

## **COUNCIL AGENDA**

November 6, 2023

*Committee and Council Meetings can be viewed by accessing YouTube*

Council Chambers  
7:00 P.M.

### **ROLL CALL**

**INVOCATION** – Ms. Bline

**PLEDGE OF ALLEGIANCE** - Rylee Gibson, 2<sup>nd</sup> grade, Carson Elementary

### **CAUCUS**

### **MINUTES of October 16, 2023**

#### **APPOINTMENTS**

**Mayor Hall** - reappointing Newark Service Director, David Rhodes and appointing Newark Water Administrator, Brandon Fox, to the Newark CIC (Community Improvement Corporation), known as Newark Development Partners. Terms begin January 1, 2024 and expire December 31, 2026.

#### **REPORTS OF STANDING COMMITTEES**

Finance

#### **REPORTS FROM CITY OFFICIALS**

#### **COMMUNICATIONS**

**Linda Mossholder** - Opioid Funds status request

#### **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**

**23-88** 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.

#### **RESOLUTIONS ON FIRST READING**

**23-90** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$25,000.00 -Hiring for Safety Forces and Promotional Processes)

**23-91 Exp** APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION ( \$19,000.00 -Ashley Weaver in need of new laptop, One time adjustment to gross in the amount of \$2,000 in Dec 2023 for Barnard, Weaver, Butcher, Johnson, Fowler, Huy, Dutro, Clark) (\$8,800.00-GPS Monitoring Fees)( \$171,000.00 -Construction Management services for East Side transmission Main project)

#### **COMMENTS FROM CITIZENS**

#### **MISCELLANEOUS**

#### **ADJOURNMENT**

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:**

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**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)

Resolution No.23-90

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 \$25,000.00 (Hiring for Safety Forces and Promotional Processes)

100.109.5238	Services General for Civil Service	25,000.00
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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.23-91 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 231 Adult Probation Fund, in the amount of \$19,000.00 (Ashley Weaver in need of new laptop, One time adjustment to gross in the amount of \$2,000 in Dec 2023 for Barnard, Weaver, Butcher, Johnson, Fowler, Huy, Dutro, Clark)

231.113.5536	Computer Hardware/Software	3,000.00
231.113.5111	Salaries and wages	16,000.00

Section 2. There is hereby an appropriation of the unappropriated balance of the 231 Adult Probation Fund, in the amount of \$8,800.00 (GPS Monitoring Fees)

231.113.5312	Law Enforcement Supplies	8,800.00
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Section 3. There is hereby an appropriation of the unappropriated balance of the 220 ARPA Fund, in the amount of \$171,000.00 (Construction Management services for East Side transmission Main project)

220.100.5521	Water Lines	171,000.00
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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 \_\_\_\_\_, \_\_\_\_\_