

COUNCIL AGENDA

November 7, 2022

Committee and Council Meetings can be viewed by accessing YouTube

Council Chambers
7:00 P.M.

ROLL CALL

INVOCATION – Jeff Harris

PLEDGE OF ALLEGIANCE - Katie Suttles, 6th Grade, Liberty Middle School

CAUCUS

Consider Rule 11

22-105 A RESOLUTION AUTHORIZING THE MAYOR TO MAKE APPLICATION TO AND ENTER INTO AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION STATE INFRASTRUCTURE BANK FOR A LOAN IN THE AMOUNT OF \$5,000,000.00 FOR THE LIC-THORNWOOD CROSSING BRIDGE AND ROADWAY CONSTRUCTION PROJECT, PID 87642, AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO EFFECTUATE THE SAME AND DECLARING AN EMERGENCY

MINUTES of October 17, 2022

MINUTES of October 24, 2022

APPOINTMENTS

There are none this meeting

REPORTS OF STANDING COMMITTEES

Finance

Service

Safety

Capital Improvements

REPORTS FROM CITY OFFICIALS

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

COMMUNICATIONS

Akron City Council – Resolution 279-2022 expressing support for H.R. 82, Social Security Fairness Act of 2021 and S. 1302, the Social Security Fairness Act; and declaring an emergency

Ohio EPA - NPDES Pretreatment Compliance Audit/Inspection

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

22-40-A AN ORDINANCE AMENDING THE DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK DEPARTMENT OF HUMAN RESOURCES AND CREATING THE POSITION OF *RISK CONTROL AND EDUCATION SPECIALIST* AND SETTING THE COMPENSATION THEREFORE

22-41-A AN ORDINANCE AMENDING THE DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK DEPARTMENT OF SERVICE, DIVISION OF CEMETERY & PARKS AND CREATING THE POSITION OF *ASSISTANT SUPERINTENDENT* AND SETTING THE COMPENSATION THEREFORE

ORDINANCES ON FIRST READING

22-43 AN ORDINANCE AMENDING CHAPTER 634 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO RELATIVE TO THE NOISE ORDINANCE OF THE CITY OF NEWARK

22-44 AN ORDINANCE AMENDING CHAPTER 648.04 DISORDERLY CONDUCT OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO RELATIVE TO NOISE CONTROL IN THE CITY OF NEWARK AND DISORDERLY CONDUCT BETWEEN FAMILY OR HOUSEHOLD MEMBERS

RESOLUTIONS ON SECOND READING

22-94 CI A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$34,337.92 -replacement of aging mowers)

RESOLUTIONS ON FIRST READING

22-96 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$3,000.00 -Increased gas and fuel costs)(\$128,400.00 -FLOCK safety license plate readers – State award to NPD for two year service)(\$15,425.00 -2022 JAG Grant shared with the Licking County Sheriff)(\$15,425.00 -To provide for expenditures at the end of year until grant funds are received in 2023, fund cannot be in the red at end of year)(\$150,000.00 - Completion of 40th Street Project Concrete Work)

22-97 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION \$3,872.96 (Appropriate funds back into overtime from reimbursement of HazMat recovery incident. Appropriate funds back into Medical Supplies from the sale of three stair chairs on GovDeals)

22-98 A RESOLUTION REAUTHORIZING THE DOWNTOWN NEWARK SPECIAL IMPROVEMENT DISTRICT, INC., APPROVING THE ARTICLES OF INCORPORATION, THE PROPOSED PLAN FOR SERVICES FOR THE SPECIAL IMPROVEMENT DISTRICT, AND DECLARING THE NECESSITY TO

LEVEL A SPECIAL ASSESSMENT FOR THE COST OF SERVICES AS SET FORTH IN THE PLAN AND DECLARING AN EMERGENCY.

22-99 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT WITHOUT COMPETITIVE BIDDING FOR THE PURCHASE OF FLOCK SAFETY SYSTEM AND CAMERAS

22-100 CI APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$73,500.00 -(1-Equipment to be used on bike path, cemetery roadways & parks parking lots 2-Replacement of 1992 Dump truck, needs transmission, rear end, clutch, leaf springs, door & window)

COMMENTS FROM CITIZENS

MISCELLANEOUS

ADJOURNMENT

RESOLUTION NO: 22-105

BY: _____

A RESOLUTION AUTHORIZING THE MAYOR TO MAKE APPLICATION TO AND ENTER INTO AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION STATE INFRASTRUCTURE BANK FOR A LOAN IN THE AMOUNT OF \$5,000,000.00 FOR THE LIC-THORNWOOD CROSSING BRIDGE AND ROADWAY CONSTRUCTION PROJECT, PID 87642, AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO EFFECTUATE THE SAME AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Transportation State Infrastructure Bank (“ODOT SIB”) is available to make interim loans to facilitate infrastructure construction, including roadway improvement and relocation projects; and,

WHEREAS, the City of Newark will not have an adequate cash flow to construct the above listed projects without interim funding; and,

WHEREAS, the SIB interim funding loan will be secured by the pledge of certain assets of the City as collateral for the guarantee of payment to SIB.

