

## COUNCIL AGENDA

June 3, 2024

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

Council Chambers

7:00 P.M.

### ROLL CALL

INVOCATION – Mr. Houser

PLEDGE OF ALLEGIANCE –

CAUCUS

MINUTES of May 20, 2024

### APPOINTMENTS

There are none this meeting.

### REPORTS OF STANDING COMMITTEES

Finance

Service

Capital Improvements

Economic Development

### REPORTS FROM CITY OFFICIALS

There are none this meeting.

### COMMUNICATIONS

There are none this meeting.

### Public Hearing

**24-03** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 994 MT. VERNON ROAD, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-274176-00.000 FROM THAT OF SINGLE-FAMILY RESIDENCE - RM - MEDIUM DENSITY DISTRICT TO MFR - MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

*(Planning Commission has recommended approval and passage of Ord. No. 24-03)*

**Public Hearing**

**24-09** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 15 MESSIMER DRIVE AND 55 SCHAFFNER DRIVE, CITY OF NEWARK, LICKING COUNTY , OHIO, PARCEL TAX ID #054-216684-00.000 AND PARCEL TAX ID #054-216684-00.003 FROM THAT OF GO- GENERAL OFFICE AND MFH- MULTI-FAMILY HIGH RISE ZONING DISTRICT TO MFR-MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

*(Planning Commission has recommended approval and passage of Ord. No. 24-09)*

**Public Hearing**

**24-10** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 359 THORNWOOD DRIVE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID#054-216606-00.000 FROM THAT OF SINGLE FAMILY RESIDENCE - RL - LOW DENSITY DISTRICT TO AD- AGRIGULTURAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

*(Planning Commission has recommended NOT approving or passing Ord. No. 24-10)*

**COMMENTS FROM CITIZENS**

**ORDINANCES ON SECOND READING**

**24-16** AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$14,000,000 PARKING GARAGE BONDS AND/OR BOND ANTICIPATION NOTES, SERIES 2024.

**ORDINANCES ON FIRST READING**

**24-18** AN ORDINANCE AMENDING PORTIONS OF THE CURRENT ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO ADOPTED MAY 5, 2009 BY ORDINANCE 08-33A AND SEPTEMBER 5, 2023, BY ORDINANCE 23-22A AND IMPLEMENTING ADDITIONAL ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO.

**RESOLUTIONS ON SECOND READING**

**24-33** A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY OFFICE FOR FEDERAL FISCAL YEAR 2025 OHIO TRAFFIC SAFETY GRANTS PROGRAMS: SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) AND THE IMPAIRED DRIVING ENFORCMENT PROGRAM (IDEP).

**24-34** A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NEWARK TO ENTER INTO A COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED SUBRECIPIENT AGREEMENT WITH THE HEREINAFTER NAMED ORGANIZATIONS TO CARRY OUT ACTIVITIES INCLUDED WITHIN NEWARK'S FY 2024 COMMUNITY DEVELOPMENT BLOCK GRANT ONE YEAR ACTION PLAN.

**24-41** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

**24-42** CI APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

**24-43** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO NEGOTIATE AND ENTER INTO A PURCHASE AGREEMENT WITHOUT COMPETITIVE BIDDING WITH COUGHLIN FORD, INC. FOR THE PURCHASE OF A 2023 FORD F-350 DUMP TRUCK.

**24-44** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT WITH MPW INDUSTRIAL SERVICES, INC., WITHOUT COMPETITIVE BIDDING FOR PRESSURE WASHING OF THE SIDEWALKS SURROUNDING THE DOWNTOWN SQUARE.

**24-45** A RESOLUTION TO DISBURSE ONEOHIO OPIOID SETTLEMENT FUNDS IN ACCORDANCE WITH THE TERMS OF THE ONEOHIO MEMORANDUM OF UNDERSTANDING ENTERED INTO BY THE CITY BY WAY OF RESOLUTION 21-52

**24-48** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

**24-49** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

**24-50** A RESOLUTION REVISING AND DESCRIBING THE BOUNDARIES OF "THE FLATS COMMUNITY REINVESTMENT AREA NO. 6" IN NEWARK, OHIO.

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

**24-53 Exp** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

**24-54** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT WINTER CONTRACT (018-25) FOR ROAD SALT AND DECLARING AN EMERGENCY.

**24-55** A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO OFFICE OF BUDGET AND

MANAGEMENT FOR THE OHIO AMBULANCE TRANSPORTATION IMPACTED  
INDUSTRY PROGRAM.

**24-56** A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF  
THE MUNICIPAL CORPORATION

**24-57-A.** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF  
PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO NEGOTIATE AND ENTER  
INTO A LEASE PURCHASE AGREEMENT WITHOUT COMPETITIVE BIDDING WITH  
SOUTHEASTERN EQUIPMENT CO. INC., FOR THE PURCHASE OF AN ASPHALT  
GRINDER

**24-58** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC  
SERVICE OF THE CITY OF NEWARK, OHIO TO PURCHASE TWO (2) USED STREET  
SWEEPERS FOR THE STORMWATER UTILITY WITHOUT COMPETITIVE BIDDING.

**COMMENTS FROM CITIZENS**

**MISCELLANEOUS**

**ADJOURNMENT**

ORDINANCE NO. 24-03

BY: \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 994 MT VERNON ROAD, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-274176-00.000 FROM THAT OF SINGLE-FAMILY RESIDENCE – RM – MEDIUM DENSITY DISTRICT TO MFR – MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

WHEREAS, an application for zoning classification has been filed with Council; and

WHEREAS, pursuant to Article 4.12 of the Charter of the City of Newark, Ohio, this ordinance shall be referred to the Planning Commission immediately after its first reading; and

WHEREAS, the Planning Commission shall hold a public hearing upon such application and the Clerk of Council shall cause notice of such hearing to be publicized one time at least seven (7) days prior to the date of such public hearing; and

WHEREAS, upon the return of the ordinance to Council by the Planning Commission, council shall cause a second reading to be made of this ordinance and shall take such action as is appropriate pursuant to Article 4.12 of the Charter of the City of Newark, Ohio.

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

**Section 1:** The zoning map as established by Ordinance 08-33 (A) is hereby revised by changing the zoning classification for the following described property from SINGLE-FAMILY RESIDENCE – RM – MEDIUM DENSITY DISTRICT TO MFR – MULTI-FAMILY RESIDENCE DISTRICT, Zoning Code of the City of Newark.

**SEE EXHIBIT “A” FOR LEGAL DESCRIPTION**

**Section 2:** Pursuant to Article 4.12(C) of the Charter of the City of Newark, Ohio, a vote of at least six (6) members shall be necessary to adopt or defeat the ordinance in the event the Planning Commission has recommended approval or has made no recommendation. An affirmative vote of at least seven (7) Council members shall be necessary to adopt a zoning ordinance that the Planning Commission has recommended against approval.

**Section 3:** The Newark Planning Commission is hereby authorized and directed to make the change described herein on the aforementioned zoning map.

