

COUNCIL AGENDA

February 6, 2023

Committee and Council Meetings can be viewed by accessing YouTube

Council Chambers
7:00 P.M.

ROLL CALL

INVOCATION – Mr. Harris

PLEDGE OF ALLEGIANCE - Samyah Thompson, 4th grade, Johnny Clem Elementary

CAUCUS

MINUTES of January 17, 2023

APPOINTMENTS

Mayor Jeff Hall - Reappointing Carole Wachtel to The Combined General Health District Board. Her new term begins March 1, 2023 and will expire February 28, 2028. Subsequent appointments will be five year terms.

REPORTS OF STANDING COMMITTEES

Finance

Service

Capital Improvements

Personnel

REPORTS FROM CITY OFFICIALS

COMMUNICATIONS

Park National Bank - Confidential Statement of Account Newark Mem Bld/Cedar Hill Cemetery Trust

Columbia Gas of Ohio - Establishing the Pipeline Hazardous Materials Safety Administration Infrastructure Replacement Program Rider

Tim Schaffer, State Senator, 20th Ohio Senate District - As of January 1, 2023 Licking County became part of the Ohio State Senate's 20th District

Jessame Fout, Development Director St. Vincent Haven - Ribbon cutting ceremony of new facility, 115 Wilson Street on March 10, 2023 at 11:00am

Ohio EPA - Citizen Advisory, Requesting Comments on North Beech Corridor Isolated Wetlands Permit Applications. Public Hearing and Information Session Feb 6, 2023, 6:00pm at Jersey Baptist Church

Ohio Department of Agriculture - Spongy moth (formerly gypsy moth) treatments in the area
June 2023

Ohio Division of Liquor Control - New Liquor application for Sudhir Dubey DBA Homefires, 380
Seroco Ave. Newark, Ohio 43055

PUBLIC HEARING

23-11 A RESOLUTION APPROVING THE RENEWAL APPLICATION FOR PLACEMENT OF FARMLAND
IN AN AGRICULTURAL DISTRICT AND DECLARING AN EMERGENCY

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

23-01 AN ORDINANCE AMENDING PORTIONS OF CHAPTER 830 OF THE CODIFIED ORDINANCES
OF THE CITY OF NEWARK, OHIO, REGARDING LICENSING REQUIREMENTS FOR ELECTRONIC
GAMING PARLORS OPERATED WITHIN THE CITY OF NEWARK, OHIO.

ORDINANCES ON FIRST READING

There are none this meeting

RESOLUTIONS ON SECOND READING

23-01 ODOT Final Resolution THE PROJECT CONSISTS OF CONSTRUCTING A TWO-LANE
ROUNDAABOUT INTERSECTING THORNWOOD CROSSIN, THORNWOOD DRIVE, RIVER ROAD, AND
REDDINGTON ROAD, INCLUDING ROADWAY REALIGNMENT, DRIVEWAYS, GUARDRAIL, FENCE,
DRAINAGE, WATER MAIN WORK, LIGHTING, SIGNAGE, PAVEMENT MARKINGS, TRAFFIC
SIGNALS, LANDSCAPING, BUILDING DEMOLITION, AND A STRUCTURE, LYING WITHIN THE CITY
OF NEWARK

23-02 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO
ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR CERTAIN ESSENTIAL SUPPLIES FOR
VARIOUS DEPARTMENTS OF THE CITY OF NEWARK, OHIO, FOR 2023.

23-03 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL
CORPORATION (\$100,000.00 -Alley Paving)

RESOLUTIONS ON FIRST READING

23-04 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL
CORPORATION (\$135,000 -Additional work on 4th Street) (\$6,000,000.00- Professional Services)
(\$4,000,000.00 - Water projects)

23-05 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$60,300.00 -the two line items were keyed-in incorrectly during budget preparation, requested amounts will bring them to needed levels for 2023)

23-06 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO APPLY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE UNDER THE BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM.

