

COUNCIL AGENDA

October 16, 2023

Committee and Council Meetings can be viewed by accessing YouTube

Council Chambers
7:00 P.M.

ROLL CALL

INVOCATION – Mr. Houser

PLEDGE OF ALLEGIANCE - Cecilia Chute, 5th Grade, Calvin Chute, 3rd Grade, Legend Elementary

CAUCUS

MINUTES of October 2, 2023

APPOINTMENTS

There are none this meeting

REPORTS OF STANDING COMMITTEES

Finance
Service

REPORTS FROM CITY OFFICIALS

City Auditor, Ryan T. Bubb – Operating report for period ending September 30, 2023
Brenda Cooper, Tax Administrator's Office – Income Tax Revenue Reports for period ending September 30, 2023

COMMUNICATIONS

Ohio Division of Liquor Control - New Liquor Application Christy's Pizza LLC, 15 E. Church St., Newark, Ohio 43055
Marathon Pipe Line LLC - "Call Before You Dig" 811 phone number
COTC and The Ohio State University Newark - Development of a Public Art Master Plan for the Newark Campus

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

There are none this meeting

ORDINANCES ON FIRST READING

There are none this meeting

RESOLUTIONS ON SECOND READING

23-84 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$270,000.00 -Additional Funding for Water Treatment Chemicals due to increased bid price for 2023)

23-86 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT APPLICATIONS TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENTS PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED.

RESOLUTIONS ON FIRST READING

23-87 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$15,187,000.00 -South Second Street project) (\$15,000.00 -Additional Amount needed for note renewal) (\$45,000.00 -Credit Card processing fees and Water Note Renewal Fees)(\$63,756.00 -AFSCME Raises) (\$3,545.00 -AFSCME Raises)(\$96,343.00 -AFSCME Raises) (\$53,366.00 -AFSCME Raises) (\$26,120.00 -AFSCME Raises) (\$31,957.00 -AFSCME Raises)(\$79,818.00 -AFSCME Raises)

23-88 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE WITH A DEVELOPER IN THE COST FOR CONSTRUCTION OF OFFSITE DRAINAGE IMPROVEMENTS WHICH WILL PROVIDE BENEFIT TO AREAS BEYOND THE DEVELOPER'S NEED.

23-89 - Resurfacing with related work along SR 13 in Licking County. Scope of work to include preventative maintenance work on bridges within the resurfacing project limits. Scope of work within city will include resurfacing and replacement of curb ramps as needed.

COMMENTS FROM CITIZENS

MISCELLANEOUS

ADJOURNMENT

Resolution No.23-84

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 Fund, in the amount of \$270,000.00 (Additional Funding for Water Treatment Chemicals due to increased bid price for 2023)

621.709.5305	Chemicals	270,000.00
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This resolution is a measure providing for an appropriation for current expenses of the municipal corporation; it shall go into effect pursuant to Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, 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 THE DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT APPLICATIONS TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENTS PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED.

WHEREAS, the State Capital Improvements Program provides financial assistance to political subdivisions for capital improvements to public infrastructure, and;

WHEREAS, The Ohio Public Works Commission has announced funding in Round 38 that may be offered as a grant or loan for road, bridge and other infrastructure projects, and;

WHEREAS, the City of Newark is considering to make capital improvements requests for construction projects within the City of Newark, namely:

- 1. Waterworks Road Bridge Repairs, SFN 4560221 over the North Fork of the Licking River

WHEREAS, the infrastructure improvements herein above described are considered to be a priority need for the community and are a qualified project under OPWC program; and,

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

Section 1: The Director of Public Service of the City of Newark is hereby authorized to apply to the OPWC for funds as described above.

Section 2: The Director of Public Service of the City of Newark is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Adopted this _____ day of _____, 2023.

President of Council

Attest: _____
Clerk of Council

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor

Form Approved: _____
Law Director

Resolution No.23-87 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 Sewer Projects Fund, in the amount of \$15,187,000.00 (South Second Street project)

665.766.5000766	Memo Expense	14,000.000.00
665.766.5238	Services General	1,187,000.00

Section 2. There is hereby an appropriation of the unappropriated balance of the 673 Buckeye Corridor Fund, in the amount of \$15,000.00 (Additional Amount needed for note renewal)

673.706.5411102	Note Renewal	15,000.00
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Section 3. There is hereby an appropriation of the unappropriated balance of the 621 Water Fund, in the amount of \$45,000.00 (Credit Card processing fees and Water Note Renewal Fees)

621.706.5238	Services General	45,000.00
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Section 4. There is hereby an appropriation of the unappropriated balance of the 221 Street Fund, in the amount of \$63,756.00 (AFSCME Raises)

221	302	5111	Salaries	58,570.00
221	302	5122	PERS	1,620.00
221	302	5122100	PERS Pickup	579.00
221	302	5126	Medicare	850.00
221	302	5127	Workers Comp	912.00
221	302	5147	Sick Leave Conversion	1,225.00