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

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

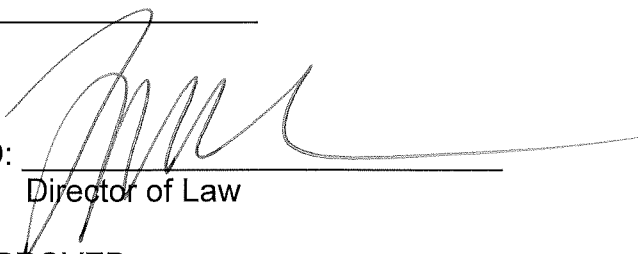
\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
Clerk of Council

DATE FILED WITH MAYOR: \_\_\_\_\_

DATE APPROVED BY MAYOR: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

FORM APPROVED:   
\_\_\_\_\_  
Director of Law

DESCRIPTION APPROVED: \_\_\_\_\_  
Brian Morehead, Engineer

Prepared by the Office of the Director of Law



**DAVID RHODES**  
NEWARK CITY  
DIRECTOR OF PUBLIC SERVICE

City Hall  
40 West Main Street  
Newark, Ohio 43055-5531  
www.newarkohio.net

(740) 670-7703  
drhodes@newarkohio.net

May 14, 2024

RE: APPLICATION NO. PC-24-08 for Zoning District Change

Location: 994 Mt. Vernon Rd.  
Current Zoning Classification: Single-Family Residence, RH – High Density District  
Requested Zoning Classification: MFR Multi Family Residence  
Owner/Applicant: Jacob Jones

RE: **24-03** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 994 MT. VERNON ROAD, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-274176-00.000 FROM THAT OF SINGLE-FAMILY RESIDENCE - RM - MEDIUM DENSITY DISTRICT TO MFR - MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Ladies and Gentlemen:

A Public Hearing was held by the City of Newark Planning Commission on Tuesday, March 12, 2024. Upon consideration of the information presented, the following actions are recommended:

1. The zoning classification for the parcel at 994 Mt. Vernon Rd. shall be changed to MFR Multi Family Residence District. Ordinance 24-03 is recommended for passage and approval by Council.

Sincerely,

A handwritten signature in black ink that appears to read "David Rhodes".

David Rhodes  
Newark City Planning Commission Director

Cc: Law Director  
Zoning Inspector  
City Engineer

## NOTICE OF HEARING

Notice is hereby given that the Newark City Council shall at a later date to be determined and announced hereafter, take action upon Ordinance No.24-03. Said ordinance accepts a proposed amendment to the Zoning Map attached to Ordinance 08-33 (A) which would allow the change of zoning classification of certain real property Generally described as 994 Mt. Vernon Road, City of Newark, Licking County, Ohio, Parcel Tax ID #054-274176-00.000 from that of Single-Family Residence - RM - Medium Density District to MFR - Multi-Family Residence District, Zoning Code of the City of Newark, Ohio

The text or a copy of the text of such Ordinance, together with a copy of Ordinance 08-33 (A) and the Zoning Map attached thereto, and the maps, plans and reports submitted by the Newark Planning Commission relative to said zoning are on file, for public examination, in the office of the Clerk of Newark City Council, 40 West Main Street, Newark, Ohio.

Notice is further given that a public hearing on said Ordinance shall be held before the Newark City Council during the meeting of Council, which begins at 7:00 p.m. on Monday, June 3, 2024 at which time and place any interested person may be heard.

BY ORDER OF THE CITY COUNCIL OF NEWARK, OHIO.

Amy Vensel  
Clerk of Council

TO THE ADVOCATE

Please publish the foregoing Notice of Hearing one day only, to wit: on May 24, 2024



ORDINANCE NO. 24-09

BY: \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 15 MESSIMER DRIVE AND 55 SCHAFFNER DRIVE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-216684-00.000 AND PARCEL TAX ID #054-216684-00.003 FROM THAT OF GO – GENERAL OFFICE AND MFH – MULTI-FAMILY HIGH RISE ZONING DISTRICT TO MFR – MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

WHEREAS, an application for zoning classification has been filed with Council; and

WHEREAS, pursuant to Article 4.12 of the Charter of the City of Newark, Ohio, this ordinance shall be referred to the Planning Commission immediately after its first reading; and

WHEREAS, the Planning Commission shall hold a public hearing upon such application and the Clerk of Council shall cause notice of such hearing to be publicized one time at least seven (7) days prior to the date of such public hearing; and

WHEREAS, upon the return of the ordinance to Council by the Planning Commission, council shall cause a second reading to be made of this ordinance and shall take such action as is appropriate pursuant to Article 4.12 of the Charter of the City of Newark, Ohio.

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

**Section 1:** The zoning map as established by Ordinance 08-33 (A) is hereby revised by changing the zoning classification for the following described property from GO – GENERAL OFFICE AND MFH – MULTI-FAMILY HIGH RISE ZONING DISTRICT TO MFR – MULTI-FAMILY RESIDENCE DISTRICT, Zoning Code of the City of Newark.

**SEE EXHIBIT “A” FOR LEGAL DESCRIPTION**

**Section 2:** Pursuant to Article 4.12(C) of the Charter of the City of Newark, Ohio, a vote of at least six (6) members shall be necessary to adopt or defeat the ordinance in the event the Planning Commission has recommended approval or has made no recommendation. An affirmative vote of at least seven (7) Council members shall be necessary to adopt a zoning ordinance that the Planning Commission has recommended against approval.

**Section 3:** The Newark Planning Commission is hereby authorized and directed to make the change described herein on the aforementioned zoning map.

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

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
Clerk of Council

DATE FILED WITH MAYOR: \_\_\_\_\_

DATE APPROVED BY MAYOR: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

FORM APPROVED:   
Director of Law

DESCRIPTION APPROVED: \_\_\_\_\_  
Brian Morehead, Engineer

Prepared by the Office of the Director of Law

DESCRIPTION  
**APPROVED** For Zoning Purposes  
By Kevin T. Blaine 2/5/2024  
Div. of Engineering  
City of Newark, Ohio

**DESCRIPTION FOR A 1.498 ACRE TRACT**

Situated in the State of Ohio, County of Licking, City of Newark, Third Quarter of Township 2, Range 12, United States Military Lands and being 0.625 acre tract (Parcel Number 054-216684-01.000) of a 4.01 acre tract conveyed to Licking Memorial Hospital Instrument Number 199004120005803 and being 0.873 acres of a 2.322 acre tract (Parcel Number 054-216684-00.003) as conveyed to Licking Memorial Health Systems as in Instrument Number 200711280030483; all references being to those of record in the Recorder's Office, Licking County, Ohio, said **1.498 acre tract** more particularly bounded and described as follows:

**Beginning** at a 5/8" rebar found at the southeastern corner of said 4.01 acre tract, the southwestern corner of the Schaffner Drive as recorded in Plat Book 13, Page 117, northwest corner of a 1.449 acre tract as conveyed to Licking Memorial Health Systems in Instrument Number 200711280030483;

Thence across said 2.322 acre tract Instrument Number 200711280030483 the following (3) courses and distances;

**South 3°21'20" West, 158.54 feet** to an iron pin set;

**South 10°32'42" West, 31.85 feet** to an iron pin set;

**North 86°35'02" West, 196.32 feet** to an iron pin set;

Thence, **North 3°21'20" East, 369.76 feet** along the easterly line of a 4.726 acre tract as conveyed to MIMG XVII McMillen Woods LLC in Instrument Number 201104120007038 to an iron pin set, passing an iron pin set at 190.15 feet;


Thence, **South 63°03'43" East, 218.56 feet** with what represents a new line along said 4.01 acre tract to an iron pin set, in the westerly Right-of-Way line of Schaffner Drive;

Thence, **South 3°21'20" West, 92.38 feet** along the westerly Right-of-Way line of said Schaffner Drive to the **Point of Beginning** and **containing 1.498 acres** more of less according to a survey made by Verdantas in October of 2023;

The bearings in the above description are based on the Ohio State Plane Coordinates System, North Zone, NAD83.

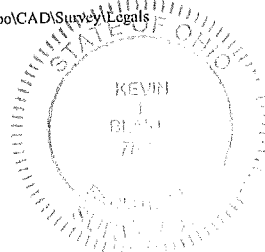
All iron pins set are 5/8-inch diameter rebar by 30-inch length with red identification caps marked "VERDANTAS, 7830".

Subject to all valid and existing easements, restrictions and conditions of record.