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

Section 1: The Mayor of the City of Newark is hereby authorized to make application to, and enter into any and all agreements with, ODOT State Infrastructure Bank for a loan in the amount of \$5,000,000.00 for the LIC-Thornwood Crossing Bridge and Roadway Project, PID 87642.

Section 2: That the City Treasurer is hereby authorized and directed to deposit the proceeds from said loan into the project fund to account for and expend said funds upon appropriate authorizations for purposes related to the roadway project and to make payments of principal, interest and expenses as called for in the Loan Agreement.

Section 3: That the Mayor and the respective Directors are hereby authorized to execute any and all documents necessary to effectuate the granting of the loan and the repayment of the same, including the pledge of certain assets of the City to SIB as collateral for the guarantee of repayment to SIB, including the City’s General Fund, Capital Improvements Fund, and City’s portion of State Gas Tax revenue.

Section 4: That 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 of this Council and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the *Ohio Revised Code*.

Section 5: An emergency is declared to exist to preserve the health, safety and welfare of the citizens of City of Newark, in order to keep the planned construction project on schedule. Therefore, this Resolution shall be immediately effective upon passage as provided in City of Newark Charter, Article 4.07

Passed this _____ day of _____, 2022.

President of Council

Attest: _____
Clerk of Council

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor

Form Approved by: _____
Law Director

Prepared by the Division of Engineering.

C E R T I F I C A T E

I, Janine Paul, duly elected and appointed Clerk of Council do hereby certify the foregoing is a true and exact copy of Resolution No. _____ adopted the _____ day of _____, 20__ by the Council of the City of Newark, Ohio.

Janine Paul
Clerk of Council
City of Newark, Ohio

BY _____

AN ORDINANCE AMENDING THE DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK DEPARTMENT OF HUMAN RESOURCES AND CREATING THE POSITION OF *RISK CONTROL AND EDUCATION SPECIALIST* AND SETTING THE COMPENSATION THEREFORE

WHEREAS, the Human Resources Director has reviewed their staffing needs and have determined that modifications are warranted due to changing workplace demands; and

WHEREAS, the Human Resources Director desire to create the position of *Risk Control and Education Specialist* to assist in meeting the current workplace demands; and

WHEREAS, it is necessary to amend the position authorization and classification/pay range tables to accomplish the foregoing objective;

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

Section 1. The full-time position of Risk Control and Education Specialist is hereby created within the Department of Human Resources.

Section 2. The position of Risk Control and Education Specialist shall receive compensation and benefits as set forth in the current AFSCME Collective Bargaining Agreement – Pay Range 44 - \$52,852.80 yearly/\$25.41 hourly. This position is in the classified/non-exempt service of the City of Newark.

Section 3. The position classification/pay range table for the Human Resources Department is hereby amended as follows:

Department	Position Number	Title	Benefit Group
114 - Human Resources			
	2.114.220.01	Asst Director H.R.	MGMT EXEMPT
	1.114.114.01	H.R. Director	MGMT EXEMPT
	4.114.667.02	H.R. Assistant	Non- Barg FT
<i>NEW</i>	<i>3.114.612.01</i>	<i>Risk Control and Education Specialist</i>	<i>AFSCME- FT</i>

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

Passed this _____ day _____, 2022

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
TRICIA M. MOORE, DIRECTOR OF LAW

Prepared by the Office of the Department of Human Resources



Risk Control and
Education Specialist

BY _____

AN ORDINANCE AMENDING THE DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK DEPARTMENT OF SERVICE, DIVISION OF CEMETERY & PARKS ABOLISHING THE UNFUNDED POSITION OF CREWLEADER/ PROJECT ASSISTANT AND CREATING THE POSITION OF ASSISTANT SUPERINTENDENT AND SETTING THE COMPENSATION THEREFORE

WHEREAS, the Service Director and the Cemetery & Parks Superintendent have reviewed their staffing needs and have determined that modifications are warranted due to changing workplace demands; and

WHEREAS, the Service Director and the Cemetery & Parks Superintendent desire to abolish the unfunded position 3.432.651.01 Crew Leader/Project Assistant and create the position of *Assistant Superintendent* to assist in meeting the current workplace demands; and

WHEREAS, it is necessary to amend the position authorization and classification/pay range tables to accomplish the foregoing objective;

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

Section 1: The unfunded position 3.432.651 Crew Leader/Project Assistant in the Department of Service, Division of Cemetery & Parks is hereby abolished.

Section 2. The full-time position of Assistant Superintendent is hereby created within the Department of Service, Division of Cemetery & Parks.

Section 3. The position of Assistant Superintendent shall receive compensation and benefits as set forth in the current Management and Supervisory Exempt Personnel Statement of Policy- \$64,542.40 yearly/\$31.03 hourly. This position is in the classified/exempt service of the City of Newark.

