

COUNCIL AGENDA

December 5, 2022

Committee and Council Meetings can be viewed by accessing YouTube

Council Chambers
7:00 P.M.

ROLL CALL

INVOCATION – Mark Labutis

PLEDGE OF ALLEGIANCE - Tristan Presley, 5th grade Ben Franklin

CAUCUS

MINUTES of November 21, 2022

APPOINTMENTS

Mayor Jeff Hall - Appointing Veronica Patton to the Newark Community Improvement Corporation, known as Newark Development Partners, her 3 year term will begin January 1st, 2023 and will expire December 31, 2025

REPORTS OF STANDING COMMITTEES

Finance

Service

Economic Development

REPORTS FROM CITY OFFICIALS

Roger Loomis, Water Administrator – properties being sent to lien for past due water, sewer and storm water bills in the amount of \$3,800.21

COMMUNICATIONS

Ohio Division of Liquor Control - New Application from Babas Grill LLC, dba Babas Grill, 19 S. Park Pl., Newark, Ohio 43055

League of Women Voters of Licking County - Assigning an observer to the Newark City Council

Columbia Gas of Ohio - 2022 Infrastructure Replacement Program

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

22-45 AN ORDINANCE AUTHORIZING AND DIRECTING THE NEWARK CITY SAFETY DIRECTOR TO CERTIFY TO THE LICKING COUNTY AUDITOR, THE SUM OF \$440,515.00 INCURRED BY THE NEWARK CITY PROPERTY MAINTENANCE DEPARTMENT WITH RESPECT TO PROPERTY MAINTENANCE VIOLATIONS TO BE PLACED AS A LIEN UPON CERTAIN PARCELS OF REAL PROPERTY SITUATED IN THE CITY OF NEWARK, OHIO.

ORDINANCES ON FIRST READING

22-47 AMENDING ORDINANCE NO. 06-61 TO INCLUDE ADDITIONAL PUBLIC INFRASTRUCTURE IMPROVEMENTS RELATED TO AN EXISTING TAX INCREMENT FINANCING EXEMPTION IN THE CITY OF NEWARK, OHIO GRANTED PURSUANT TO SECTION 5709.40(b) OF THE OHIO REVISED CODE (MT. VERNON ROAD TIF) AND AUTHORIZING A SUPPLEMENT TO THE REVENUE SHARING AGREEMENT WITH NEWARK CITY SCHOOL DISTRICT

RESOLUTIONS ON SECOND READING

22-101 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$442.45 - Appropriate Funds back into Overtime from Special Duty Coverage of Hockey Game)

RESOLUTIONS ON FIRST READING

22-107 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 THE REPLACEMENT OF THE ROOFING SYSTEM ON THE INFLUENT PUMP STATION AT THE WASTEWATER TREATMENT PLANT.

22-108 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

22-109 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO PROCEED WITH THE STEPS NECESSARY TO DESIGNATE A PORTION OF WEST MAIN STREET BETWEEN 6TH STREET AND 3RD STREET IN THE DOWNTOWN AREA AS HERBERT J. MURPHY JR. WAY

COMMENTS FROM CITIZENS

MISCELLANEOUS

ADJOURNMENT

BY: _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE NEWARK CITY SAFETY DIRECTOR TO CERTIFY TO THE LICKING COUNTY AUDITOR, THE SUM OF \$440,515.00 INCURRED BY THE NEWARK CITY PROPERTY MAINTENANCE DEPARTMENT WITH RESPECT TO PROPERTY MAINTAINENCE VIOLATIONS TO BE PLACED AS A LIEN UPON CERTAIN PARCELS OF REAL PROPERTY SITUATED IN THE CITY OF NEWARK, OHIO.

WHEREAS, the Newark City Council passed the City of Newark's Property Maintenance Code on the 17th day of January, 2007 and an amendment on the 17th day of June, 2008.