  
Kevin T. Blaine, P.S.  
Surveyor No. 7830

October 10, 2023

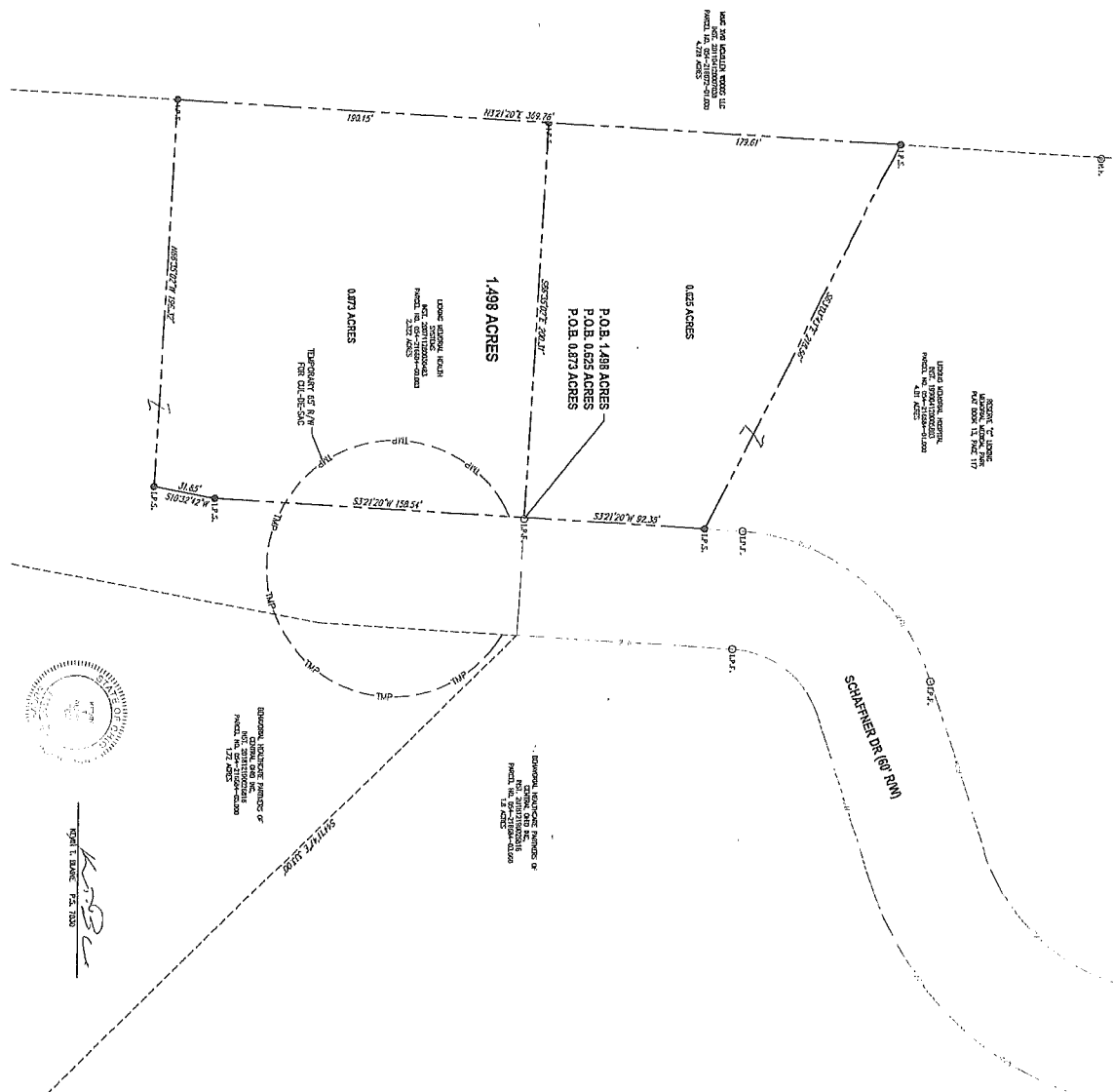
Z:\Project Files\KA-LZ\LickingDis\18921 - LCBDD Lot Split Combo\CAD\Survey\Legals





THE LICKING COUNTY ENGINEER HAS REVIEWED THIS PLAN AND FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE OHIO CONVEYANCE ACT.

SITUATED IN THE STATE OF OHIO, COUNTY OF LICKING, CITY OF NEWARK,  
THIRD QUARTER OF TOWNSHIP 2, RANGE 12, UNITED STATES MILITARY LANDS



Signature of the Engineer

LEGEND  
--- 1/4\"/>

NOTE:  
THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OHIO CONVEYANCE ACT AND THE SURVEYING BOARD OF THE STATE OF OHIO.



SHEET: <b>1 OF 1</b>	APPLICATION NO.	NEWARK - LICKING - OHIO
	DATE:	2023-10-10
SCALE: 1" = 30'	PROJECT NO.	10921
	DESIGNED BY:	
	DRAWN BY:	CS1
	CHECKED BY:	FTB
	DATE:	
	REVISION	
	NO.	

4 HEMISPHERE WAY  
SEEDSBO, OH 44164-8316  
TEL. 440.232.5945  
FAX 614.250.0023



**DAVID RHODES**  
NEWARK CITY  
DIRECTOR OF PUBLIC SERVICE

City Hall  
40 West Main Street  
Newark, Ohio 43055-5531  
www.newarkohio.net

(740) 670-7703  
drhodes@newarkohio.net

May 7, 2024

RE: APPLICATION NO. PC-24-05 for Zoning District Change

Location: 15 Messimer Dr and 55 Schaffner Dr  
Current Zoning Classification: General Office GO, MFH multi-family high rise  
Requested Zoning Classification: MFR Multi-Family Residence  
Owner/Applicant: Licking Memorial Health Systems / Licking County Board of DD

Re: **24-09** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 15 MESSIMER DRIVE AND 55 SCHAFFNER DRIVE, CITY OF NEWARK, LICKING COUNTY , OHIO, PARCEL TAX ID #054-216684-00.000 AND PARCEL TAX ID #054-216684-00.003 FROM THAT OF GO-GENERAL OFFICE AND MFH- MULTI-FAMILY HIGH RISE ZONING DISTRICT TO MFR-MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Ladies and Gentlemen:

A Public Hearing was held by the City of Newark Planning Commission on Tuesday, April 9, 2024. Upon consideration of the information presented, the following actions are recommended:

1. The zoning classification for the parcel at 15 Messimer Dr. and 55 Schaffner Dr. shall be changed to MFR Multi-Family Residence District. Ordinance 24-09 is recommended for passage and approval by Council.

Sincerely,

David Rhodes  
Newark City Planning Commission Director

## NOTICE OF HEARING

Notice is hereby given that the Newark City Council shall at a later date to be determined and announced hereafter, take action upon Ordinance No.24-09. Said ordinance accepts a proposed amendment to the Zoning Map attached to Ordinance 08-33 (A) which would allow the change of zoning classification of certain real property Generally described as 15 Messimer Dr and 55 Schaffner Dr., City of Newark, Licking County, Ohio, Parcel Tax ID #054-216684-00.000 and Parcel Tax ID #054-216684-00.003 from that of GO General Office and MFH - Multi-Family High Rise District to MFR - Multi-Family Residence District, Zoning Code of the City of Newark, Ohio

The text or a copy of the text of such Ordinance, together with a copy of Ordinance 08-33 (A) and the Zoning Map attached thereto, and the maps, plans and reports submitted by the Newark Planning Commission relative to said zoning are on file, for public examination, in the office of the Clerk of Newark City Council, 40 West Main Street, Newark, Ohio.

Notice is further given that a public hearing on said Ordinance shall be held before the Newark City Council during the meeting of Council, which begins at 7:00 p.m. on Monday, June 3, 2024 at which time and place any interested person may be heard.

BY ORDER OF THE CITY COUNCIL OF NEWARK, OHIO.