Section 4. The position classification/pay range table for the Service Department, Division of Cemetery & Parks is hereby amended as follows:

	Position Number	Title	Benefit Group
	3.432.830.02	Equipment Operator	AFSCME - FT
	2.432.210.01	Superintendent	MGMT EXEMPT
	4.432.666.01	Office Manager/Account Clerk	NON-BARG - FT
	3.432.830.01	Equipment Operator 3	AFSCME - FT
	2.432.230.01	Operations Manager	MGMT EXEMPT
	3.432.831.02	Grounds Maintenance Worker	AFSCME - FT
	3.432.831.01	Grounds Maintenance Worker	AFSCME - FT
	3.432.830.03	Equipment Operator 3	AFSCME - FT
Abolish	3.432.651.01	Crew Leader/Project Assistant	AFSCME-FT

<i>NEW</i>	<i>2.432.211.01</i>	<i>Assistant Superintendent</i>	<i>MGMT EXEMPT</i>
------------	---------------------	---------------------------------	--------------------

Section 5. This legislation shall become effective at the earliest time permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day _____, 2022

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
TRICIA M. MOORE, DIRECTOR OF LAW

Prepared by the Office of the Department of Human Resources



Position
Description - Assista

BY _____

**AN ORDINANCE AMENDING CHAPTER 634 OF THE CODIFIED
ORDINANCES OF THE CITY OF NEWARK, OHIO
RELATIVE TO THE NOISE ORDINANCE OF THE CITY OF NEWARK**

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

WHEREAS, due to the changing landscape of the City with several venues holding music events, the noise control ordinance currently in the codified ordinance requires some revisions in order to fit the current needs of the City and its citizens, and:

WHEREAS, Ordinance 84-42 provided the framework for the issuance of variances for music venues and other locations holding events that may be in violation of noise control ordinance to allow such events to be held under guidelines set by the Director of Safety to protect the citizens residing near or affected by the noise; and,

WHEREAS, in order to successfully enforce the noise ordinance, the variance process needs to be completed and approved by council, 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 634 of the Codified Ordinances of the City of Newark, Ohio is hereby amended to include the following changes to the listed sections below:

**CHAPTER 634: NOISE CONTROL ORDINANCE OF THE CITY OF
NEWARK**

634.04 SPECIFIC PROHIBITIONS

(a) No person shall do, cause or permit any of the following:

(2) Places of public entertainment. Operate, play or permit the operation or playing of any radio, television, phonograph, drum or other musical instrument, sound amplifier or similar device that produces, reproduces or amplifies sound in any place of public entertainment at a sound level greater than ninety five dBA as read by the slow response on a sound level meter at any point that is normally occupied by a customer, unless a conspicuous and

~~legible sign is located outside such place near each public entrance, stating "WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT";~~
IN SUCH A MANNER AS TO CAUSE A NOISE DISTURBANCE ACROSS RESIDENTIAL AREAS BETWEEN THE HOURS OF 10 P.M. AND 7 A.M. OF THE FOLLOWING DAY, SUNDAY THROUGH THURSDAY AND BETWEEN THE HOURS OF 11 P.M. AND 7 A.M. FRIDAY AND SATURDAY INTO THE FOLLOWING DAY, UNLESS ISSUED A SPECIAL VARIANCE BY THE DIRECTOR OF PUBLIC SAFETY.

A. SOUND LEVELS WITHIN THE PLACE OF PUBLIC ENTERTAINMENT GREATER THAN NINETY-FIVE DBA AS READ BY THE SLOW RESPONSE ON A SOUND LEVEL METER AT ANY POINT AT A PLACE THAT IS NORMALLY OCCUPIED BY A CUSTOMER ARE NOT PERMITTED UNLESS A CONSPICUOUS AND LEGIBLE SIGN IS LOCATED OUTSIDE SUCH PLACE NEAR EACH PUBLIC ENTRANCE, STATING "WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT"

(5) Motor vehicles

- A. Operate or permit the operation of any motor vehicle with a gross vehicle weight rating in excess of 10,000 pounds or any auxiliary equipment attached to such a vehicle, for a period longer than five minutes in any hour while the vehicle is stationary, in such a manner as to create a noise disturbance, for reasons other than traffic congestion, between the hours of ~~9:30 p.m.~~ **10:00 P.M.** and 7:00 a.m. of the following day; or

(6) Loading and unloading. Load, unload, open, close or otherwise handle boxes, crates, containers, building materials, garbage cans or similar objects between the hours of ~~9:30~~ **10:00 P.M.** and 7:00 a.m. of the following day in such a manner as to cause a noise disturbance across a residential real property boundary;

(7) Construction. Operate or permit the operation of any tools or equipment used in construction, drilling or demolition work between the hours of ~~9:30 p.m.~~ **10:00 P.M.** and 7:00 a.m. of the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary, except for emergency work of public service utilities or by special variance. This paragraph does not apply to the use of domestic power tools subject to subdivision (a)(11) of this section.