WHEREAS, the Newark City Property Maintenance Department caused to be sent a notice addressed to the individuals or entities identified in Exhibit "A" attached hereto with respect to certain property in City of Newark, directing such individuals or entities to correct violations within a proscribed period of time; and,

WHEREAS, upon failure of the individuals or entities identified in Exhibit "A" to abate violations, Property Maintenance Code Ord. 07-03 authorizes the Newark City Safety Director, his/her authorized employees, agents and contractors to access real property upon which weeds were permitted to grow, structures were unsecured and the accumulation of rubbish existed and correct the conditions existing thereon, thereby expending funds for such violation abatement; and,

WHEREAS, Property Maintenance Code authorizes the Newark City Safety Director to assess against a property any costs incurred to bring the property into compliance, including, but are not limited to, any costs incurred due to the use of employees, materials or equipment of Newark, arising out of contracts for labor, materials, or equipment, costs of services of notice(s), filing of affidavit, title searches, or any other necessary costs.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING AND STATE OF OHIO, AS SET FORTH BELOW:

Section One. That the Safety Director is hereby authorized and directed to certify to the Licking County Auditor for placement upon the real property tax duplicate all costs incurred pursuant the City of Newark Property Maintenance Code to correct conditions at the parcels and collection of the same in accordance with Ohio law as described as follows:

See Exhibit "A" attached hereto and incorporated herein.

Section Two. This Ordinance shall be effective 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: _____

Director of Law

ORDINANCE NO. 22-47

BY _____

AMENDING ORDINANCE NO. 06-61 TO INCLUDE ADDITIONAL PUBLIC INFRASTRUCTURE IMPROVEMENTS RELATED TO AN EXISTING TAX INCREMENT FINANCING EXEMPTION IN THE CITY OF NEWARK, OHIO GRANTED PURSUANT TO SECTION 5709.40(B) OF THE OHIO REVISED CODE (MT. VERNON ROAD TIF) AND AUTHORIZING A SUPPLEMENT TO THE REVENUE SHARING AGREEMENT WITH NEWARK CITY SCHOOL DISTRICT

WHEREAS, on December 18, 2006, the Council of the City of Newark (“**City Council**”) adopted Ordinance No. 06-61 declaring to be a public purpose improvements to certain parcels within the City of Newark (the “**City**”) and establishing a tax increment equivalent fund (such ordinance being the “**TIF Ordinance**” and the tax increment financing program established thereby being hereinafter the “**TIF**”); and

WHEREAS, pursuant to the TIF Ordinance, City Council declared its intention to provide for certain public infrastructure improvements from the revenues generated by the TIF (the “**Public Infrastructure Improvements**”); and,

WHEREAS, Section 5 of the TIF Ordinance specifically provides that the City Council may designate by ordinance additional Public Infrastructure Improvements to be provided for from the revenues generated by the TIF; and,

WHEREAS, City Council wishes to designate additional Public Infrastructure Improvements under the TIF; and

WHEREAS, the City has previously entered into a Revenue Sharing Agreement with the Newark City School District (the “**School District**”) dated as of December 19, 2006 (as supplemented by that certain Supplemental Revenue Sharing Agreement dated as of February 3, 2020, the “**Revenue Sharing Agreement**”) pursuant to which the City and the School District agreed as to certain terms related to the compensation of the School District for revenues foregone as a result of the TIF; and,

WHEREAS, on November 18, 2022, this Board notified the School District Board of Education and the Board of Education of the Career & Technology Education Centers of Licking County, of its intention to amend Ordinance No. 06-61 and on _____, 2022 the School District approved such amendment; and

NOW, THEREFORE, BE IT ORDAINED by the Council of City of Newark, State of Ohio, that;

City Council hereby finds and declares, to wit:

Section 1. The following public infrastructure improvements are hereby designated as additional Public Infrastructure Improvements made, to be made, or in the process of being made by the City that directly benefit, or that once made will directly benefit, the Parcels (as that term is defined in the TIF Ordinance):