23-07 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE DEPARTMENT OF HOMELAND SECURITY, FOR FISCAL YEAR 2022 FIRE ACT GRANT PROGRAMS, IN SUPPORT OF TRAINING PROGRAMS, EQUIPMENT PURCHASES, FUNDING FOR PERSONNEL, FIRE PREVENTION, AND FIRE SAFETY PROGRAMS THROUGHOUT THE CITY.

23-08 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR AN AWARD OF FISCAL YEAR 2023-2024 FUNDING UNDER THE OHIO EMS TRAINING AND EQUIPMENT GRANT PROGRAM.

23-09 THE PROJECT CONSISTS OF REPLACING BRIDGE NO. LIC-CR804-0173 (SFN 4560078) LOCATED ON WEST CHURCH STREET (C.R. 804) OVER RACCOON CREEK, INCLUDING APPROACH WORK, RESSURFACING, CURB, SIDEWALK, CURB RAMPS, STORM SEWER RELOCATIONS, AND PAVEMENT MARKINGS, LYING WITHIN THE CITY OF NEWARK

23-10 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$74,500 - F250 truck with snowplow, salt spreader, 20 foot trailer)

COMMENTS FROM CITIZENS

MISCELLANEOUS

ADJOURNMENT

RESOLUTION NO: 23-11

BY _____

RESOLUTION APPROVING THE RENEWAL APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT AND DECLARING AN EMERGENCY

WHEREAS, the City of Newark, Ohio is a municipal corporation duly authorized and operating under the Newark City Charter and the laws of the State of Ohio; and,

WHEREAS, Gale L. and Ruth E. Amacher, et al., are the owners of real property located at 2550 River Road, Granville, Ohio, being known as parcel number 056-043506-00.000, all or a portion of which is situated within the boundaries of the City of Newark, Ohio; and,

WHEREAS, Gale L. Amacher, has submitted a renewal application with the Licking County Auditor's Office for continued placement of such property in an agricultural district; and,

WHEREAS, Ohio Revised Code § 929.02 requires a legislative body of a municipal corporation to conduct a public hearing on applications for placement of farmland in an agricultural district or renewals of said applications within 30 days of said applications receipt when such land is located within a municipal corporation's boundaries and to take action upon such application within seven (7) days thereafter; and,

WHEREAS, the Clerk of the City of Newark's legislative body, the Newark City Council, has received application for placement of farmland in an agricultural district on January 10, 2023, and a public hearing on such renewal application shall be conducted on _____, 2023.

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

Section One: The Newark City Council has considered Gale L. Amacher's renewal application for placement of farmland in an agricultural district attached hereto and finds it to be satisfactory and hereby approves the same.

Section Two: The Clerk of the Newark City Council is hereby directed to timely submit notification of this action to all necessary parties as required by Ohio Revised Code § 929.02.

Section Three: This Resolution shall take effect immediately as an emergency pursuant to Newark City Charter Article 4.07.

Passed this _____ day of _____, 2023.

PRESIDENT

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

Approved as to Form:



Director of Law

Prepared by the Law Director's Office

BY _____

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 830 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO, REGARDING LICENSING REQUIREMENTS FOR ELECTRONIC GAMING PARLORS OPERATED WITHIN THE CITY OF NEWARK, OHIO.

WHEREAS, the City of Newark has previously recognized the need to license and regulate electronic gaming parlors and has enacted legislation requiring the licensing and regulation of such establishments; and

WHEREAS, issues have arisen over time with regard to the management, imposition and monitoring of licensing for electronic gaming parlors by the Department of Public Safety; and

WHEREAS, modifications to the structure of the licensing process and the manner of collecting licensing fees would lead to greater compliance and efficiency within the regulatory process; and

WHEREAS, this matter was considered by the Safety Committee of this Council which passed this Ordinance onto 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: Chapter 830 of the Codified Ordinances of the City of Newark, Ohio, is hereby amended and shall read as follows:

830.03 LICENSE FEES.

(b) Any person applying for a license to operate a non-exempt electronic gaming parlor shall, before the issuance thereof, pay to the city a semi-annual ~~IN THE CITY MUST BE LICENSED BY THE STATE OF OHIO AND IN COMPLIANCE WITH ALL STATE REGULATIONS. UPON A SHOWING OF COMPLIANCE WITH STATE REGULATIONS AND BEFORE THE ISSUANCE OF A CITY LICENSE, THE PERSON SHALL PAY TO THE CITY AN ANNUAL FEE~~ as set forth herein for each separately located electronic gaming parlor:

- (1) More than zero, but less than eleven electronic games of skill ~~\$250.00~~ \$500.00
- (2) More than ten but less than twenty-five electronic games of skill ~~\$375.00~~ \$750.00
- (3) Twenty-five or more electronic games of skill ~~\$500.00~~ \$1,000.00

(c) In addition to the ~~semi~~-annual base fee, for each electronic game of skill on site at any electronic gaming parlor, the licensee of a non-exempt electronic gaming parlor shall pay an additional ~~semi~~-annual fee of ~~\$125.00~~ \$250.00

(1) All required annual licensing fees shall be paid on or before the first day of January for the issuance of a license valid through ~~June 30 and on or before the first day of July for the issuance of a license valid through~~ December 31 of every calendar year.

(2) Any person applying for a license under this section after the first of January ~~or after the first of July~~ of any given year shall pay the full ~~semi~~-annual licensing fee as set forth herein without any pro-rating of the fee based upon date and time of application.

830.04 LICENSE REVOCATION; APPEALS.

(b) The Director of Public Safety may revoke the license granted to any licensee under this chapter if such licensee is ~~found to be~~ **NONCOMPLIANT WITH STATE LICENSING REGULATIONS OR HAS BEEN FOUND** guilty of violating any of the laws of the State or the ordinances of the City. Appeals of decisions by the Director of Public Safety under this chapter shall be governed by Ohio R.C. Chapter 2506.

830.05 GROUNDS FOR REFUSAL TO ISSUE LICENSE.

The Director of Public Safety may refuse to issue a license under this chapter to any person who **IS NOT PROPERLY LICENSED BY THE STATE OF OHIO, IF APPLICABLE, OR WHO** has been found guilty of a violation of any law of the State or ordinance of the City, with the exception of minor misdemeanor traffic offenses.

SECTION 2: This Ordinance shall be effective at the earliest time permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, _____.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

APPROVED AS TO FORM:

DIRECTOR OF LAW

Prepared by the Office of the Director of Law

BY: _____

Resolution No. 23-01

(ODOT Resolution No. 18-30)

PID No. 87642

FINAL RESOLUTION

The following Final Resolution enacted by the City of **Newark**, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on the **7th day of May, 2018**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of constructing a two-lane roundabout intersecting Thornwood Crossing, Thornwood Drive, River Road, and Reddington Road, including roadway realignment, driveways, guardrail, fence, drainage, water main work, lighting, signage, pavement markings, traffic signals, landscaping, building demolition, and a structure, lying within the City of Newark; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of **One Hundred Thirty-One Thousand Five Hundred Seventy-Eight and - - - - 95/100 Dollars (\$131,578.95)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above-described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

- I. That the estimated sum of **One Hundred Thirty-One Thousand Five Hundred Seventy-Eight and - - - - 95/100 Dollars (\$131,578.95)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the Treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that **Service Director** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution _____ with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution _____ was duly passed by the LPA on the _____ day of _____, 20____, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the Office of the Clerk of Council of the City of Newark, Ohio, in Volume _____, at Page _____, and under the date of _____, 20_____.

Legislative Authority of the
City of **Newark**, Ohio

Service Director

Adopted the _____ day of _____, 20_____.

President of Council

Attest: _____
Clerk of Council

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor

Form Approved By: _____
Law Director

Prepared by ODOT and the Clerk of Council.

