICYCLES AND TOY VEHICLES WITHIN PORTIONS OF THE MUNICIPAL CORPORATION

RESOLUTIONS ON SECOND READING

22-24 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO APPLY FOR FINANCIAL SUPPORT FROM THE STATE OF OHIO 2022 NATUREWORKS GRANT.

22-26 A RESOLUTION APPROVING AND RATIFYING AN UPDATED SOLID WASTE MANAGEMENT PLAN

22-28 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$60,000.0-(Drainage work at pathways and other misc drainage work)

22-29 CI APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$29,500.00 -Dump Truck for Cemetery)

RESOLUTIONS ON FIRST READING

22-30 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION(\$275,000.00 - Repayment for Operating Account from Emergency Repairs)

22-31 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT WITHOUT COMPETITIVE BIDDING FOR THE PURCHASE OF BODY-WORN CAMERAS WITHIN THE DIVISION OF POLICE AND DECLARING AN EMERGENCY.

22-32 A RESOLUTION AUTHORIZING THE CITY OF NEWARK TO FILE AN APPLICATION AND TO PARTICIPATE IN THE STATE OF OHIO BROWNFIELD REMEDIATION PROGRAM FUND AND DECLARING AN EMERGENCY.

22-33 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$1,500.00 -Unexpected revenue from the East Main St TIF (Longaberger) 25% to be paid to Licking Valley Schools (doubled in case we receive the same amount for 2nd half of year) (\$270,000.00 -OPT) (\$270,000.00 -Land Purchase)

22-34 A RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY NOW OWNED BY THE CITY OF NEWARK, OHIO TO NEWARK DEVELOPMENT PARTNERS AS ITS AGENT FOR INDUSTRIAL, COMMERICAL, DISTRIBUTION AND RESEARCH.

COMMENTS FROM CITIZENS

**MISCELLANEOUS
ADJOURNMENT**

BY _____

**AN ORDINANCE AMENDING CHAPTER 475 OF THE CODIFIED
ORDINANCES OF THE CITY OF NEWARK, OHIO
RELATIVE TO BICYCLES, SKATEBOARDS, TRICYCLES AND TOY
VEHICLES WITHIN PORTIONS OF THE MUNICIPAL CORPORATION**

WHEREAS, the Codified Ordinances of the City of Newark currently provide rules and regulations for the operation of bicycles within the City of Newark, Ohio; and,

WHEREAS, changes in zoning and use designation for certain areas of the City require a review of all applicable ordinances potentially in conflict therewith; and,

WHEREAS, the creation of a Designated Outdoor Refreshment Area in the Downtown area has changed the nature of the use of such area and necessitates consideration of other safety considerations for the affected areas; and,

WHEREAS, the riding of bicycles, skateboards, tricycles, or toy vehicles in certain areas of the downtown specifically as it relates to the Designated Outdoor Refreshment Area raises a variety of health and safety concerns that need to be addressed so as to ensure the safety of all citizens and visitors to the Downtown area: and,

WHEREAS, upon review of the current Chapter 475 of the Codified Ordinances, a revision of this chapter was needed to assist law enforcement with more efficient and effective means to enforce said section; and,

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

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

SECTION ONE: Chapter 475 of the Codified Ordinances of the City of Newark, Ohio is hereby amended to include Section 475.141 and 475.22 to read as set forth below:

**CHAPTER 475: BICYCLES, MOTORIZED BICYCLES, AND
MOTORCYCLES GENERALLY**

**475.141 ADDITIONAL REGULATIONS THE OPERATION OF BICYCLES,
TRICYCLES, SKATEBOARDS, AND TOY VEHICLES ON**

SIDEWALKS WITHIN DESIGNATED OUTDOOR REFRESHMENT AREAS AND IN OTHER AREAS OF THE CITY

- (a) No person shall ride or otherwise operate a bicycle, skateboard, tricycle, or toy vehicle at any time or for any reason upon a sidewalk in any Designated Outdoor Refreshment Area (DORA) within the City. Additionally, no person shall ride or otherwise operate a bicycle, skateboard, tricycle, or toy vehicle upon a sidewalk in any other area of the City wherein the number of commercial establishments creates a substantial volume of pedestrian traffic.
- (b) The Director of Public Service is hereby authorized to design and erect signs as needed to identify the Designated Outdoor Refreshment Areas wherein it is prohibited to ride or otherwise operate a bicycle, skateboard, tricycle, or toy vehicle upon a sidewalk sufficient to give reasonable notice to all persons of such prohibition.
- (c) No person over the age of twelve (12) years shall ride or otherwise operate a bicycle, skateboard, or tricycle upon any sidewalk within the City if it is safe to ride or otherwise operate such bicycle, skateboard, or tricycle in the adjacent roadway in conformity with existing rules for operation thereof.
- (d) Whenever any person over the age of (12) is necessitated by safety or by ordinance to ride or otherwise operate a bicycle, skateboard, tricycle, or toy vehicle upon a sidewalk within the city, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking from either direction.
- (e) Except as otherwise provided in this division, whoever rides or otherwise operates a bicycle, skateboard, tricycle, or toy vehicle in a manner that is prohibited under divisions (a), (c), or (d) of this section is guilty of a minor misdemeanor. A violation of this section is a misdemeanor of the fourth degree if the offender persists in prohibited conduct under division (a), (c), or (d) of this section after a reasonable request to desist. A Complaint and Summons shall be issued to such person alleged to be in violation hereof on a form designated and approved by the Director of Public Safety.

475.22 IMPOUNDING OF BICYCLES, SKATEBOARD, TRICYCLE, OR TOY VEHICLES.

Any bicycle, skateboard, tricycle, or toy vehicle operated by any person in violation of any of the provisions of this chapter may be seized by any member of the police department and be impounded at the police department for a period of 60 days. In the event that a bicycle so impounded is not claimed by the owner or operator of the same or by a parent or guardian of such owner or operator, it shall be sold by the chief of police and the proceeds of such sale shall be disposed of in the manner provided by law.

SECTION TWO: This Ordinance shall become effective upon the earliest date permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

ADOPTED this _____ day _____, 2022.

President of Council

ATTEST: _____
Clerk of Council

Date filed with Mayor: _____

Date approved by Mayor: _____

_____, Mayor

Approved as to form: _____

Tricia M. Moore
Director of Law

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO APPLY FOR FINANCIAL SUPPORT FROM THE STATE OF OHIO 2022 NATUREWORKS GRANT.

WHEREAS, NatureWorks identifies projects funded by the Ohio Parks and Natural Resources Bond Issue, which was approved by Ohio voters in November 1993:and,

WHEREAS, The City of Newark is eligible to apply for 75% reimbursement assistance for the acquisition, development, and rehabilitation of recreational areas; and,

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

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

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

WHEREAS, Jeff Hotchkiss is hereby authorized and directed to execute and file an application with the Ohio Department of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance; and,

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

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

Section 1: The Mayor is authorized to take whatever action is legally available to attain funding in the best interest of the City and its participation in available grant funding for the acquisition, development, and rehabilitation of recreational areas.

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

ADOPTED THE _____ DAY OF _____, 2022

_____, PRESIDENT OF COUNCIL

_____, ATTEST, CLERK OF COUNCIL

_____, DATE FILED WITH THE MAYOR

_____, DATE APPROVED BY MAYOR

_____, MAYOR

_____, FORM APPROVED BY LAW DIRECTOR

BY: _____

A RESOLUTION APPROVING AND RATIFYING AN UPDATED SOLID WASTE MANAGEMENT PLAN

WHEREAS the Policy Committee resolved to approve the updated solid waste management plan on February 25, 2022, and,

WHEREAS it is our best judgment that the update will benefit the solid waste district by implementing additional waste reduction programs, and,

WHEREAS public hearings were held in all four counties of the district to provide public input to this update and the Policy Committee has considered this input,

NOW THEREFORE BE IT RESOLVED BY the Council of Newark City, County of Licking, and State of Ohio:

1. The updated solid waste management plan as presented to this council shall be ratified for submittal to the Ohio EPA for their approval.
2. The clerk of this legislative authority is hereby authorized and directed to mail or otherwise deliver promptly a certified copy of this resolution to the Policy Committee.