1. Improvements to the intersection at Waterworks Road with Horns Hill Road, and to Horns Hill Road north of this intersection, and all associated improvements and related costs which will consist of the following:

construction of a roundabout and widened roadway section including curb and gutters; roadway reconstruction to improve pavement grades and sight distances; future realignment of the above roadways in order to accommodate increased traffic demands; any work to the adjacent bridge to facilitate roadway approach changes, pavement resurfacing and reconstruction, including berms; installation or replacement of public utilities which would include water mains, sanitary sewer and storm sewer; stormwater improvements including installing curbs and gutters, drainage piping, ditching and grading; street lighting, traffic signage, striping and signalization; sidewalks, bikeways and decorative landscaping; relocation of and/or burial of gas, electric and communications service facilities; survey work; engineering studies and preliminary and final design engineering and other related professional costs; soil borings and geotechnical engineering; right-of-way or real estate acquisition and all associated costs; inspection fees; construction staking; and all other costs and improvements necessary and appurtenant thereto.

2. Improvements to Baker Boulevard, located west of North 21st Street, extending west to Evans Boulevard, and all associated improvements and related costs which will consist of the following:

construction of a bridge spanning Log Pond Run Diversion Channel on a new roadway alignment; roadway reconstruction to improve pavement grades and sight distances; future extension and realignment of the above roadways in order to accommodate increased traffic demands; pavement resurfacing and reconstruction, including berms; installation or replacement of public utilities which would include water mains, sanitary sewer and storm sewer; stormwater improvements including installing curbs and gutters, drainage piping, ditching and grading; street lighting, traffic signage, striping and signalization; sidewalks, bikeways and decorative landscaping; relocation of and/or burial of gas, electric and communications service facilities; survey work; engineering studies and preliminary and final design engineering and other related professional costs; soil borings and geotechnical engineering; right-of-way or real estate acquisition and all associated costs; inspection fees; construction staking; and all other costs and improvements necessary and appurtenant thereto

3. Together with such other public roads and highways; water and sewer lines; the continued maintenance of those public roads and highways and water and sewer lines;

environmental remediation; land acquisition, including acquisition in aid of industry, commerce, distribution, or research; demolition, including demolition on private property when determined to be necessary for economic development purposes; stormwater and flood remediation projects, including such projects on private property when determined to be necessary for public health, safety, and welfare; the provision of gas, electric, and communications service facilities, including the provision of gas or electric service facilities owned by nongovernmental entities when such improvements are determined to be necessary for economic development purposes; off-street parking facilities, including those in which all or a portion of the parking spaces are reserved for specific uses when determined to be necessary for economic development purposes; and the enhancement of public waterways through improvements that allow for greater public access; that are in each case beneficial to the Parcels (as that term is defined in the TIF Ordinance).

Section 2. That City Council authorizes the Mayor to enter into a supplement to the Revenue Sharing Agreement in substantially the form attached to this Ordinance as *Exhibit A* memorializing the School District's consent to this TIF Ordinance.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the actions contemplated herein.

Section 4. That all sections and provisions of Ordinance 06-61 not specifically amended hereby shall remain in full force and effect

Section 5. That it is hereby found and determined that all formal actions of City Council concerning and relating to the adoption of this ordinance were taken in an open meeting of this City Council, and that all deliberations of this City Council and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. 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

(a) **DATE FILED WITH MAYOR:** _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
Director of Law

EXHIBIT A

Form of Supplement to Revenue Sharing Agreement

SUPPLEMENT TO REVENUE SHARING AGREEMENT

This Supplement to Revenue Sharing Agreement (the “**Agreement**”) is made and entered into as of December __, 2022, by and between the CITY OF NEWARK, OHIO (the “**City**”), a municipal corporation organized and existing under the constitution and the laws of the State of Ohio with its principal offices at 40 W. Main St., Newark, Ohio 43055, and the NEWARK CITY SCHOOL DISTRICT (the “**School District**”), a public school district with its principal offices located at 621 Mount Vernon Road, Newark, Ohio 43055.