FISCAL OFFICER'S CERTIFICATE
(Chapter 5521 and Section 5705.41, Ohio Revised Code)

I hereby certify to that the money, to wit: **\$131,578.95** required for the payment of the cost other than that thereof assumed by the **Federal** Government, for the improvement of that portion of **Thornwood Crossing**, lying within the corporate limits of the City of **Newark**, more particularly described as follows:

The project consists of constructing a two-lane roundabout intersecting Thornwood Crossing, Thornwood Drive, River Road, and Reddington Road, including roadway realignment, driveways, guardrail, fence, drainage, water main work, lighting, signage, pavement markings, traffic signals, landscaping, building demolition, and a structure, lying within the City of Newark; and

has been lawfully appropriated for such purpose and is in the treasury to the credit of, or has been levied placed on the duplicate and in process of collection for the appropriate fund, and not appropriated for any other purpose; or is being obtained by sale of bonds issued on account of said improvement, which bonds are sold and in process of delivery.

I further certify that this certificate was made, sealed and filed with the legislative authority of the City of **Newark**, Ohio, after said legislative authority passed the final resolution in connection with the within described project; and that this certificate was forthwith recorded in the record of the proceedings of said legislative authority, namely:

Legislative Authority's Journal, Volume _____, at Page _____,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as said fiscal officer, this _____ day of _____, 20____.

(Fiscal Officer's Seal)
(If Applicable)

Fiscal Officer of the City of
Newark, Ohio

CONTRACT
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of Newark, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of constructing a two-lane roundabout intersecting Thornwood Crossing, Thornwood Drive, River Road, and Reddington Road, including roadway realignment, driveways, guardrail, fence, drainage, water main work, lighting, signage, pavement markings, traffic signals, landscaping, building demolition, and a structure, lying within the City of Newark.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **One Hundred Thirty-One Thousand Five Hundred Seventy-Eight and - - - - 95/100 Dollars, (\$131,578.95).**
5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;
 - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,

- C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
- D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;
- E. To place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows:

**City of Newark
40 West Main Street
Newark, Ohio
43055**

**Ohio Department of Transportation
Office of Contract Sales & Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223**

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.

2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.
3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.

- 6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
- 7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XII: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile signature on any other party delivered in such a manner as if such signature were an original.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL
(If Applicable)

**OHIO DEPARTMENT OF
TRANSPORTATION**

**LOCAL PUBLIC AGENCY
City of Newark**

Director of Transportation

Service Director

Date

Approved:
Dave Yost
Attorney General of Ohio

By: _____
Corinna Efke
Unit Coordinator, Transportation
Executive Agencies Section

**OHIO DEPARTMENT OF TRANSPORTATION
ACCOUNT RECEIVABLE**

Make check payable to: Treasurer of State

Mail to: Helene Ware
Senior Financial Analyst
Ohio Department of Transportation
Office of Contract Sales & Estimating - #4110
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

PID No. 87642
 Invoice No. 11575

To: **City of Newark**
40 West Main Street
Newark, Ohio
43055

Federal Project No. E100098
Licking County
City of Newark
Thornwood Crossing

PLEASE ENCLOSE A COPY OF THIS INVOICE TO IDENTIFY YOUR REMITTANCE

Proposal of Participation	Type of Agreement	Amount
		\$131,578.95

Contract amount \$131,578.95
 ODOT Engineering amount. \$ 0.00

For the improvement of that portion of **Thornwood Crossing**, more particularly described as follows:

The project consists of constructing a two-lane roundabout intersecting Thornwood Crossing, Thornwood Drive, River Road, and Reddington Road, including roadway realignment, driveways, guardrail, fence, drainage, water main work, lighting, signage, pavement markings, traffic signals, landscaping, building demolition, and a structure, lying within the City of Newark.

Total Amount Due	\$131,578.95
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Ohio Department of Transportation
 E-SIGNED by Nathan Fling
 on 2022-12-09 14:31:12 GMT
 By: _____
 Administrator, Office of Contract
 Sales & Estimating

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR CERTAIN ESSENTIAL SUPPLIES FOR VARIOUS DEPARTMENTS OF THE CITY OF NEWARK, OHIO, FOR 2023.