(8) Emergency signaling devices.

- A. Intentionally sound or permit the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in this subsection.

Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 7:00 a.m. or after ~~9:30 p.m.~~ **10:00 P.M.** or the closing time of a commercial establishment, whichever occurs later. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed sixty seconds.

Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur before 7:00 a.m. or after ~~9:30 p.m.~~ **10:00 P.M.** In no case shall such test time exceed ten minutes.

(9) Radios, television sets, musical instruments and similar devices. Operate, play or permit the operation or playing of any radio, television, phonograph, drum or other musical instrument, sound amplifier or similar device that produces, reproduces or amplifies sound:

A. Between the hours of ~~9:30 p.m.~~ **10:00 P. M.** and 7:00 a.m. of the following day in such a manner as to create a noise disturbance across a residential real property boundary; or

(10) Loudspeakers and public address systems.

A. Use or operate for any noncommercial purpose any loudspeaker, public address system or similar device between the hours of ~~9:30 p.m.~~ **10:00 P. M.** and 7:00 a.m. of the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary. Mobile sound vehicles amplifying noncommercial spoken language between ~~9:30 p.m.~~ **10:00 P.M.** and 7:00 a.m. of the following day shall be exempt from this subdivision with a special variance issued by the Director of Public Safety.

B. Use or operate for any commercial purpose any loudspeaker, public address system or similar device such that the sound therefrom between the hours of ~~9:30 p.m.~~ **10:00 P.M.** and 7:00 a.m. of the following day **THAT** creates a noise disturbance on a public right of way or public space;

(11) Domestic power tools. Operate or permit the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawnmower or other similar device used outdoors, other than powered snow removal equipment, in residential areas between the hours of ~~9:30 p.m.~~ **10:00 P.M.** and 7:00 a.m. of the following day, so as to cause a noise disturbance across a residential real property boundary; or

(12) Powered model vehicles. Operate or permit the operation of powered model vehicles so as to create a noise disturbance across a residential real property boundary or in a public space between the hours of ~~9:30 p.m.~~ **10:00 P.M.** and 7:00 a.m. of the following day. During the permitted period of operation, maximum sound levels in a residential area shall not exceed sixty dBA measured at a distance of fifty feet from any point on the path of the vehicle.

634.05 MAXIMUM PERMISSIBLE SOUND LEVELS BY RECEIVING LAND USE CATEGORY.

(a) Irrespective and independent of whether or not a source of sound constitutes a violation of any of the provisions of Section 634.04 **AND UNLESS OTHERWISE SPECIFIED**, no person shall operate, cause to be operated or permit on private property any source of sound in such a manner as to create a sound level that exceeds the limits set forth in Table 1 for specific receiving land use categories, when measured at or within the property boundary of the receiving land use.

TABLE 1.
SOUND LEVELS BY RECEIVING LAND USE CATEGORY

Receiving Land Use Category	Time	Sound Level Limit (dBA)
Residential	7:00 a.m. to 10:00 P.M.	60
Residential	10:00 P.M. to 7:00 a.m. of the following day	50
Retail Area	At all times	70

634.11 SPECIAL VARIANCES

(a) The Director of Public Safety may grant special variances in accordance with this section.

(b) Any person seeking a special variance pursuant to this section shall file an application with the Director of Public Safety: **NO LESS THAN 60 DAYS BEFORE THE EVENT FOR WHICH THE VARIANCE IS SOUGHT. IF THE APPLICANT IS A BUSINESS OR VENUE WITH MULTIPLE EVENTS OCCURRING DURING THE YEAR WHICH ARE ANTICIPATED TO REQUIRE A VARIANCE, AN APPLICATION MAY CONTAIN MULTIPLE EVENTS AS LONG AS THE REASON FOR THE REQUEST AND THE NATURE OF THE EVENT ARE THE SAME FOR EACH EVENT.** The application shall contain information that demonstrates that bringing the source of sound or activity, for which the special variance is ~~sought~~ **REQUESTED** into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other persons. **THE APPLICANT MUST ALSO CONSENT TO AN ONSITE INSPECTION OF THE VENUE IN WHICH THE EVENT IS TO BE HELD IF REQUESTED BY THE DIRECTOR OF PUBLIC SAFETY OR HIS OR HER DESIGNEE.** Notice of an application for a special variance shall be **PUBLISHED** by the Director **OF PUBLIC SAFETY** ~~to persons who frequent the area of the sound or activity and who may be adversely affected by the granting of the variance~~ **ON THE CITY OF NEWARK WEBSITE.** Any individual who claims to be adversely affected by allowance of the special variance may file a **WRITTEN** statement with the Director containing any information to support his or her claim.