Amy Vensel  
Clerk of Council

TO THE ADVOCATE

Please publish the foregoing Notice of Hearing one day only, to wit: on May 25, 2024

ORDINANCE NO. 24-10

BY: \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 359 THORNWOOD DRIVE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-216606-00.000 FROM THAT OF SINGLE-FAMILY RESIDENCE – RL – LOW DENSITY DISTRICT TO AD – AGRICULTURAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

WHEREAS, an application for zoning classification has been filed with Council; and

WHEREAS, pursuant to Article 4.12 of the Charter of the City of Newark, Ohio, this ordinance shall be referred to the Planning Commission immediately after its first reading; and

WHEREAS, the Planning Commission shall hold a public hearing upon such application and the Clerk of Council shall cause notice of such hearing to be publicized one time at least seven (7) days prior to the date of such public hearing; and

WHEREAS, upon the return of the ordinance to Council by the Planning Commission, council shall cause a second reading to be made of this ordinance and shall take such action as is appropriate pursuant to Article 4.12 of the Charter of the City of Newark, Ohio.

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

**Section 1:** The zoning map as established by Ordinance 08-33 (A) is hereby revised by changing the zoning classification for the following described property from SINGLE-FAMILY RESIDENCE – RL – LOW DENSITY DISTRICT TO AD - AGRICULTURAL DISTRICT, Zoning Code of the City of Newark.

**SEE EXHIBIT “A” FOR LEGAL DESCRIPTION**

**Section 2:** Pursuant to Article 4.12(C) of the Charter of the City of Newark, Ohio, a vote of at least six (6) members shall be necessary to adopt or defeat the ordinance in the event the Planning Commission has recommended approval or has made no recommendation. An affirmative vote of at least seven (7) Council members shall be necessary to adopt a zoning ordinance that the Planning Commission has recommended against approval.

**Section 3:** The Newark Planning Commission is hereby authorized and directed to make the change described herein on the aforementioned zoning map.

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

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

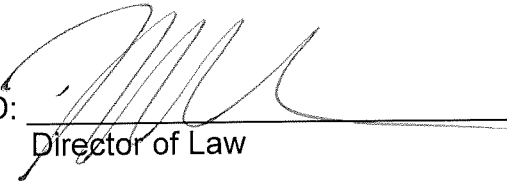
\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
Clerk of Council

DATE FILED WITH MAYOR: \_\_\_\_\_

DATE APPROVED BY MAYOR: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

FORM APPROVED:   
Director of Law

DESCRIPTION APPROVED: \_\_\_\_\_  
Brian Morehead, Engineer

Prepared by the Office of the Director of Law



DESCRIPTION APPROVED  
JARED N. KNERR  
LICKING COUNTY ENGINEER

Approved By BS Feb 08, 2023  
0213NK0050000041000

**TRANSFERRED**

Feb 08, 2023  
Michael L. Smith  
LICKING COUNTY AUDITOR  
SEC 319.902 COMPLIED WITH  
MICHAEL L. SMITH  
By: SLM 1740.00

InstrID:202302080002347	2/8/2023
Pages:3	F: \$42.00 2:55 PM
Bryan A. Long	T20230003179
Licking County Recorder	

## GENERAL WARRANTY DEED (Survivorship)

**Virginia J. Stone nka Virginia J. Hallenbeck, married (Grantor)**, of Licking County, Ohio, for valuable consideration paid, grants, with general warranty covenants to **Ryan Binning and Jessica L. Binning, husband and wife, for their joint lives, remainder to the survivor of them (Grantees)**, whose tax mailing address is: Ruoff Mortgage, 1700 Magnavox Way, Suite 220, Ft. Wayne, IN 46804, the following real property:

Situated in the State of Ohio, County of Licking, City of Newark and being part of Lot No. 1, 4th Quarter, Township 2, Range 13, USML and bounded and described as follows:

Beginning at a point which is the northwest corner of Lot No. 1;

Thence South 3° 08' 52" West, along the west line of said Lot No. 1, and passing an iron pin at 25.00 feet, 1044.00 feet to a point marked by an iron pin,

Thence South 86° 02' 05" East 231.28 feet to a point marked by an iron pin, said point being the true place of beginning;

Thence North 3° 08' 52" East 548.83 feet to a point marked by an iron pin;

Thence South 86° 02' 40" East, and passing iron pins at 396.32 feet, 620.94 feet, 715.35 feet to a point marked by an iron pin;

Thence South 03° 02' 57" West 200.13 feet to a point marked by an iron pin;

Thence South 86° 01' 20" East, and passing an iron pin at 248.93 feet, 276.01 feet to a point in the centerline of Thornwood Drive;

Thence South 2° 49' 07" West 348.82 feet, along said centerline of Thornwood Drive, to a point;

Thence North 86° 02' 05" West, and passing an iron pin at 25.00 feet, 993.72 feet to the true place of beginning, containing 11.235 acres, more or less.

This description prepared by Richard E. Kohn, Registered Surveyor No. 4626.

Subject to all legal highways, easements, restrictions and right of ways of record.

More commonly known as: 359 Thornwood Drive SW., Newark, OH 43056

Permanent parcel ID #054-216606-00.000

Subject, however, to: (a) taxes and assessments which are not yet due and payable, (b) restrictions and easements, if any, contained of record for said premises, and (c) dedicated streets and highways, (d) zoning ordinances, and (e) all coal, oil, gas and other mineral rights and interest previously transferred or reserved of record, subject to all of which this conveyance is made.

Prior Instrument Reference: Instrument Number 200003030006818, Licking County, Ohio.

**David Hallenbeck, spouse of the Grantor, Virginia J. Stone nka Virginia J. Hallenbeck, releases all dower rights therein.**

*DESCRIPTION*  
**APPROVED** *FOR ZONING PURPOSES*  
By *Tom R. [Signature]* *2/5/24*  
Div. of Engineering  
City of Newark, Ohio



**DAVID RHODES**  
NEWARK CITY  
DIRECTOR OF PUBLIC SERVICE

City Hall  
40 West Main Street  
Newark, Ohio 43055-5531  
www.newarkohio.net

(740) 670-7703  
drhodes@newarkohio.net

May 7, 2024

RE: APPLICATION NO. PC-24-06 for Zoning District Change

Location: 359 Thornwood Dr.  
Current Zoning Classification: Single Family Residence - RL  
Requested Zoning Classification: Agricultural - AD  
Owner/Applicant: Jessica Binning

Re: **24-10** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 359 THORNWOOD DRIVE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID#054-216606-00.000 FROM THAT OF SINGLE FAMILY RESIDENCE - RL - LOW DENSITY DISTRICT TO AD-AGRICULTURAL DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Ladies and Gentlemen:

A Public Hearing was held by the City of Newark Planning Commission on Tuesday, April 9, 2024. Upon consideration of the information presented, the following actions are recommended:

1. The zoning classification for the parcel at 359 Thornwood Dr. shall remain Single Family Residence - RL. Ordinance 24-10 is not recommended for passage and approval by Council.

Sincerely,

A handwritten signature in black ink, appearing to read "David Rhodes".

David Rhodes  
Newark City Planning Commission Director

Cc: Law Director  
Zoning Inspector  
City Engineer

## NOTICE OF HEARING

Notice is hereby given that the Newark City Council shall at a later date to be determined and announced hereafter, take action upon Ordinance No.24-10. Said ordinance accepts a proposed amendment to the Zoning Map attached to Ordinance 08-33 (A) which would allow the change of zoning classification of certain real property Generally described as 359 Thornwood Dr., City of Newark, Licking County, Ohio, Parcel Tax ID #054-216606-00.000 from that of Single-Family Residence - RL - Low Density District to AD Agricultural District, Zoning Code of the City of Newark, Ohio

The text or a copy of the text of such Ordinance, together with a copy of Ordinance 08-33 (A) and the Zoning Map attached thereto, and the maps, plans and reports submitted by the Newark Planning Commission relative to said zoning are on file, for public examination, in the office of the Clerk of Newark City Council, 40 West Main Street, Newark, Ohio.