Section 5. There is hereby an appropriation of the unappropriated balance of the 669 Storm Fund, in the amount of \$3,545.00 (AFSCME Raises)

669	169	5111	Salaries	2,966.00
669	169	5122	PERS	87.00
669	169	5122100	PERS Pickup	31.00
669	169	5126	Medicare	43.00
669	169	5127	Workers Comp	47.00
669	169	5147	Sick Leave Conversion	371.00

Section 6. There is hereby an appropriation of the unappropriated balance of the 621 Water Fund, in the amount of \$96,343.00 (AFSCME Raises)

621	706	5111	Salaries	24,748.00
621	706	5122	PERS	833.00
621	706	5122100	PERS Pickup	298.00
621	706	5126	Medicare	359.00
621	706	5127	Workers Comp	386.00
621	706	5147	Sick Leave Conversion	1,750.00
621	707	5111	Salaries	5,809.00
621	707	5122	PERS	156.00
621	707	5122100	PERS Pickup	56.00
621	707	5126	Medicare	85.00
621	707	5127	Workers Comp	91.00
621	707	5147	Sick Leave Conversion	154.00
621	708	5111	Salaries	31,917.00
621	708	5122	PERS	1,179.00

621	708	5122100	PERS Pickup	421.00
621	708	5126	Medicare	463.00
621	708	5127	Workers Comp	497.00
621	708	5147	Sick Leave Conversion	840.00
621	709	5111	Salaries	24,053.00
621	709	5122	PERS	736.00
621	709	5122100	PERS Pickup	263.00
621	709	5126	Medicare	349.00
621	709	5127	Workers Comp	375.00
621	709	5147	Sick Leave Conversion	525.00

Section 7. There is hereby an appropriation of the unappropriated balance of the 661 Water Fund, in the amount of \$53,366.00 (AFSCME Raises)

661	713	5111	Salaries	26,454.00
661	713	5122	PERS	743.00
661	713	5122100	PERS Pickup	266.00
661	713	5126	Medicare	384.00
661	713	5127	Workers Comp	412.00
661	713	5147	Sick Leave Conversion	1,260.00
661	714	5111	Salaries	5,843.00
661	714	5122	PERS	160.00
661	714	5122100	PERS Pickup	58.00
661	714	5126	Medicare	85.00
661	714	5127	Workers Comp	91.00
661	714	5147	Sick Leave Conversion	105.00

661	715	5111	Salaries	16,040.00
661	715	5122	PERS	601.00
661	715	5122100	PERS Pickup	215.00
661	715	5126	Medicare	233.00
661	715	5127	Workers Comp	250.00
661	715	5147	Sick Leave Conversion	166.00

Section 8. There is hereby an appropriation of the unappropriated balance of the 100 General Fund, in the amount of \$26,120.00 (AFSCME Raises)

100	432	5111	Salaries	20,210.00
100	432	5122	PERS	1,189.00
100	432	5122100	PERS Pickup	425.00
100	432	5126	Medicare	294.00
100	432	5127	Workers Comp	315.00
100	602	5147	Sick Leave Conversion	420.00
100	602	5111	Salaries	2,966.00
100	602	5122	PERS	87.00
100	602	5122100	PERS Pickup	31.00
100	602	5126	Medicare	43.00
100	602	5127	Workers Comp	47.00
100	602	5147	Sick Leave Conversion	93.00

Section 9. There is hereby an appropriation of the unappropriated balance of the 100 General Fund, in the amount of \$31,957.00 (AFSCME Raises)

100	104	5111	Salaries	5,776.00
100	104	5122	PERS	151.00

100	104	5122100	PERS Pickup	54.00
100	104	5126	Medicare	84.00
100	104	5127	Workers Comp	90.00
100	104	5147	Sick Leave Conversion	400.00
100	114	5111	Salaries	2,927.00
100	114	5122	PERS	81.00
100	114	5122100	PERS Pickup	29.00
100	114	5126	Medicare	43.00
100	114	5127	Workers Comp	46.00
100	114	5147	Sick Leave Conversion	329.00
100	122	5111	Salaries	8,926.00
100	122	5122	PERS	263.00
100	122	5122100	PERS Pickup	94.00
100	122	5126	Medicare	130.00
100	122	5127	Workers Comp	139.00
100	122	5147	Sick Leave Conversion	1,256.00
100	124	5111	Salaries	10,153.00
100	124	5122	PERS	435.00
100	124	5122100	PERS Pickup	156.00
100	124	5126	Medicare	148.00
100	124	5127	Workers Comp	158.00
100	124	5147	Sick Leave Conversion	89.00

Section 10. There is hereby an appropriation of the unappropriated balance of the 100 General Fund, in the amount of \$79,818.00 (AFSCME Raises)