(c) In determining whether to grant or deny an application for a special variance, the Director shall balance the **RESULTS OF ANY ONSITE INSPECTION**, the hardship to the applicant, the community and other persons of not granting the special variance against the adverse impact on the health, safety and welfare of the persons affected, the adverse impact on property affected and any other adverse impacts of granting the special variance. Applicants for special variances and persons contesting such variances may be required to submit any information the Director may reasonably require. In granting or denying an application, the Director shall maintain a record for public inspection of the decision and the reasons therefor.

(d) Special variances shall be granted by notice to the applicant, containing all necessary conditions, including a time limit on the permitted activity. A special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any of the conditions of the special variance shall terminate ~~it~~ **THE VARIANCE FOR THAT EVENT AND ANY OTHER EVENTS CONTAINED IN THE VARIANCE REQUEST** and subject the person holding it to those provisions of this chapter regulating the source of sound or activity for which the special variance was granted.

(h) Notice of application for a variance or an extension of a variance shall be given by the Director of Public Safety by publishing ~~once in a newspaper of general circulation~~ **ON THE CITY OF NEWARK WEBSITE** a written notice detailing the substance and content of such application and inviting any interested person to submit **WRITTEN** statements and other information regarding the application. ~~All costs associated with the publication of such notices shall be assessed and paid by the applicant~~ **FEES ASSESSED** shall be paid by the applicant at the time of filing the application in accordance with a schedule of fees formulated by the **DIRECTOR OF PUBLIC SAFETY** and filed with the Clerk of Council.

SECTION TWO: The attached application for the issuance of a variance along with the informational cover sheet are hereby approved.

SECTION THREE: All other sections of 634 of the Codified Ordinance not addressed in the above legislation remain in effect as written.

SECTION FOUR: 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

Prepared by the Office of the Director of Law

APPLICATION FOR SPECIAL VARIANCE PURSUANT TO SECTION 634 OF THE NEWARK CODIFIED
ORDINANCE

Anyone wishing to have an event in the City of Newark for which it is anticipated will be in violation of the Newark Codified Ordinance section 634 for noise control, may apply for a variance through the Director of Public Safety. Any variance requested must state the reasons why complying with the noise control ordinance under the Newark Codified Ordinance would constitute an unreasonable hardship on the applicant, the community, or on other persons. **Such application, application fee, and any mandatory documentation must be submitted to the Director of Public Safety no later than sixty (60) days before the event. Applications received within sixty (60) days of the event are not guaranteed to be reviewed or considered prior to the date of the event. Applicant may also be required to submit to an onsite inspection of the venue if requested by the Director of Public Safety or his or her designee.**

Upon receipt of the application for a special variance, the Director of Public Safety is required to give notice to persons who frequent the area of the sound or activity and who may be adversely affected by the granting of the variance. Notice of the application shall be given by the Director of Public Safety by publishing notice of the application on the City of Newark website. Any individual who claims to be adversely affected by allowance of the special variance may file a written statement with the Director of Public Safety containing any information to support his or her claim. In determining whether to grant or deny an application for a special variance, the Director of Public Safety shall balance the hardship to the applicant, the community, and other persons against the adverse impact on the health, safety and welfare of affected persons, the adverse impact on property affected, and other adverse impacts of granting the special variance.

If a variance is granted, notice will be given to the applicant, containing all necessary conditions which may include a limit on decibel levels and a time limit on the permitted activity. **A SPECIAL VARIANCE SHALL NOT BECOME EFFECTIVE UNTIL ALL CONDITIONS ARE AGREED TO BY THE APPLICANT. NONCOMPLIANCE WITH ANY OF THE CONDITIONS OF THE SPECIAL VARIANCE SHALL TERMINATE IT AND SUBJECT THE PERSON RESPONSIBLE FOR THE EVENT TO THOSE PROVISIONS OF CHAPTER 634 OR ANY OTHER APPLICABLE SECTION OF THE NEWARK CODIFIED ORDINANCE REGULATING THE SOURCE OF SOUND OR ACTIVITY FOR WHICH THE SPECIAL VARIANCE WAS GRANTED.**

If a variance is denied, the decision may be appealed by the applicant to the Newark City Council for review. If a variance is granted, any person claiming to be adversely affected by the allowance of the special variance may also appeal to Newark City Council for review.

CITY OF NEWARK
NOISE CONTROL VARIANCE APPLICATION
PURSUANT TO NEWARK CODIFIED ORDINANCE SECTION 634

The Application and the application fee should be submitted a minimum of sixty (60) days prior to the event date to allow ample time for required public notification period. Applications submitted within sixty (60) days of the event date may not satisfy the processing timeline requirements.

