

COUNCIL AGENDA

June 21, 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

CAUCUS

MINUTES of June 6, 2022

APPOINTMENTS

Mayor Hall – Reappointing Megan Evans. Rev. Michael Noble and Bob German to the Human Relations Commission. Appointments to begin July 7, 2022 and expire July 6, 2026. Subsequent appointments to be for four years.

REPORTS OF STANDING COMMITTEES

Finance
Service
Streets

REPORTS FROM CITY OFFICIALS

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

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

COMMUNICATIONS

Ron Jones, President Newark Amateur Radio Association – Amateur Radio Relay League FIELD DAY, June 25th, Noon-5:00pm, Horns Hill Park

John Brnjic, NPD Patrol Commander – “Hope Behind the Badge” kick off beginning with Community Day on June 18, 2022 from 10:00-2:00.

Ohio Division of Liquor Control – New Liquor permit application for Jack Kerouac LLC dba Jack Kerouac, 69 W. Church St, Newark, Oh 43055

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

There are none this meeting

ORDINANCES ON FIRST READING

22-18 AN ORDINANCE VACATING A PORTION OF A SIXTEEN AND ONE-HALF (16.5) FOOT WIDE ALLEY AS SHOWN ON THE ORIGINAL PLAT OF NEWARK, AS RECORDED IN VOLUME 2, PAGE 4 OF THE LICKING COUNTY PLAT RECORDS; SAID ALLEY IS LOCATED NORTH OF EAST CHURCH STREET, BETWEEN NORTH 2ND STREET AND NORTH 3RD STREET.

RESOLUTIONS ON SECOND READING

22-48 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$925.00 -Req. appropriation of funds back into equip. & Supplies from sale of equip on govdeals bill of sale #432022)

22-49 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR CONSTRUCTION OF A GRAVITY SANITARY SEWER ON RIVER ROAD FROM PARK TRAILS TO THORNWOOD DRIVE.

22-50 A RESOLUTION AUTHORIZING THE LICKING COUNTY COMMISSIONERS TO ACT AS THE PURCHASING AGENT AND GOVERNMENTAL AGGREGATOR FOR NATURAL GAS AGGREGATION PROGRAM FOR THE CITY OF NEWARK, LICKING COUNTY, OHIO.

RESOLUTIONS ON FIRST READING

22-52 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO APPLY FOR, ACCEPT AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE CITY OF NEWARK FOR PLANNING, DESIGN AND\OR CONSTRUCTION OF WASTEWATER FACILITIES (16 NORTH SEPARATION PROJECT) AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

22-53 A RESOLUTION CONSENTING TO AN ENTERPRISE ZONE ABATEMENT AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF LICKING COUNTY, OHIO AND THE KROGER COMPANY AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE SUCH AGREEMENT ON BEHALF OF THE CITY OF NEWARK, OHIO.

COMMENTS FROM CITIZENS

MISCELLANEOUS ADJOURNMENT

ORDINANCE NO: 22-18

BY: _____

AN ORDINANCE VACATING A PORTION OF A SIXTEEN AND ONE-HALF (16.5) FOOT WIDE ALLEY AS SHOWN ON THE ORIGINAL PLAT OF NEWARK, AS RECORDED IN VOLUME 2, PAGE 4 OF THE LICKING COUNTY PLAT RECORDS; SAID ALLEY IS LOCATED NORTH OF EAST CHURCH STREET, BETWEEN NORTH 2ND STREET AND NORTH 3RD STREET.

WHEREAS, Newark City Council received a petition from owners of real estate in the City of Newark praying for the herein described alley vacation; and,

WHEREAS, the Street Committee of the City of Newark met on June 6, 2022, and considered the procedure as outlined in Section 723.06 of The Ohio Revised Code whereby notice of the intention to vacate is not required, and approved the preparation and submittal of this legislation for Council consideration, in accordance with Section 723.06 of The Ohio Revised Code; and,

WHEREAS, this Council finds there is good cause for such vacation and that such vacation will not be detrimental to the general interest.