WHEREAS, it is necessary to provide for certain essential supplies and materials which are to be used on a daily basis by the various departments of the City of Newark, Ohio, and;

WHEREAS, such supplies and materials may be purchased at the most advantageous prices through competitive bidding;

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 purchase of various supplies and materials as indicated below for the use by several departments of the City, in accordance with specifications, which are hereby approved, on file in the office of the Director of Public Service, subject to the provision of necessary funding:

- (a) Chemicals for Water and Wastewater Operations
- (b) Street Maintenance Materials
- (c) Miscellaneous Items as Needed

Section 2: This Resolution shall come into force and effect in accordance with *Section 4.07 of the Newark City Charter*.

Passed this _____ day of _____, 20____.

President of Council

Attest: _____
Clerk of Council

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor Jeff Hall

Form Approved: _____
Law Director

Resolution No.23-03 Exp

BY: _____

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

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

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

Section 1. There is hereby a disappropriation of the appropriated balance of the Capital Improvements Fund, in the amount of \$100,000.00 (Maintenance of Streets)

335.122.5276	Maintenance of Streets	100,000.00
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Section 2. There is hereby an appropriation of the unappropriated balance of the Capital Improvements Fund, in the amount of \$100,000.00 (Alley Paving)

335.122.5276400	Alley Paving	100,000.00
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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 _____, _____

Resolution No.23-04 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 665 CSO/Water Projects Fund, in the amount of \$135,000 (Additional work on 4th Street)

665.759.5231	Professional Services	135,000.00
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Section 2. There is hereby an appropriation of the unappropriated balance of the 665 CSO/Water Projects Fund, in the amount of \$6,000,000.00

665.765.5231	Professional Services	6,000,000.00
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Section 3. There is hereby a disappropriation of the appropriated balance of the 623 Water Projects Fund, in the amount of \$4,000,000.00

623.706.5000.765	Water Projects	4,000,000.00
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This resolution is a measure providing for an appropriation for current expenses of the municipal corporation; it shall go into effect pursuant to Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, 2023.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____, _____

Resolution No.23-05

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 \$60,300.00 (the two line items were keyed-in incorrectly during budget preparation, requested amounts will bring them to needed levels for 2023)

100.203.5205	Wireless Applications	42,300.00
100.203.5211	Lease	18,000.00

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 _____, 2023.

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 MAYOR OF THE CITY OF NEWARK TO APPLY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE UNDER THE BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM.

WHEREAS, the Bulletproof Vest Partnership Grant Act of 1998 was signed as law (Public Law 105-181). The purpose of the Act is to save the lives of law enforcement officers by helping States and local units of government and tribal governments equip their law enforcement officers with armor vests.

WHEREAS, The City of Newark was informed by the United States Department of Justice, Bureau of Justice Assistance that it is eligible to receive reimbursement for 50% of the total cost for the purchase of bulletproof vests for law enforcement personnel.

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 crime reduction and improvement of public safety funding programs
- Section 2: The Mayor is designated as the authorizing official to enter into a reimbursement agreement with the United States Department of Justice, Bureau of Justice Assistance, to administer the Bulletproof Vest Partnership Grant Program and accept said fund
- Section 3: This Resolution shall become effective upon the earliest date permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

ADOPTED THIS _____ DAY OF _____, 2023

PRESIDENT OF COUNCIL

ATTEST, CLERK OF COUNCIL

DATE FILED WITH THE MAYOR

DATE APPROVED BY MAYOR

MAYOR

FORM APPROVED BY DIRECTOR OF LAW

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT APPLICATIONS TO THE DEPARTMENT OF HOMELAND SECURITY, FOR FISCAL YEAR 2022 FIRE ACT GRANT PROGRAMS, IN SUPPORT OF TRAINING PROGRAMS, EQUIPMENT PURCHASES, FUNDING FOR PERSONNEL, FIRE PREVENTION, AND FIRE SAFETY PROGRAMS THROUGHOUT THE CITY.