1. Organization/person seeking variance: _____
2. Mailing address with zip code: _____
3. Event name: _____
4. Address and physical description of noise source location (Event, Worksite): _____

5. Responsible person: _____ Title: _____
6. Telephone: _____ Email: _____
7. Will this person be continually present at the location during the event? YES/NO (circle one)
8. If no, who will be on-site during the event and should be contacted if the need arises? _____

9. Contact information for on-site responsible party: Cell phone _____
10. Dates variance requested: _____
11. Noise source- Time of operation requested: _____
Time of pre-event sound check: _____
12. Sound level requested: _____
13. Briefly describe the noise source and equipment involved: _____

14. Describe steps that will be taken to minimize the noise levels in the surrounding residential neighborhoods: _____

15. Current zoning of event location: _____
16. State reason for seeking variance (describe unreasonable hardship on the applicant, on the community or on other persons to comply with noise control ordinance): _____

17. A site diagram & map must be attached showing location of the noise source(s), streets, stages, tents, etc. (If there will be amplified sound, indicate location and direction that all

speakers will be facing). **MULTIPLE LOCATIONS MAY REQUIRE MORE THAN ONE APPLICATION.**

18. Submit completed application, site diagram/map and application fee to:

City of Newark
Director of Public Safety
40 W. Main Street
Newark, Ohio 43055

Signature of applicant: _____ Date: _____

BY _____

AN ORDINANCE AMENDING CHAPTER 648.04 DISORDERLY CONDUCT OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO RELATIVE TO NOISE CONTROL IN THE CITY OF NEWARK AND DISORDERLY CONDUCT BETWEEN FAMILY OR HOUSEHOLD MEMBERS

WHEREAS, the Codified Ordinances of the City of Newark currently prohibits conduct considered to be disorderly within the City limits; and,

WHEREAS, in consideration of the proposed changes to 634 of the Codified Ordinance regarding noise within the City, it is proposed to amend section 648.04 to provide an alternate section for ease of enforcement of said prohibitions, and;

WHEREAS, in reference to disorderly conduct between family or household members, a former section under 648.04 which specifically addressed domestic disorderly conduct was mistakenly taken out of the legislation when prior legislation was passed. The Law Director's Office is requesting that the section be added back into the codified ordinance as it is a valuable asset in addressing non-physical forms of conduct that cause a disturbance within households and families, 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 1: The following sections of Chapter 648.04 of the Codified Ordinances of the City of Newark, Ohio are hereby amended to read as follows:

CHAPTER 648.04: DISORDERLY CONDUCT

(6) MAKING, CONTINUING, OR CAUSING TO BE PRODUCED ANY LOUD, UNNECESSARY OR UNUSUAL NOISE OR MUSIC THAT IS LIKELY TO ANNOY, DISTURB OR AGITATE THE COMFORT, REPOSE, HEALTH, OR SAFETY OF OTHERS IN THE MUNICIPAL LIMITS. THE FOLLOWING ACTS, AMONG OTHERS THAT MAY NOT BE LISTED HERE, SHALL BE CONSIDERED TO BE

LOUD, UNNECESSARY AND UNUSUAL NOISE AND AS SUCH SHALL BE IN VIOLATION OF THIS SECTION:

A. RADIOS AND PHONOGRAPHS, ETC. THE USING OR OPERATING OR PERMITTING TO BE OPERATED ANY RADIO, STEREO, AMPLIFIER, PHONOGRAPH, MUSICAL INSTRUMENT, OR OTHER MACHINE OR DEVICE DESIGNED TO PRODUCE OR REPRODUCE ANY SOUND THAT WOULD BE LIKELY TO DISTURB THE COMFORT, PEACE AND QUIET OF NEIGHBORING INHABITANTS OR VEHICLE OPERATORS. ANY SOUND THAT IS PRODUCED OR REPRODUCED FROM DEVICES LISTED ABOVE FROM NON-PUBLIC PLACES OR RESIDENCES AFTER 10:00 P.M. AND BEFORE 7:00 A.M. ON ANY DAY, AND FOR PLACES OF PUBLIC ENTERTAINMENT, AFTER 10:00 P.M. AND BEFORE 7:00 A.M. SUNDAY THROUGH THURSDAY, AND AFTER 11:00 P.M. AND BEFORE 7:00 A.M. FRIDAY AND SATURDAY, THAT MAY BE CLEARLY AND DEFINITELY HEARD BEYOND A DISTANCE OF FIFTY FEET FROM THE STRUCTURE, VEHICLE OR SOURCE OF SOUND SHALL BE PRIMA-FACIE EVIDENCE OF A VIOLATION OF THIS SECTION. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE USING, OPERATING, OR PERMITTING TO BE OPERATED A MACHINE OR DEVICE DESIGNED TO PRODUCE OR REPRODUCE SOUND SHALL NOT VIOLATE THIS SECTION IF THE USE IS INCIDENT TO AN EVENT OPEN TO THE PUBLIC AND SPONSORED BY OR PERMITTED BY ANY OF THE FOLLOWING:

- 1) CITY OF NEWARK;
- 2) AN ORGANIZED SCHOOL-RELATED PROGRAM, ACTIVITY OR EVENT;
- 3) AN EVENT APPROVED BY AND IN COMPLIANCE WITH A VARIANCE GRANTED BY THE SAFETY DIRECTOR.