Notice is further given that a public hearing on said Ordinance shall be held before the Newark City Council during the meeting of Council, which begins at 7:00 p.m. on Monday, June 3, 2024 at which time and place any interested person may be heard.

BY ORDER OF THE CITY COUNCIL OF NEWARK, OHIO.

Amy Vensel  
Clerk of Council

TO THE ADVOCATE

Please publish the foregoing Notice of Hearing one day only, to wit: on May 25, 2024

CITY OF NEWARK, OHIO

ORDINANCE NO. 24-16

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$14,000,000 PARKING GARAGE BONDS AND/OR BOND ANTICIPATION NOTES, SERIES 2024

WHEREAS, the City Council (the "Council") of the City of Newark, Ohio (the "City") has heretofore declared the necessity of acquiring, constructing, improving, and equipping a parking garage, including site preparation and all necessary appurtenances thereto (the "Project"); and

WHEREAS, the Council desires to issue bonds and/or bond anticipation notes in an aggregate principal amount not to exceed \$14,000,000 to pay a portion of the costs of the Project; and

WHEREAS, the City Auditor, as fiscal officer of the City, has heretofore estimated that the life of the improvements and assets comprising the Project to be financed with the proceeds of the bonds and/or bond anticipation notes hereinafter referred to is at least five (5) years, and certified that the maximum maturity such bonds to be issued therefor is thirty (30) years, and of any such notes to be issued in anticipation thereof as twenty (20) years; and

WHEREAS, the Council anticipates that debt service on such bonds and/or notes will be paid from revenues other than revenues from unvoted City property taxes, derived from the revenues generated from the Project (the "Revenues");

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Newark (herein, called the "City"), County of Licking, Ohio (two-thirds of all members of said council voting in the affirmative):

SECTION 1. That it is necessary to issue and sell debt of the City in an aggregate principal amount of not to exceed \$14,000,000, which may consist of bonds (the "Bonds") and/or bond anticipation notes (the "Notes" and collectively with the Bonds, the "Obligations"), to be issued for the purpose of paying part of the costs of the Project, or such lesser amount as the City Auditor may determine in the hereinafter defined Certificate of Award, paying capitalized interest on the Obligations, and paying "financing costs," as defined in Section 133.01 of the Ohio Revised Code, related to the issuance of the Obligations, under authority of and pursuant to the general laws of the State of Ohio, particularly Chapter 133 of the Ohio Revised Code. The determination of whether Bonds and/or Notes shall be issued by the City and the principal amounts of either or both shall be set forth in the Certificate of Award.

SECTION 2. That if the City determines to issue Bonds to fund all or part of the costs of the Project, such Bonds shall (i) be issued in a principal amount, that when combined with the principal amount of the Notes, if any, shall not to exceed the amount set forth above, for the purpose aforesaid, (ii) be dated, (iii) be of denominations, provided that each Bond shall be of a single maturity, (iv) mature or be subject to mandatory sinking fund redemption on dates and in

amounts, provided that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable (whether due to maturity or mandatory sinking fund redemption) shall be not more than three times the amount of such payments in any other fiscal year, and provided further that the final maturity of the Bonds shall be not later than December 1, 2054 or the latest maturity date permitted by law, and (v) bear interest payable semiannually on dates and at a rate or rates per annum, provided that the net interest cost payable by the City over the life of the Bonds shall not exceed eight percent (8%) per annum, all as determined by the City Auditor without further action of the Council in a certificate of award (the "Certificate of Award"), which determinations shall be conclusive.

The Bonds shall be subject to redemption prior to maturity at the option of the City upon such terms, at such times, and such price or prices, if any (but in any case, not greater than 102% of the principal amount of the Bonds to be redeemed plus accrued interest to the redemption date), or not at all, as may be determined by the City Auditor in the Certificate of Award without further action of the Council.

If fewer than all of the outstanding Bonds of a single maturity are called for redemption, the selection of Bonds to be redeemed, or portions thereof in amounts equal to the minimum authorized denomination of the Bonds (the "Minimum Authorized Denomination") or any integral multiple thereof, shall be made by lot by the Paying Agent and Registrar (as hereinafter defined) in any manner which the Paying Agent and Registrar may determine. In the case of a partial redemption of Bonds when Bonds of denominations greater than the Minimum Authorized Denomination are then outstanding, each Minimum Authorized Denomination unit of face value of principal thereof shall be treated as though it were a separate Bond of the denomination equal to the Minimum Authorized Denomination. If one or more, but not all, of such units of face value represented by a Bond are to be called for redemption, then upon notice of redemption of a Minimum Authorized Denomination unit or units, the registered holder of that Bond shall surrender the Bond to the Paying Agent and Registrar (a) for payment of the redemption price for the Minimum Authorized Denomination unit or units of face value called for redemption (including without limitation, the interest accrued to the date fixed for redemption and any premium), and (b) for issuance, without charge to the registered holder thereof, of a new Bond or Bonds of the same series, of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

The notice of call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Paying Agent and Registrar on behalf of the City by mailing a copy of the redemption notice by certified mail, return receipt requested, at least 30 days prior to the date fixed for redemption, to the registered holder of each Bond subject to redemption in whole or in part at such registered holder's address shown on the Bond registration records on the fifteenth day preceding that mailing. Failure to receive notice by mailing or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond. Notice having been mailed in the manner

provided above, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date and on such redemption date, interest on such Bonds or portions thereof so called shall cease to accrue; and upon presentation and surrender of such Bonds or portions thereof at the place or places specified in that notice, such Bonds or portions thereof shall be paid at the redemption price, including interest accrued to the redemption date.

The Bonds shall be designated “City Parking Garage Bonds, Series 2024” with such series or other designations as may be necessary, or as otherwise provided in the Certificate of Award.

It is hereby determined by the Council that the issuance of the Bonds provided herein, including without limitation, the redemption provisions set forth above, are in the best interests of the City.

SECTION 3. That if the City determines to issue Notes to fund all or part of the costs of the Project, such Notes shall (i) be issued in a principal amount, amount, that when combined with the principal amount of the Bonds, shall not to exceed the amount set forth above, for the purpose aforesaid, (ii) be dated, (iii) be of denominations, (iv) mature not more than one (1) year from such date of issuance and be payable at maturity, and (v) bear interest at a rate per annum not exceeding eight percent (8%) per annum, which interest shall be payable at maturity, all as determined by the City Auditor without further action of the Council in the Certificate of Award, which determinations shall be conclusive. Notwithstanding the foregoing, it is determined in the Certificate of Award that such Notes are to be sold to and purchased by a bank or financial institution without the use of an official statement, then such Notes shall be issued in such numbers and denominations of \$100,000 or more as may be requested by the purchaser thereof.

The Notes may be subject to redemption prior to their stated maturity, or not at all, as may be determined by the City Auditor in a Certificate of Award without further action of the Council.

The Notes shall be designated “City Parking Garage Bond Anticipation Notes, Series 2024” with such series or other designations as may be necessary, or as otherwise provided in a Certificate of Award.

It is hereby determined by the Council that the issuance of the Notes provided herein, including without limitation, the redemption provisions set forth above, are in the best interests of the City.

SECTION 4. That the Obligations shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of this ordinance. The Obligations shall be in fully registered form without coupons, shall bear the signatures of the Mayor and the City Auditor (each, an “Authorized Officer”), provided that any or all such signatures may be facsimile signatures, may bear the seal of such City or a facsimile thereof, and shall bear the manual authenticating signature of the City Auditor as the paying agent, registrar and transfer agent for the Obligations, or an authorized officer of one or more banks or trust companies designated by the City Auditor in a Certificate of Award without further action of the Council to serve in such capacity (in either case, the “Paying Agent and Registrar”).