WITNESSETH:

WHEREAS, City Council passed Ordinance No. 06-61 on December 18, 2006 (the “**Mt. Vernon Road TIE Ordinance**”), granting a 100%, 30-year TIE Exemption to certain parcels of real property located in the City (the “**Mt. Vernon Road Site**” and the TIF created thereby being the “**Mt. Vernon Road TIF**”); and

WHEREAS, the City and the School District entered into a Revenue Sharing Agreement dated as of December 19, 2006 relating to compensation for revenues foregone by the School District as a result of the TIF Exemption (as supplemented by that certain Supplemental Revenue Sharing Agreement dated as of February 3, 2020, the “**Revenue Sharing Agreement**”); and

WHEREAS, the City has requested that the School District consent to the additional designation of Public Infrastructure Improvements (as defined in the Mt. Vernon Road TIF Ordinance) as more fully set forth in the School Notice attached hereto as Exhibit A (the “**School Notice**”); and,

WHEREAS, on _____, 2022, the Board of the School District adopted a resolution (the “**School District Resolution**”) granting its approval of this Agreement; and

NOW, THEREFORE, in consideration of the premises and covenants contained herein the parties agree as follows:

Section 1. Consent to Designation of Additional Public Infrastructure Improvements. The School District hereby consents to the designation by the City Council for purpose of the Mt. Vernon Road TIF of the additional Public Infrastructure Improvements set forth in the School Notice and such additional Public Infrastructure Improvements shall be deemed “Infrastructure Improvements” for all purposes of the Revenue Sharing Agreement, as supplemented hereby.

Section 2. Amendment. This Agreement may be amended or modified by the parties only in writing, signed by both parties to the Agreement.

Section 3. Severability of Provisions. The invalidity of any provision of this Agreement shall not affect the other provisions of this Agreement, and this Agreement shall be construed in all respects as if any invalid portions were omitted.

Section 4. Counterparts. This Agreement may be executed in any number of counterparts, all of which taken together shall constitute one and the same instrument, and any party to this Agreement may execute this Agreement by signing any such counterpart.

IN WITNESS WHEREOF, the City and the School District have caused this Agreement to be executed in their respective names by their duly authorized officers, all as of the date hereinbefore written.

CITY OF NEWARK, OHIO

NEWARK CITY SCHOOL DISTRICT

By: _____

Its: Mayor

By: _____

Its: Superintendent

By: _____

Its: Treasurer

By: _____

Its: President, Board of Education

Approved as to form:

By: _____

Its: Law Director, City of Newark, Ohio

FISCAL OFFICER CERTIFICATE

The undersigned, Director of Finance/Chief Financial Officer of the City of Newark, Ohio, hereby certifies that the moneys required to meet the obligations of the City during the year 2022 under the foregoing Supplement to Revenue Sharing Agreement have been lawfully appropriated by the City Council of the City of Newark, Ohio for such purpose and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Ohio Revised Code Sections 5705.41 and 5705.44.

Director of Finance/Chief Financial Officer
City of Newark, Ohio

Dated: _____, 2022

[Fiscal Officer Certificate]

EXHIBIT A
SCHOOL NOTICE

November 18, 2022

Newark City School Board of Education
621 Mount Vernon Road
Newark, Ohio 43055
Attn: Thomas Bline, President of Board of Education

Re: Amendment to City of Newark Ordinance No. 06-61 (Mt. Vernon Road TIF)

Dear Members of the Board:

Please find below official notice that the City Council of the City of Newark, Ohio ("Council") intends to consider the adoption of an amendment to its Ordinance No. 06-61 originally adopted on December 18, 2006 ("TIF Exemption") pursuant to Section 5709.40(B) of the Ohio Revised Code at a regular meeting scheduled for December 19, 2022. The ordinance is expected to be initially introduced to City Council at its meeting scheduled for November 21, 2022, and have a first reading at the City Council meeting scheduled for December 5, 2022. The meetings will be held at the City Hall Council Chambers, 40 W. Main St., Newark, Ohio at 7 PM on each of the respective days mentioned above. A draft copy of the amending ordinance is attached to this notice (the "Ordinance").

The amendment is being made to designate additional public infrastructure improvements to be constructed using statutory service payments generated under the TIF Exemption.