100	127	5111	Salaries	6,145.00
100	127	5122	PERS	203.00
100	127	5122100	PERS Pickup	73.00
100	127	5126	Medicare	90.00
100	127	5127	Workers Comp	96.00
100	127	5147	Sick Leave Conversion	280.00
100	131	5111	Salaries	26,316.00
100	131	5122	PERS	1,053.00
100	131	5122100	PERS Pickup	376.00
100	131	5126	Medicare	382.00
100	131	5127	Workers Comp	410.00
100	131	5147	Sick Leave Conversion	324.00
100	203	5111	Salaries	36,873.00
100	203	5122	PERS	1,873.00
100	203	5122100	PERS Pickup	669.00
100	203	5126	Medicare	535.00
100	203	5127	Workers Comp	574.00
100	203	5147	Sick Leave Conversion	385.00
100	204	5111	Salaries	2,888.00
100	204	5122	PERS	76.00
100	204	5122100	PERS Pickup	27.00
100	204	5126	Medicare	42.00
100	204	5127	Workers Comp	45.00
100	204	5147	Sick Leave Conversion	83.00

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 DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE WITH A DEVELOPER IN THE COST FOR CONSTRUCTION OF OFFSITE DRAINAGE IMPROVEMENTS WHICH WILL PROVIDE BENEFIT TO AREAS BEYOND THE DEVELOPER’S NEED.

WHEREAS, the Service Committee of Council considered and authorized the submittal of this legislation during its October 2, 2023 meeting; and,

WHEREAS, Stone Works Partners, LLC, the developer of additional apartment properties at the west end of Laverne Road, proposes to make storm sewer and drainage improvements within and offsite of its development, in order to resolve long-standing drainage problems from past development in this area; and,

WHEREAS, it is in the best economic interest of the residents of the City of Newark to participate in the cost for the offsite drainage improvements in order to serve areas within and beyond the Laverne Apartments development.

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 authorized and hereby directed to participate in the construction cost for offsite drainage improvements which will provide benefit to the Laverne Apartment property and additional properties offsite of the development.

Section 2: The Director of Public Service is hereby authorized to execute an agreement between Stone Works Partners, LLC and the City of Newark establishing the terms for the construction of the offsite drainage improvements as approved by the City of Newark.

Section 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed this _____ day of _____, 2023.

President of Council

Attest: _____
Clerk of Council

Date Filed with Mayor: _____

Date Approved by Mayor: _____
Mayor

Form Approved: _____
Law Director

BY:

PRELIMINARY LEGISLATION

Participatory

Rev. 6/26/00

Resolution # : 23-89

PID No. : 95922

County/Route/Section : LIC-SR13-11.73

The following is a Resolution enacted by the City of Newark of Licking County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

SECTION I – Project Description

WHEREAS, the STATE has determined the need for the described project:

Resurfacing with related work along SR 13 in Licking County. Scope of work to include preventative maintenance work on bridges within the resurfacing project limits. Scope of work within city will include resurfacing and replacement of curb ramps as needed.

NOW THEREFORE, be it ordained by the City of Newark of Licking County, Ohio: (LPA)

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III – Cooperation Statement

The LPA further agrees to pay 100% of the cost for those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees that change orders and extra work contract required to fulfill 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 IV – Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal Regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way includes eligible utility costs.

The LPA agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodation, relocations and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the project; (3) maintain right-of-way, keeping it free of obstructions ,and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI - Authority to Sign

The LPA hereby authorizes David Rhodes, Service Director of said City of Newark, Ohio is hereby empowered on behalf of the City of Newark to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, Service Director to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Newark to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION VII – Emergency Measure

If required, is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. Following appropriate legislative action, **as an emergency measure**, 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.

Passed: _____, 2023.
(Date)

President of Council: _____

Attested: _____
(Clerk of Council)

Date filed with Mayor: _____

Date Approved by Mayor: _____

Mayor: _____

Approved as to form – Director of Law: _____

Contracting Agent – Service Director: _____

**CERTIFICATE OF COPY
STATE OF OHIO**

City of Newark of Licking County, Ohio

I, _____, as Clerk of Council of the City of Newark of Licking County, Ohio,
do hereby certify that the foregoing is a true and correct copy of

_____ adopted by the legislative Authority of the said
(Resolution)
City of Newark on the _____ day of _____, 2_____.

That the publication of such _____ has been made and certified of record according to
(Resolution)
law; that no proceedings looking to a referendum upon such _____ have been taken;
(Resolution)
and that such _____ and certificate of publication thereof are of record in _____,
(Resolution) (Resolution)

Page _____.
(Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this _____ day of _____ 2023.

(Clerk)

(CITY SEAL)

City of Newark of Licking County, Ohio

The foregoing is accepted as a basis for proceeding with the project herein described.
For the City of Newark of Licking County, Ohio.

Attested: _____ Date _____
(Contractual Agent)



For the State of Ohio

Attested: _____ Date _____
(Director, Ohio Department of Transportation)