ADOPTED THIS _____ DAY OF _____, 2022

President of Council

ATTEST: _____
Clerk of Council

Mayor

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

FORM APPROVED: _____
LAW DIRECTOR

Resolution No.22-28

BY: _____

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

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

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

Section 1. There is hereby an appropriation of the unappropriated balance of the 100 General Fund, in the amount of \$60,000.00 (Drainage workl at pathways and other misc drainage work)

100.121.5271	Maint Build & Grounds	60,000.00
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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 _____, 2021.

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.22-29 CI

BY: _____

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

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

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

Section 1. There is hereby an appropriation of the unappropriated balance of the 335 Capital Improvements Fund, in the amount of \$29,500.00 (Dump Truck for Cemetery)

335.432.5532	Vehicles	29,500.00
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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 _____, 2021.

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.22-30

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 669 Storm Water Utility Fund, in the amount of \$275,000.00 (Repayment for Operating Account from Emergency Repairs)

669.169.5527	Storm lines	275,000.00
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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 _____, 2021.

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: 22-31

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT WITHOUT COMPETITIVE BIDDING FOR THE PURCHASE OF BODY-WORN CAMERAS WITHIN THE DIVISION OF POLICE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Newark has an opportunity to purchase body-worn camera equipment at significant value to the City due to availability of grant funding; and,

WHEREAS, above conditions concerning the waiver of bidding apply to the current need of City of Newark Division of Police and considerations of interface and compatibility with the current equipment and operating systems in use by the police department; and,

WHEREAS, this matter was considered in regular session by the Finance Committee who voted to refer the same to full Council for consideration.

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

Section 1: The Director of Public Service is hereby authorized to negotiate and enter in contract for the purchase of body-worn cameras on behalf of the Newark Police Department, subject to the appropriation of funds.

Section 2: It is in the best interest of the City and its residents that competitive bidding not be required and it is hereby waived and the Director of Public Service is hereby authorized and directed to negotiate and enter directly into contract with the appropriate body-worn camera supplier.

Section 3: In order to preserve the safety of the citizens of Newark and preserve the public peace as well as meet grant funding deadlines, it is necessary for the purchase of body-worn camera equipment to be made immediately and without delay and, therefore, this Resolution is hereby deemed an emergency.

Section 4: Therefore, this Ordinance shall be effective immediately as provided in Article 4.07 of the Charter of the City of Newark.

Passed this _____ day of _____, 2022.

President of Council

Attest: _____
Clerk of Council

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor

Form Approved: _____
Director of Law

BY: _____

A RESOLUTION AUTHORIZING THE CITY OF NEWARK TO FILE AN APPLICATION AND TO PARTICIPATE IN THE STATE OF OHIO BROWNFIELD REMEDIATION PROGRAM FUND AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio, Department of Development, provides financial assistance to local governments and project partners for the purpose of addressing local needs; and

WHEREAS, the City of Newark desires to participate in the Program to receive financial assistance for assessments of the former Quality Chemicals Company site, located at 217 S. 21st St., Newark Ohio under the Ohio Brownfield Remediation Program Fund; and

WHEREAS, the City of Newark has the authority to apply for financial assistance and to administer funds received from the State of Ohio, Ohio Remediation Program Fund; and

WHEREAS, the City of Newark, through Council, must direct and authorize the Director of Community and Economic Development to act in connection with the application and to provide such additional information as may be required; and,

WHEREAS, due to the deadline for applying for funds through the State of Ohio, this legislation must be expedited as an emergency pursuant to Article 4.06 of the Charter of the City of Newark;

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

SECTION ONE: The City of Newark authorizes the Director of Community and Economic Development as the official representative of the City of Newark’s application to participate in the State of Ohio, Department of Development, Ohio Brownfield Remediation Program Fund and provide all information and documentation required in said application submission.