The City of Newark respectfully requests that the Board of Education pass a resolution to waive the remainder of any applicable notice periods under Ohio Revised Code Sections 5709.40, 5709.83 and 5715.27 for this transaction and to authorize a supplement to the Revenue Sharing Agreement between the City and the School District related to the TIF Exemption (for the purpose of acknowledging the additional public infrastructure designated set forth in the Ordinance). You are invited to comment in advance of the meeting or attend the meeting regarding the proposed Ordinance.

Sincerely,

Jeff Hall, Mayor

EXHIBIT A

DRAFT AMENDING ORDINANCE

**RECEIPT OF THE BOARD OF EDUCATION OF THE
NEWARK CITY SCHOOL DISTRICT OF NOTICE OF THE
INTENT OF THE CITY OF NEWARK, OHIO TO PASS AN ORDINANCE AMENDING
ITS ORDINANCE NO. 06-61 RELATING TO THE MT. VERNON ROAD TIF**

November 18, 2022

TO: City of Newark
40 W. Main St.
Newark, Ohio 43055
Attn: Mark Mauter

The undersigned hereby acknowledges receipt of the following items from the City of Newark, Ohio.

- (i) Notice of hearing before the City Council of Newark, Ohio on December 19, 2022 to consider and vote upon an ordinance amending the City's Ordinance No. 06-61.

Received by: _____

Date: _____

Resolution No.22-101

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 \$442.45 (Appropriate Funds back into Overtime from Special Duty Coverage of Hockey Game)

100.205.5118	Overtime, Uniformed	Fire, 442.45
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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 _____, _____

RESOLUTION NO. 22-107

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 THE REPLACEMENT OF THE ROOFING SYSTEM ON THE INFLUENT PUMP STATION AT THE WASTEWATER TREATMENT PLANT.

WHEREAS, the Influent Pump Station Building was constructed over 34 years ago and the current roof has had new rubber topping material installed for over 15 years ago and is currently out of the warranty period and,

WHEREAS, inspection revealed the need to remove and replace the entire roofing system due to damage of the insulation material under the roofing and,

WHEREAS, the Public Service Committee of the Newark City Council met on November 21, 2022 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 and directed to advertise for bids and enter into contracts for the replacement of the roofing system on the Influent Pump 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

Resolution No.22-108 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 Department Fund, in the amount of \$90,000 (Remote Reading Devices, Original Stock Depleted)

621.706.5534	Meters	90,000.00
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Section 2. There is hereby an appropriation of the unappropriated balance of the 100 General Fund, in the amount of \$600.00 (Money paid to us by Bryan Varnes for damaged SCRAM unit)

100.116.5312	Law Enforcement	600.00
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Section 3. There is hereby an appropriation of the unappropriated balance of the 623 Water Projects Fund, in the amount of \$50,000.00 (Ohio EPA Grant for Lead Service Line Inventory Work)

623.706.5238.765	Services General	50,000.00
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This resolution is a measure providing for an appropriation for current expenses of the municipal corporation; it shall go into effect pursuant to Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, 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 PROCEED WITH THE STEPS NECESSARY TO DESIGNATE A PORTION OF WEST MAIN STREET BETWEEN 6TH STREET AND 3RD STREET IN THE DOWNTOWN AREA AS HERBERT J. MURPHY JR. WAY.

WHEREAS, in the Downtown area, there is a portion of West Main Street which intersect and runs between 6th Street and 3rd Street; and,

WHEREAS, this Council deems it appropriate to honor Herbert J. Murphy Jr. for his many and various accomplishments and philanthropic contributions to the betterment of the City of Newark, Ohio and Licking County, Ohio, and;

WHEREAS, Council has determined that it is appropriate to honor Herbert J. Murphy Jr. by designating the portion of West Main Street between 6th Street and 3rd Street as **Herbert J. Murphy Jr. Way**, 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 Director of Public Service is hereby authorized and directed to proceed with all steps necessary to designate the portion of West Main Street that runs between 6th Street and 3rd Street as **Herbert J. Murphy Jr. Way**

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