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

Section 1: The following described alley is hereby vacated, reserving, however, unto the City of Newark, Ohio, its successors and assigns, easements for construction, maintenance, and operation of various utilities, publicly owned and otherwise, to wit:

Being in the State of Ohio, County of Licking, and City of Newark and being a sixteen and one-half (16.5) foot wide alley running north from East Church Street, midway between North Second Street and North Third Streets, and shown on the Original Plat of Newark, as recorded in Volume 2 at Page 4 of the Licking County Plat Records, and being more particularly described as:

Beginning at the southeast corner of Lot 35 of said Original Plat of Newark, said point being the intersection of said 16.5 foot wide alley with the north line of East Church Street;

Thence, north along the east lines of said Lot 35 and Lot 26 of said plat, a distance of 198 feet to the northeast corner of said Lot 26, said point also being at the intersection of said alley with an east-west alley;

Thence, east crossing said 16.5 foot wide alley, a distance of 16.5 feet to the northwest corner of Lot 25 of said Original Plat of Newark;

Thence, south along the west line of said Lot 25 and Lot 36 of said plat, a distance of 198 feet to the southwest corner of Lot 36, said point also being on the north line of East Church Street;

Thence, west along the north line of East Church Street, a distance of 16.5 feet to The Place of Beginning.

This description was written based on information provided in existing plat and tax records, without the benefit of a field survey.

Section 2: The Division of Engineering of the City of Newark is hereby instructed to prepare a vacation plat of said vacated alley and the Clerk of Council is instructed to endorse upon such plat the action of this Council, and to cause such plat to be recorded in the Office of the Recorder of Licking County, Ohio.

Section 3: This Ordinance shall become effective at the earliest time permitted by law after passage by Council and signature of the Mayor.

Adopted this _____ day of _____, 2022.

President of Council

Attest: _____

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor

Form Approved by: _____
Law Director

Prepared by the Division of Engineering.

Resolution No.22-48

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 \$925.00 (Req. appropriation of funds back into equip. & Supplies from sale of equip on govdeals bill of sale #432022)

100.204.5331	Equipment & Suppies	925.00
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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 _____, 2022.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____, _____

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR CONSTRUCTION OF A GRAVITY SANITARY SEWER ON RIVER ROAD FROM PARK TRAILS TO THORNWOOD DRIVE.

WHEREAS, the City of Newark operates a wastewater collection system on River Road near a planned ODOT road improvement project; and,

WHEREAS, this area is currently within the planned ODOT roundabout expansion and served by a sanitary pump station near Park Trails and force main on River Road and has some reoccurring maintenance costs; and,

WHEREAS, there is need for abandonment of the existing pump station and force main sewer and install of a gravity sewer to ensure reliable service for current and future customers; and,

WHEREAS, detailed plans and specifications for the aforementioned improvement project are being prepared and will be available for review in or through the Director of Public Service office; and,

WHEREAS, funding from the American Rescue Plan is available to fund this project; and,

WHEREAS, the Service Committee of the Newark City Council met on the 16th day of May, 2022 and voted to forward this legislation to full Council for its further consideration.

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

Section 1: The Director of Public Service is hereby authorized and directed to advertise for bids and enter into contract, subject to the appropriation of funds, for the construction of a new booster station and upgrading of the existing booster station.

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

Passed this _____ day of _____ 2022.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

Prepared by the Division of Water and Wastewater

RESOLUTION NO. 22-50

BY: _____

A RESOLUTION AUTHORIZING THE LICKING COUNTY COMMISSIONERS TO ACT AS THE PURCHASING AGENT AND GOVERNMENTAL AGGREGATOR FOR NATURAL GAS AGGREGATION PROGRAM FOR THE CITY OF NEWARK, LICKING COUNTY, OHIO.

WHEREAS, On May 3, 2022 the residents of the City of Newark voted in favor of natural gas aggregation to improve purchasing leverage and offer reduced natural gas rates to residential and small business consumers; and,

WHEREAS, The Licking County Commissioners have offered their services to act on behalf of City of Newark, Licking County, Ohio as the governmental aggregator; and,

WHEREAS, having one centralized aggregator will provide for the most expeditious manner to handle any issues arising in the process of natural gas aggregation; and

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

Section 1. The Council of the City of Newark hereby authorizes the Licking County Commissioners to act as the governmental agent for purchasing and aggregation of natural gas program for the residents of the City of Newark, Licking County, Ohio.

Section 2. This resolution shall be copied to the Licking County Commissioners, 20 South Second Street, Newark, Ohio 43055.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were so adopted in an open meeting of

this Council, and that all formal actions, were in meetings open to the public, in compliance with all legal requirements.