SECTION TWO: The City of Newark hereby approves filing an application for financial assistance under the Ohio Brownfield Remediation Program Fund.

SECTION THREE: The City of Newark hereby understands and agrees that participation in the Program will require compliance with program guidelines and assurances.

SECTION FOUR: This Resolution shall become effective immediately as an emergency pursuant to Article 4.07 of the Charter of the City of Newark, Ohio for the immediate preservation of the public peace, health, safety, and welfare.

Passed this _____ day of _____, 2022.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

Resolution No.22-33 Exp

BY: _____

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

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

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

Section 1. There is hereby an appropriation of the unappropriated balance of the 424 TIF Fund, in the amount of \$1,500.00 (Unexpected revenue from the East Main St TIF (Longaberger) 25% to be paid to Licking Valley Schools (doubled in case we receive the same amount for 2nd half of year))

424.922.5611	Refunds	1500.00
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Section 2. There is hereby an appropriation of the unappropriated balance of the 152 Budget Stabilization Fund, in the amount of \$270,000.00 (OPT)

152.100.5901100	OPT	270,000.00
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Section 3. There is hereby an appropriation of the unappropriated balance of the 100 General Fund, in the amount of \$270,000.00 (Land Purchase)

100.121.5501	Land Purchase	270,000.00
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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 _____, 2021.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____, _____

BY: _____

A RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY NOW OWNED BY THE CITY OF NEWARK, OHIO TO NEWARK DEVELOPMENT PARTNERS AS ITS AGENT FOR INDUSTRIAL, COMMERCIAL, DISTRIBUTION AND RESEARCH.

WHEREAS, the City of Newark, Ohio currently owns various parcels of real property throughout the city which are of no value in their current state of development; and,

WHEREAS, the subject property, because of its size, location and zoning restrictions, is not currently suitable for any municipal purpose; and,

WHEREAS, the City desires to convey the subject property to Newark Development Partners, a Community Improvement Corporation serving as the agent of the City of Newark for growth and development; and,

WHEREAS, the City of Newark and Newark Development Partners have entered into an Amended Designated Agency Agreement authorizing the transfer of real property owned by the City and controlling the manner in which such property may then be developed and/or transferred by Newark Development Partners and the manner in which any revenues generated from such development and transfer are to be disbursed; and,

WHEREAS, the conveyance of the subject real property would promote the general welfare and stabilize the neighborhood in question, assist in develop and promote the reclamation, rehabilitation and reutilization of such real property; and

WHEREAS, the Public Service Committee of the Newark City Council met and considered this matter in regular session and unanimously approved submission of the legislation for full council consideration.

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

Section 1: The Director of Public Service is hereby authorized to convey the following listed parcel of real property located within the City of Newark to Newark Development Partners, a Community Development Corporation, pursuant to the terms and conditions of the Amended Designated Agency Agreement previously approved by this Council in Resolution 16-29:

ADDRESS	PARCEL NUMBER
75 West National Drive	054-20689200000

Section 2: Council hereby declares the subject real property to no longer be needed by the City of Newark, Ohio for any municipal purpose and that the City’s interests are best served by conveyance to Newark Development Partners subject to the agreed upon disbursement of and future revenues generated therefrom.

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

Passed this _____ day of _____ 2022.

PRESIDENT OF COUNCIL

ATTEST: _____ CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____

DIRECTOR OF LAW