B. LOUDSPEAKERS OR AMPLIFIERS. THE USING OR OPERATING OR PERMITTING TO OPERATE OR TO BE PLAYED, USED OR OPERATED ANY TYPE OF LOUDSPEAKER, AMPLIFIER, HORN OR OTHER NOISE PRODUCING DEVICE FOR THE PURPOSE OF COMMERCIAL ENTERTAINMENT, ADVERTISING, OR ATTRACTION OF ATTENTION THAT WOULD BE LIKELY TO DISTURB THE COMFORT, PEACE AND QUIET OF NEIGHBORING INHABITANTS OR VEHICLE OPERATORS. ANY SOUND THAT IS PRODUCED OR REPRODUCED FROM DEVICES LISTED ABOVE FROM NON-PUBLIC PLACES OR RESIDENCES AFTER 10:00 P.M. AND BEFORE 7:00 A.M. ON ANY DAY, AND FOR PLACES OF PUBLIC ENTERTAINMENT, AFTER 10:00 P.M. AND BEFORE 7:00 A.M. SUNDAY THROUGH THURSDAY, AND AFTER 11:00 P.M. AND BEFORE 7:00 A.M. FRIDAY AND SATURDAY, THAT MAY BE CLEARLY AND DEFINITELY HEARD BEYOND FIFTY FEET FROM THE SOURCE OF ORIGIN, SHALL BE PRIMA-FACIE EVIDENCE OF A VIOLATION OF THIS SECTION. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, USING OR OPERATING A NOISE- PRODUCING DEVICE OR PERMITTING IT TO OPERATE OR TO BE PLAYED, USED OR OPERATED SHALL NOT VIOLATE THIS SECTION IF THE USE OR OPERATION IS INCIDENT TO ACTIVITIES THAT ARE OPEN TO

THE PUBLIC AND SPONSORED BY OR PERMITTED BY ANY OF THE FOLLOWING:

- 1) THE CITY OF NEWARK;
- 2) AN ORGANIZED SCHOOL-RELATED PROGRAM, ACITIVITY, OR EVENT;
- 3) ANY EVENT APPROVED AND IN COMPLIANCE WITH A VARIANCE GRANTED BY THE SAFETY DIRECTOR.

C. LOADING AND UNLOADING. LOAD, UNLOAD, OPEN, CLOSE OR OTHERWISE HANDLE BOXES, CRATES, CONTAINERS, BUILDING MATERIALS, GARBAGE CANS OR SIMILAR OBJECTS BETWEEN THE HOURS OF **10:00 P.M.** **AND 7:00 A.M.** OF THE FOLLOWING DAY IN SUCH A MANNER AS TO CAUSE A NOISE DISTURBANCE ACROSS A RESIDENTIAL REAL PROPERTY BOUNDARY. THIS SECTION DOES NOT APPLY TO REFUSE COLLECTION VEHICLES WHICH ARE GOVERNED BY SECTION 1860.11 OF THE CODIFIED ORDINANCE.

(c) whoever violates this section is guilty of disorderly conduct.

(1) Except as otherwise provided in division (c)(2) of this section, disorderly conduct is a minor misdemeanor.

(2) Disorderly conduct is a misdemeanor of the fourth degree if any of the following applies:

E. THE VICTIM IS A FAMILY OR HOUSEHOLD MEMBER AS DEFINED IN SECTION 636.17 OF THE NEWARK CODIFIED ORDINANCE AND 2919.25 OF THE OHIO REVISED CODE.

SECTION 2: All other sections of 648.04 of the Codified Ordinance not addressed in the above legislation remain in effect as written.

SECTION 3: 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

Prepared by the Office of the Director of Law

Resolution No.22-94 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 \$34,337.92 (replacement of aging mowers)

335.432.5331	Machinery Equip. 61" mower(2) Ferris	34,337.92
--------------	---	-----------

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 _____, _____

Resolution No.22-96 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 621 Water Dept. Fund, in the amount of \$3,000.00 (Increased gas and fuel costs)

621.707.5354	Fuel	3,000.00
--------------	------	----------

Section 2. There is hereby an appropriation of the unappropriated balance of the 230 OCJS Fund, in the amount of \$128,400.00 (FLOCK safety license plate readers – State award to NPD for two year service)

230.230.5312	Law Enforcement Supplies	128,400.00
--------------	-----------------------------	------------

Section 3. There is hereby an appropriation of the unappropriated balance of the 295 JAG Fund, in the amount of \$15,425.00 (2022 JAG Grant shared with the Licking County Sheriff)

295.194.5289	Inter governmental	7,712.50
295.194.5312	Law Enforcement Supplies	7,712.50

Section 4. There is hereby an appropriation of the unappropriated balance of the 100 General Fund, in the amount of \$15,425.00 (To provide for expenditures at the end of year until grant funds are received in 2023, fund cannot be in the red at end of year)

100.111.5992295	Advance	15,425.00
-----------------	---------	-----------

Section 5. There is hereby an appropriation of the unappropriated balance of the 673 buckeye Corridor Storm Sewer Fund, in the amount of \$150,000.00 (Completion of 40th Street Project Concrete Work)