Section 4. 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 _____, 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 AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO APPLY FOR, ACCEPT AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE CITY OF NEWARK FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES (16 NORTH SEPARATION PROJECT) AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

WHEREAS, the City of Newark operates a Wastewater Collection System north of State Route 16 along Mt. Vernon Road; and,

WHEREAS, the area is currently serviced by a Combined Sewer Collection System; and,

WHEREAS, the construction of these improvements are necessary in order to comply with requirements of Ohio EPA and our Long-Term Control Plan; and,

WHEREAS, the Ohio Water Pollution Control Loan Fund requires the government authority to pass legislation for application of a loan and the execution of an agreement as well as designating a dedicated repayment source; and,

WHEREAS, the Public Service Committee of the Newark City Council met on June 6, 2022 and approved submission of the legislation for full council consideration.

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

Section 1: The Director of Public Service is hereby authorized and directed to apply for a WPCLF loan, sign all documents for and enter into a Water Pollution Control Loan Fund Agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for planning, design and/or construction of wastewater facilities on behalf of the City of Newark, Ohio.

Section 2: That the dedicated source of repayment will be user charges.

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

Passed this _____ day of _____ 2022.

PRESIDENT OF COUNCIL

ATTEST:
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____

DIRECTOR OF LAW
Prepared by the Division of Water and Wastewater

BY: _____

A RESOLUTION CONSENTING TO AN ENTERPRISE ZONE ABATEMENT AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF LICKING COUNTY, OHIO AND THE KROGER COMPANY AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE SUCH AGREEMENT ON BEHALF OF THE CITY OF NEWARK, OHIO.

WHEREAS, the Council of the City of Newark, Ohio by Resolution No. 19-72 adopted on July 5, 1988, designated the area as an "Enterprise Zone" pursuant to Chapter 5709 of the Ohio Revised Code; and

WHEREAS, the State of Ohio, by and through the Director of Development has determined that effective August 16, 1988 the City of Newark exhibits the characteristics set forth in ORC Section 5709.61 to qualify as an Enterprise Zone and did certify the City of Newark as an Enterprise Zone under ORC Section 5709.63; and

WHEREAS, Enterprise Zone Abatement Agreements are negotiated between the applicant and the Board of County Commissioners though the agreement must be approved by this Council before the agreement can be approved by the Board of County Commissioners; and

WHEREAS, The Kroger Company has submitted an Enterprise Zone Abatement proposal in the manner prescribed by the Director of Development of the State of Ohio setting forth a plan to establish and occupy a facility in the City of Newark Enterprise Zone and to hire new employees or to preserve employment opportunities for existing employees within such Zone and has requested that it be granted one or more of the tax abatement incentives set forth in ORC Section 5709.62 in exchange for implementation of the proposed plan; and,

WHEREAS, the Enterprise Zone Abatement proposal submitted by The Kroger Company includes the intention to retain all existing 145 full-time permanent employees, within the City of Newark, to retain the current annual payroll of \$9,327,254.00, and to create an additional six (6) new full-time employees for a total of approximately \$300,000.00 in estimated additional payroll to be achieved within three years of the completion of the project; and,

WHEREAS, the Enterprise Zone Abatement proposal submitted by The Kroger Company includes a plan to establish, expand, renovate, and/or occupy a facility with total New Project Investment of approximately \$70,000,000.00 to construct a new facility, machinery, fixtures, equipment, and furniture along with improvements to existing buildings and land; and,

WHEREAS, the investment intended to be made by The Kroger Company pursuant to the proposed Enterprise Zone Abatement plan represents a significant and eligible investment within the City of Newark, Ohio pursuant to ORC Section 5709.63; and,

WHEREAS, The Kroger Company appears to be qualified by financial responsibility and business experience to create and preserve employment opportunities within the Enterprise Zone and to improve the economic climate within the City of Newark, Ohio; and,

WHEREAS, the Resolution was addressed in a regular session of the Finance Committee of this Council which voted to forward the same on to full Council for consideration and adoption.

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

Section 1: This Council does consent to the proposed Enterprise Zone Abatement Agreement and hereby authorizes the Mayor and the Director of Public Service to execute such agreement to be negotiated between The Kroger Company and the Board of County Commissioners of Licking County, Ohio, based upon the terms and conditions as set forth in the proposed agreement attached hereto and marked Exhibit "A".

Section 2: The Clerk of Council is hereby directed to transmit a certified copy of this Resolution along with the attached proposed Enterprise Zone Agreement to the Board of County Commissioners of Licking County, Ohio.

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 _____, 2022.

President of Council

ATTEST:

Clerk of Council

DATE FILED WITH THE MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

Prepared by the Office of the Director of Law