WHEREAS, Congress approved for funding a competitive grant programs for local fire departments that are recognized by the State or other appropriate political entity; and,

WHEREAS, the Firefighter Investment and Response Enhancement (FIRE) Act is administered by the U.S Department of Homeland Security Office of Domestic Preparedness and,

WHEREAS, U.S. Department of Homeland Security and the U.S. Fire Administration prepared Fiscal Year 2022 funding directives which provide that 90% of matching funds are available for fire training programs, equipment purchases, fire prevention, and fire safety programs; and,

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 hereby authorize and direct the Mayor, and his representative, to prepare applications to the U.S. Department of Homeland Security for funding assistance through the FIRE Act Grant Programs for Fiscal Year 2022 and to make in connection therewith, all certifications, understandings, and assurances contained therein.

Section 2: In furtherance of the directives established herein, the Mayor is authorized to take whatever action is legally available to attain such funding in the best interest of the City and its participation in available fire funding programs.

Section 3: That the Mayor be and hereby is designated as the authorizing official to enter into an agreement with U.S. Department of Homeland Security to administer the grant program and accept said funds when they become available.

Section 4: This Resolution shall become effective upon the earliest date permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

DATE FILED WITH MAYOR: _____

ADOPTED THIS _____ DAY OF _____, 2023

_____, PRESIDENT OF COUNCIL _____,

ATTEST, CLERK OF COUNCIL

DATE APPROVED BY MAYOR: _____

APPROVED BY MAYOR _____

APPROVED BY DIRECTOR OF LAW _____

RESOLUTION 23-08

BY _____

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR AN AWARD OF FISCAL YEAR 2023-2024 FUNDING UNDER THE OHIO EMS TRAINING AND EQUIPMENT GRANT PROGRAM.

WHEREAS, The Ohio Department of Public Safety provides funding for the costs of emergency medical training and equipment; and,

WHEREAS, The City of Newark is eligible to apply for an award of fiscal year 2023-2024 funds; and,

WHEREAS, each unit of local government receiving funds under the Ohio EMS Training and Equipment Grant Program must establish a special revenue fund into which all payments received by the unit of local government under the Ohio EMS Training and Equipment Grant Program are deposited, and it is necessary to establish a special revenue account for that purpose.

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

- Section 1. In furtherance of the directives established herein, the Mayor is authorized to take whatever action is legally available to attain such funding in the best interest of the City and its participation in available emergency medical training programs.
- Section 2. The Mayor is designated as the authorizing official to enter into an agreement with the Ohio Department of Public Safety, to administer the grant program and accept said funds when they become available.
- Section 3. There is hereby established a special revenue fund to be know as the Ohio EMS training and equipment fund. The Auditor is authorized and directed to deposit all receipts from the Ohio Department of Public Safety EMS Training and Equipment Grant Program into this fund. Monies deposited into this fund are to be used solely for the purposes of funding stated in the Ohio EMS Training and Equipment Grant Program.
- Section 4: That the Mayor be and hereby is designated as the authorizing official to enter into an agreement with the Ohio Department of Public Safety and its agencies to administer the grant program and to accept said funds when they become available.

Section 5: This Resolution shall become effective upon the earliest date permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

ADOPTED THE _____ DAY OF _____, 2023

_____, PRESIDENT OF COUNCIL

ATTEST _____, CLERK OF COUNCIL

DATE FILED WITH MAYOR _____

DATE APPROVED BY MAYOR _____

APPROVED BY MAYOR _____

FORM APPROVED: _____,
DIRECTOR OF LAW

BY: _____

Resolution No. 23-09

(Resolution No. 20-76 – Preliminary Legislation)

PID No. 109321

FINAL RESOLUTION

The following Final Resolution enacted by the City of **Newark**, hereinafter referred to as the Legislative Authority or Local Public Agency (LPA), in the matter of the stated described project.