673.169.5527	Stormlines	150,000.00
--------------	------------	------------

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 _____, _____

Resolution No.22-97

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 \$3,872.96 (Appropriate funds back into overtime from reimbursement of HazMat recovery incident. Appropriate funds back into Medical Supplies from the sale of three stair chairs on GovDeals)

100.205.5118	Overtime – Fire Uniformed	518.90
100.204.5303	Medical Supplies	3,354.06

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 REAUTHORIZING THE DOWNTOWN NEWARK SPECIAL IMPROVEMENT DISTRICT, INC., APPROVING THE ARTICLES OF INCORPORATION, THE PROPOSED PLAN FOR SERVICES FOR THE SPECIAL IMPROVEMENT DISTRICT, AND DECLARING THE NECESSITY TO LEVEL A SPECIAL ASSESSMENT FOR THE COST OF SERVICES AS SET FORTH IN THE PLAN AND DECLARING AN EMERGENCY.

WHEREAS, Newark City Council, through Resolution 17-60 approved the creation of the Downtown Newark Special Improvement District, Inc. for which the plan for services began on May 1, 2018 and runs through April 30, 2023; and,

WHEREAS, the Clerk of Council has received petitions from the property owners located inside the Special Improvement District (Downtown Newark Special Improvement District, Inc.) for the reauthorization of the Downtown Newark Special Improvement District Inc, the approval of the Articles of Incorporation and the proposed Plan for Services to begin May 1, 2023 through April 30, 2028; and,

WHEREAS, the Clerk of Council finds that the property owners per the signed petitions represent sixty percent (60%) or more of the frontage of the property located in the proposed Special Improvement District (SID); and,

WHEREAS, the proposed Articles of Incorporation and Plan for Services are attached hereto and are on file with the office of the Clerk of Council; and,

WHEREAS, it is the determination of this Council that the Special Improvement District is a valuable tool for economic development and a means of continuing to improve downtown Newark and that the services set forth in the attached Plan for Services are deemed to be a special benefit to the property owners with the district boundaries; and,

WHEREAS, Section 1710.02 and 1710.06 of the Ohio Revised Code authorizes the levy of a special assessment to pay for the cost of services as set forth in the Plan for Services; and,

WHEREAS, the proposed Plan for Services calls for the provision of certain services on behalf of the property owners within the SID boundaries to be funded by a special assessment as set forth therein; and,

WHEREAS, this resolution is hereby declared an emergency for the preservation of public peace, health, safety, or welfare, in order to meet the filing deadline.

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

SECTION ONE: The petition for the reauthorization of the Special Improvement District (Downtown Newark Special Improvement District, Inc.) within the boundaries as set forth therein, the Articles of Incorporation, and the Plan for Services, including the cost of services to be provided by the Downtown Newark Special Improvement District, Inc. (SID), now on file with the Clerk of Council, attached hereto as marked are hereby approved.

SECTION TWO: This Council determines that the Plan for Services is conducive to the public health, welfare and convenience and that the property to be assessed as set forth herein are especially benefitted by the services set forth in the Plan in amounts equal to or greater than the assessed amounts.

SECTION THREE: The assessment as set forth in the Plan for Services to be levied shall be paid in semi-annual installments and that the term of the assessment shall be for a period of FIVE (5) years commencing January 1, 2022 through December 31, 2026.

SECTION FOUR: The Clerk of Council is hereby directed to certify a copy of this Resolution to the County Auditor for assessment as set forth in the Plan for Services.

SECTION FIVE: An emergency is declared in order to meet important filing deadlines. 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

RESOLUTION NO: 22-99

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT WITHOUT COMPETITIVE BIDDING FOR THE PURCHASE OF FLOCK SAFETY SYSTEM AND CAMERAS

WHEREAS, the City of Newark has an opportunity to purchase Flock Safety System and cameras by way of a grant awarded to the City by the State of Ohio; and,

WHEREAS, above conditions concerning the waiver of bidding apply to the fact that the grant was awarded specifically for the purchase and use of the Flock Safety System and cameras; and,

WHEREAS, this matter was considered in regular session by the Service 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 into contract for the purchase of Flock Safety System and cameras on behalf of the Newark Police Department, subject to the appropriation of funds.

Section 2: Due to the grant awarded being specifically for the purchase of Flock Safety System and cameras, bidding is hereby waived and the Director of Public Service is authorized and directed to negotiate and enter directly into contract with Flock Safety.

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

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 Law Director's Office.

Resolution No.22-100 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 \$73,500.00 (1-Equipment to be used on bike path, cemetery roadways & parks parking lots 2-Replacement of 1992 Dump truck, needs transmission, rear end, clutch, leaf springs, door & window)

335.432.5271	FB1000 Hurricane Stand on blower	8,500.00
335.432.5331	Dump Truck with 8 foot dump bed	65,000.00

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 _____, _____