The principal amount of each Obligation shall be payable at the designated office of the Paying Agent and the Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 and November 15 for June 1 and December 1 interest, respectively, or such other dates as set forth in the Certificate of Award) on the Obligation registration records as the registered holder thereof, by check or draft mailed to such registered holder at such holder's address as it appears on such registration records, or as otherwise provided in the Certificate of Award.

The Obligations shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the designated office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar and upon such other terms as may be set forth in a Certificate of Award. The City and the Paying Agent and Registrar shall not be required to transfer any Bond during the 15-day period preceding any interest payment date or preceding any selection of Obligations to be redeemed, or after such Obligation has been selected for partial or complete redemption, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new Obligation or Obligations of authorized denominations of the same maturity and for the same aggregate principal amount shall be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holders of the Obligations as the absolute owners thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 5. That for the payment of the Obligations and the interest thereon, the full faith, credit, and revenue of the City are hereby irrevocably pledged, and for the purpose of providing the necessary funds to pay the interest on the Obligations promptly when and as the same falls due, and also to provide a fund sufficient to discharge the Obligations at maturity or upon mandatory sinking fund redemption, there shall be and is hereby levied on all the taxable property in the City within applicable limitations, in addition to all other taxes, a direct tax annually during the period the Obligations are to run in an amount sufficient to provide funds to pay interest upon the Obligations as and when the same falls due and also to provide a fund for the discharge of the principal of the Obligations at maturity or upon mandatory sinking fund redemption, which tax shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Constitution of Ohio.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, levied, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof; provided, that in each year to the extent that the Revenues or moneys from other sources are available for the payment of debt service on the Obligations and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of the Revenues or such moneys so available and appropriated.



Unless otherwise set forth in the Certificate of Award, this Council hereby covenants on behalf of the City that there shall be annually appropriated from the Revenues a sufficient amount to cover principal of and interest on, and any financing costs relating to, the Obligations as they become due. The Revenues to be applied to debt service on the Obligations and the funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the interest on and the principal of the Obligations when and as the same shall fall due.

SECTION 6. That the Obligations shall be sold to Northland Securities, Inc. or such other purchaser or purchasers as may be set forth in the Certificate of Award (the "Purchaser"), at not less than 97% of the principal amount thereof, plus accrued interest to the date of delivery, as determined by the City Auditor without further action of the Council in the Certificate of Award pursuant to the Purchaser's offer to purchase, which the City Auditor is hereby authorized to accept. The City Auditor is hereby authorized, alone or with others, to execute and deliver a purchase agreement for the Obligations (the "Purchase Agreement") in such form as may be approved by the City Auditor, such City Auditor's execution thereof on behalf of the City to be conclusive evidence of such authorization and approval, and to make the necessary arrangements with the Purchaser to establish the date, location, procedure and conditions for the delivery of the Obligations to the Purchaser, to give all appropriate notices and certificates and to take all steps necessary to effect the due execution and delivery of the Obligations pursuant to the provisions of the Purchase Agreement. The proceeds from the sale of the Obligations, except as any premium and accrued interest received, shall be deposited in an appropriate fund and used for the purpose aforesaid and for no other purpose and for which purpose such proceeds are hereby appropriated. Any premium and accrued interest received from such sale shall be transferred to the bond retirement fund to be applied to the payment of the principal and interest of the Obligations in the manner provided by law.

SECTION 7. The Obligations may be issued as federally tax-exempt and/or federally taxable Obligations in any principal amount and in one or more series, as shall be determined by the City Auditor in the Certificate of Award without further action of the Council.

If any such Obligations are issued as federally tax-exempt, the Council hereby covenants that it will restrict the use of the proceeds of such Obligations hereby authorized in such manner and to such extent, if any, as may be necessary after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder, including any expenditure requirements, investment limitations or rebate requirements. Without limiting the generality of the foregoing, the Council represents and covenants that not more than 10% of the improvements financed with the proceeds of any federally tax-exempt Obligations shall be used directly or indirectly in the trade or business of any person that is not an "exempt person" within the meaning of the Code. The City Auditor or any other officer having responsibility with respect to the issuance of the Obligations is authorized and directed to give an appropriate certificate on behalf of the City on the date of delivery of any federally tax-exempt Obligations for inclusion in the transcript of proceedings, setting forth the

facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

The tax-exempt Obligations may be designated as “qualified tax-exempt obligations” to the extent permitted by Section 265(b)(3) of the Code, and if designated, not already deemed so designated as determined by the City Auditor without further action of this Council in the Certificate of Award. If so designated by the City Auditor, the City Auditor shall find and determine that the reasonable anticipated amount of qualified tax-exempt obligations (other than private activity bonds) which will be issued by the City during this calendar year does not and will covenant on behalf of this Council that, during such year, the amount of tax-exempt obligations issued by the City and designated as “qualified tax-exempt obligations” for such purpose will not exceed \$10,000,000. The City Auditor and other appropriate officers, and any of them, are authorized to take such actions and give such certifications on behalf of the City with respect to the reasonably anticipated amount of tax-exempt obligations to be issued by the City during this calendar year and with respect to such other matters as appropriate under Section 265(b)(3).

SECTION 8. That the Authorized Officers are separately hereby authorized, alone or with others, to execute and deliver an agreement with one or more Paying Agent and Registrars for its services as paying agent, registrar and transfer agent for the Obligations in such form as such officer may approve, the execution thereof by such officer to be conclusive evidence of such authorization and approval.

SECTION 9. That each Authorized Officer or any other officer, employee or agent of the City, are each hereby separately authorized, alone or with others to apply for a municipal bond insurance policy with respect to the Obligations, and accept a commitment therefor, if the Purchaser should recommend the same, and any such actions heretofore taken are hereby approved, ratified and confirmed. The payment of the premium and expenses relating to any such insurance policy from the proceeds of the Obligations is hereby authorized if the City Auditor determines in the Certificate of Award that the present value of the interest cost savings on the Obligations resulting from the insurance policy is greater than the premium to be charged for the insurance policy, which determination shall be conclusive.

SECTION 10. That each Authorized Officer or any other officer, employee or agent of the City, are each hereby separately authorized, alone or with others to apply for a rating from one or more national rating services with respect to the Obligations, and any such actions heretofore taken are hereby approved, ratified and confirmed. The payment of the fees and expenses relating to any such rating from the proceeds of the Obligations is hereby authorized.

SECTION 11. That the Authorized Officers are separately hereby authorized, alone or with others, to prepare and distribute to prospective purchasers of the Obligations and other interested parties, a preliminary official statement with respect to the Obligations on behalf of the City, which shall be in form and substance approved by the City Auditor and/or the Mayor without further action from the Council, and which shall be deemed final for purposes of Securities and Exchange Commission Rule 15c2-12(b)(1) except for certain information excluded therefrom in accordance with such Rule and which will be provided in the final official statement. The Authorized Officers are hereby separately authorized, alone or with others, to prepare, execute and deliver a final

official statement with respect to the Obligations on behalf of the City, which shall be in such form as the official(s) signing the same may approve, and which shall be deemed to be final for purposes of Securities and Exchange Commission Rule 15c2-12(b)(3), their execution thereof on behalf of the City to be conclusive evidence of such authorization and approval, and copies thereof are hereby authorized to be prepared and furnished to the purchaser of the Obligations for distribution to prospective purchasers of the Obligations and other interested persons.

The Authorized Officers are each hereby separately authorized to execute, alone or together, and deliver of one or more continuing disclosure certificates, dated the date of issuance and delivery of the related Obligations (collectively, the “Continuing Disclosure Certificate”), in connection with the issuance of those Obligations. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the Obligations subject to such Continuing Disclosure Certificate; however, any holder of the Obligations may take such action as may be necessary and appropriate, including seeking specific performance, to cause the City to comply with its obligations under this paragraph and the Continuing Disclosure Certificate.