WHEREAS, on the **19th day of October, 2020**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of replacing Bridge No. LIC-CR804-0173 (SFN 4560078) located on West Church Street (C.R. 804) over Raccoon Creek, including approach work, resurfacing, curb, sidewalk, curb ramps, storm sewer relocations, and pavement markings, lying within the City of Newark; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one Hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.

In view of the fact that the LPA's share of the project is now estimated in the amount of **One Million Nine Hundred Forty-Seven Thousand Seven Hundred Forty-One and - - - 00/100 Dollars, (\$1,947,741.00) LESS OPWC in the amount of One Million Nine Hundred Forty-Seven Thousand Seven Hundred Forty-One and - - - 00/100 Dollars, (\$1,947,741.00) leaving a balance of Zero and - - - 00/100 Dollars, (\$0.00)**, therefore, the City will not be required to deposit any funds at this time. The LPA's ultimate share of the cost will be determined when final actual costs and allocations are determined.

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of same to this legislative authority; and

WHEREAS, This legislative authority desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be It resolved:

- I. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

II. That the LPA enter into a contract with the State, and that the **Service Director** be, and is hereby authorized to execute said contract for improving the described project.

III. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

IV. This Resolution is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the _____ day of _____, 20____, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume _____, at Page _____, and under date of _____, 20_____.

Legislative Authority of the
City of **Newark**

Service Director

SEAL
(If Applicable)

Adopted the _____ day of _____, 20_____.

President of Council

Attest: _____
Clerk of Council

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor

Form Approved By: _____
Law Director

Prepared by ODOT and the Clerk of Council.

C O N T R A C T
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of **Newark**, (hereinafter referred to as the Legislative Authority or Local Public Agency (LPA).

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment (if applicable) of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: **LEGAL REFERENCES**

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of replacing Bridge No. LIC-CR804-0173 (SFN 4560078) located on West Church Street (C.R. 804) over Raccoon Creek, including approach work, resurfacing, curb, sidewalk, curb ramps, storm sewer relocations, and pavement markings, lying within the City of Newark.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed (if applicable) by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. In view of the fact that the LPA's share of the project is now estimated in the amount of **One Million Nine Hundred Forty-Seven Thousand Seven Hundred Forty-One and - - - - 00/100 Dollars, (\$1,947,741.00) LESS OPWC in the amount of One Million Nine Hundred Forty-Seven Thousand Seven Hundred Forty-One and - - - - 00/100 Dollars, (\$1,947,741.00) leaving a balance of Zero and - - - - 00/100 Dollars, (\$0.00)**, therefore, the City will not be required to deposit any funds at this time. The LPA's ultimate share of the cost will be determined when final actual costs and allocations are determined.
5. **The City agrees to assume and bear one Hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;

- B. To maintain for the PROJECT in accordance with the provisions of the statutes relating thereto, including, but not limited to, Title 23, U.S.C., Section 116;
- C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
- D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;
- E. To place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows

**City of Newark
40 West Main Street
Newark, Ohio
43055**

**Ohio Department of Transportation
Office of Contract Sales & Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223**

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.

2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.
3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.

- 6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
- 7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XII: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile signature on any other party delivered in such a manner as if such signature were an original.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL
(If Applicable)

**OHIO DEPARTMENT OF
TRANSPORTATION**

**LOCAL PUBLIC AGENCY
City of Newark**

Director of Transportation

Service Director

Date

Approved:
Dave Yost
Attorney General of Ohio

By: _____
Corinna Efke
Unit Coordinator, Transportation
Executive Agencies Section

Resolution No.23-10 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 \$74,500.00

335.432.5532	Ford 250 Pickup truck with snow plow	61,000.00
335.432.5532	Salt spreader for trucks	7,000.00
335.432.5532	20 foot equipment trailer	6,500.00

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 _____, 2023.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____, _____