SECTION 12. That the law firm of Dinsmore & Shohl LLP be and is hereby retained as bond counsel to the City to prepare the necessary authorization and related closing documents for the issuance, sale and delivery of the Obligations and, if appropriate, rendering its approving legal opinion or opinions in connection therewith in accordance with a written agreement with the City which the City Auditor is authorized to execute and deliver on behalf of the City, as may be approved by such officer executing the same. The approval of such agreement by such officer, and that the same is not substantially adverse to the City, shall be conclusively evidenced by the execution of such agreement by such officer. Such law firm shall be compensated by the City for the above services in accordance with such written agreement.

SECTION 13. That for purposes of this ordinance, the following terms shall have the following meanings:

“Book entry form” or “book entry system” means a form or system under which (i) the beneficial right to payment of principal of and interest on the Obligations may be transferred only through a book entry, and (ii) physical Obligation certificates in fully registered form are issued only to the Depository or its nominee as registered owner, with the Obligations “immobilized” to the custody of the Depository, and the book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Obligations and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, together with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Obligations or principal and interest, and to effect transfers of Obligations, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

All or any portion of the Obligations may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply to such Obligations, notwithstanding any other provision of this ordinance. If and as long as a book entry system is utilized with respect to any of such Obligation: (i) each Obligation shall be of a single maturity; (ii) those Obligations shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners of Obligations in book entry form shall have no right to receive Obligations in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Obligations in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (v) the Obligations as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Debt service charges on Obligations in book entry form registered in the name of a Depository or its nominee shall be payable in the manner provided in the City’s agreement with the Depository to the Depository or its authorized representative (i) in the case of interest, on each interest payment date, and (ii) in all other cases, upon presentation and surrender of Obligations as provided in this ordinance.

The Paying Agent and Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Obligation in the custody of a Depository providing for making all payments to that owner of principal and interest on that Obligation or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this ordinance, without prior presentation or surrender of the Obligation, upon any conditions which shall be satisfactory to the Paying Agent and Registrar and to the City. That payment in any event shall be made to the person who is the registered owner of that Obligation on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Paying Agent and Registrar shall furnish a copy of each of those agreements, certified to be correct by the Paying Agent and Registrar, to any other paying agents for the Obligations and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this ordinance.

The City Auditor is authorized and directed without further action of the Council to execute, acknowledge and deliver, in the name of and on behalf of the City, a blanket letter agreement between the City and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Obligations to the Depository for use in a book entry system, and to take all other actions the City Auditor deems appropriate in issuing the Obligations under a book entry system.

If any Depository determines not to continue to act as Depository for the Obligations for use in a book entry system, the City and the Paying Agent and Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this ordinance. If the City and the Paying Agent and Registrar do not or are unable to do so, the City and the Paying Agent and Registrar, after the Paying Agent and Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Obligations from the Depository and authenticate and deliver Obligation certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Obligations), if the event is not the result of action or inaction by the City or the Paying Agent and Registrar, of those persons requesting such issuance.

SECTION 14. That the Clerk of Council is hereby directed to forward a certified copy of this ordinance to the Licking County Auditor.

SECTION 15. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this ordinance were taken in open meetings of the Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action, were taken in meetings open to the public, in compliance with the law.

SECTION 16. That it is hereby determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Obligations in order to make the same legal, valid and binding obligations of the Council have happened, been done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said Obligations.

SECTION 17. That this ordinance shall take effect and be in force at the earliest time permitted by law and by the City Charter.

PASSED THIS \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Presiding Officer

Attest:

\_\_\_\_\_  
Clerk of Council

Date filed with Mayor: \_\_\_\_\_, 2024

Date approved by Mayor: \_\_\_\_\_, 2024

\_\_\_\_\_  
Mayor

Form approved: \_\_\_\_\_  
Director of Law

43067885

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing Ordinance was certified this day to the Licking County Auditor.

\_\_\_\_\_  
City Auditor

Dated: \_\_\_\_\_, 2024

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing Ordinance.

\_\_\_\_\_  
Licking County Auditor

Dated: \_\_\_\_\_, 2024

43067885

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Newark, Ohio, met in \_\_\_\_\_ session at p.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, at \_\_\_\_\_, Newark, Ohio with the following members present:

There was presented to the Council by the City Auditor a Certificate as to Maximum Maturity of Bonds and Bond Anticipation Notes relating to the financing described in the following ordinance.

There was presented and read to Council Ordinance No. \_\_\_\_\_ entitled:

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$14,000,000 PARKING GARAGE BONDS AND/OR BOND ANTICIPATION NOTES, SERIES 2024

\_\_\_\_\_ moved to suspend the rule requiring an ordinance or resolution of a general or permanent nature to be read on two different days.

\_\_\_\_\_ seconded the motion and, the roll being called upon the question, the vote resulted as follows (at least six member concurring):

AYES:

NAYS:

The Ordinance was declared passed \_\_\_\_\_, 2024.

\*\*\*OTHER BUSINESS\*\*\*



CERTIFICATE

The undersigned, Clerk of Council, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of said City, held on the \_\_\_\_ day of \_\_\_\_\_, 2024, to the extent pertinent to consideration and passage of the above-entitled legislation.

\_\_\_\_\_  
Clerk of Council

.43067885

CERTIFICATE OF PUBLICATION OF ORDINANCE

I, the undersigned Clerk of Council, of the City of Newark, Ohio (the "City") hereby certify that Ordinance No. \_\_\_\_\_, passed by the City Council on \_\_\_\_\_, 2024, was published in accordance with the provisions set forth in the Charter of the City under Section 4.15.

\_\_\_\_\_  
Clerk of Council

Dated: \_\_\_\_\_, 2024

CERTIFICATE OF MEMBERSHIP

The undersigned, City Auditor of the City of Newark, County of Licking, Ohio, hereby certifies that the following were the officers and members of council during the period proceedings were taken authorizing the issuance of not to exceed \$14,000,000 Parking Garage Bonds, Series 2024:

(Please Type Name Here)

Mayor	<u>Jeff Hall</u>
City Auditor	<u>Ryan Bubb</u>
Treasurer	<u>Brad Feightner Jr.</u>
Director of Safety	<u>Tim Hickman</u>
Director of Public Service	<u>David Rhodes</u>
Member of Council	<u>Michael Houser</u>
Member of Council	<u>Beth Bline</u>
Member of Council	<u>Jeff Rath</u>
Member of Council	<u>Mark Labutis</u>
Member of Council	<u>Bradley Chute</u>
Member of Council	<u>Bill Cost Jr.</u>
Member of Council	<u>Dustin Neely</u>
Member of Council	<u>Jonathan Lang</u>
Member of Council	<u>Doug Marmie</u>
Member of Council	<u>Colton Pine</u>
Director of Law	<u>Tricia Moore</u>

By: \_\_\_\_\_  
City Auditor

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified obligations.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE AS TO MAXIMUM MATURITY OF  
BONDS AND BOND ANTICIPATION NOTES

The undersigned, being the City Auditor of the City of Newark, Ohio, hereby certifies that the life of the proposed project is at least five (5) years and that estimated life of the improvements financed with the proceeds of the sale of not to exceed \$14,000,000 of bonds or notes, for the purpose of paying the cost of acquisition, construction, improvement, and equipping of a parking garage, including site preparation and all necessary appurtenances thereto, is at least thirty (30) years and that the maximum maturity of bonds issued for said purpose, in accordance with Section 133.20 of the Ohio Revised Code, is thirty (30) years and the maximum maturity of notes if any shall be issued in anticipation thereof is twenty (20) years.

IN WITNESS THEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
City Auditor

ORDINANCE NO: 24-18

BY \_\_\_\_\_

**AN ORDINANCE AMENDING PORTIONS OF THE CURRENT ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO ADOPTED MAY 5, 2009 BY ORDINANCE 08-33A AND SEPTEMBER 5, 2023, BY ORDINANCE 23-22A AND IMPLEMENTING ADDITIONAL ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO.**

**WHEREAS**, the City of Newark by and through action of Newark City Council adopted a new Zoning Code on May 5, 2009 with the passage of Ordinance 08-33A; and,

**WHEREAS**, the City of Newark by and through action of Newark City Council amended portions of the Zoning Code on September 5, 2023, with the passage of Ordinance 23-22A; and,

**WHEREAS**, changed circumstances in the City of Newark have created a need to revise the existing Zoning Code to address issues specific to future development and business regulations for the benefit of all and good zoning practice; and,

**WHEREAS**, this matter was considered by the Economic Development Committee of Council at a regularly scheduled meeting thereof and was passed on to the Planning Commission for public hearing and recommendation and then to full Council pursuant to Charter Article 4.12.

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING AND STATE OF OHIO THAT THE ZONING CODE OF THE CITY OF NEWARK, OHIO IS HEREBY AMENDED TO READ AS SET FORTH HEREIN**

**SECTION 1:** *Article 46: MB Medium Intensity Business District* of the Zoning Code of the City of Newark, Ohio is hereby amended to include the following:

ARTICLE 46

MB MEDIUM INTENSITY BUSINESS DISTRICT

46.4 CONDITIONAL USES

2. **ADULT USE DISPENSARIES AS DEFINED AT SECTION 3780.01(A)(5) OF THE OHIO REVISED CODE PROVIDED THAT (A) SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OHIO REVISED CODE, THE OHIO ADMINISTRATIVE CODE, AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO AND (B) SUCH FACILITY IS NOT LOCATED WITHIN 1,000 FEET OF A**

**PARCEL OF REAL ESTATE HAVING SITUATED ON IT A SCHOOL, CHURCH, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK OR COMMUNITY ADDICTION SERVICES PROVIDER AS DEFINED UNDER R.C. § 5119.01.**

**A VARIANCE FROM THE 1,000 FEET DISTANCE RESTRICTION TO REDUCE SAID RESTRICTION BY NO MORE THAN 250 FEET DISTANCE MAY BE ISSUED BY THE BOARD OF ZONING APPEALS WITH A CONDITIONAL USE PERMIT.**

**SECTION 2:** *Article 48: HB High Intensity Business District* of the Zoning Code of the City of Newark, Ohio is hereby amended to include the following:

ARTICLE 48  
HB HIGH INTENSITY BUSINESS DISTRICT

48.4 CONDITIONAL USES

- 3. Medical marijuana AND ADULT USE dispensaries pursuant to the authority and limitations set forth at Article 46: MB Medium Intensity Business District, Section 46.4.**

**SECTION 3:** *Article 50: GB General Business District* of the Zoning Code of the City of Newark, Ohio is hereby amended to include the following:

ARTICLE 50  
GB GENERAL BUSINESS DISTRICT

50.4 CONDITIONAL USES

- 3. Medical marijuana AND ADULT USE dispensaries pursuant to the authority and limitations set forth at Article 46: MB Medium Intensity Business District, Section 46.4**

**SECTION 4:** *Article 54: LC Limited Commercial District* of the Zoning Code of the City of Newark, Ohio is hereby amended to include the following:

ARTICLE 54  
LC LIMITED COMMERCIAL DISTRICT

54.4 CONDITIONAL USES

- 3. Medical marijuana AND ADULT USE dispensaries pursuant to the authority and limitations set forth at Article 46: MB Medium Intensity Business District, Section 46.4**

**SECTION 5:** *Article 56: GC General Commercial District* of the Zoning Code of the City of Newark, Ohio is hereby amended to include the following:

ARTICLE 56  
GENERAL COMMERCIAL DISTRICT

56.4 CONDITIONAL USES

- 3. Medical marijuana AND ADULT USE dispensaries pursuant to the authority and limitations set forth at Article 46: MB Medium Intensity Business District, Section 46.4**

**SECTION 6:** *Article 60: DC Downtown District* of the Zoning Code of the City of Newark, Ohio, is hereby amended to include the following:

ARTICLE 60  
DC DOWNTOWN DISTRICT

60.3 PROHIBITED USES

- 5. Medical marijuana dispensaries as defined at OAC 3796:1-1-01(13) AND ADULT USE DISPENSARIES AS DEFINED AT ORC 3780.01(A)(5)**
- 6. Medical marijuana cultivators as defined at OAC 3796:1-1-01(9) AND ADULT USE CULTIVATORS AS DEFINED AT ORC 3780.01(A)(4) AND 3780.01(A)(19)-(21).**
- 7. Medical marijuana processors as defined at OAC 3796:1-1-01(39) AND ADULT USE PROCESSORS AS DEFINED AT ORC 3780.01(A)(7).**

**SECTION 7:** *Article 64: Limited Industrial District* of the Zoning Code of the City of Newark, Ohio, is hereby amended to include the following:

ARTICLE 64  
LI LIMITED INDUSTRIAL DISTRICT

64.2 PERMITTED USES

- ~~26. Medical marijuana cultivators as defined at OAC 3796:1-1-01(9) provided that such facility is in full and complete compliance with the requirements and restrictions of all applicable sections of the OAC and Ohio Revised Code as well as all applicable licensing and reporting requirements of the Codified Ordinances of the City of Newark, Ohio.~~
- ~~27. Medical marijuana processors as defined at OAC 3796:1-1-01(39) provided that such facility is in full and complete compliance with the requirements and restrictions of all applicable sections of the OAC and Ohio Revised Code as well as all applicable licensing and reporting requirements of the Codified Ordinances of the City of Newark, Ohio.~~

64.4 CONDITIONAL USES

5. **MEDICAL MARIJUANA DISPENSARIES AS DEFINED AT SECTION 3796:1-1-01 (13) OF THE OHIO ADMINISTRATIVE CODE (OAC) PROVIDED THAT (a) SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO AND (b) SUCH FACILITY IS NOT LOCATED WITHIN 1000 FEET OF A PARCEL OF REAL ESTATE HAVING SITUATED ON IT A SCHOOL, CHURCH, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK OR COMMUNITY ADDICTION SERVICES PROVIDER AS DEFINED UNDER SECTION 5119.01 OF THE REVISED CODE.**

**A VARIANCE FROM THE 1000 FEET DISTANCE RESTRICTION TO REDUCE SAID RESTRICTION BY NO MORE THAN 250 FEET DISTANCE MAY BE ISSUED BY THE BOARD OF ZONING APPEALS WITH A CONDITIONAL USE PERMIT.**

6. **MEDICAL MARIJUANA CULTIVATORS AS DEFINED AT OAC 3796:1-1-01(9) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.**
7. **MEDICAL MARIJUANA PROCESSORS AS DEFINED AT OAC 3796:1-1-01(39) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.**
8. **ADULT USE DISPENSARIES AS DEFINED AT SECTION 3780.01(A)(5) OF THE OHIO REVISED CODE PROVIDED THAT (A) SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OHIO REVISED CODE, THE OHIO ADMINISTRATIVE CODE, AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO AND (B) SUCH FACILITY IS NOT LOCATED WITHIN 1,000 FEET OF A PARCEL OF REAL ESTATE HAVING SITUATED ON IT A SCHOOL, CHURCH, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK OR COMMUNITY ADDICTION SERVICES PROVIDER AS DEFINED UNDER R.C. § 5119.01.**

**A VARIANCE FROM THE 1,000 FEET DISTANCE RESTRICTION TO REDUCE SAID RESTRICTION BY NO MORE THAN 250 FEET DISTANCE MAY BE ISSUED BY THE BOARD OF ZONING APPEALS WITH A CONDITIONAL USE PERMIT.**

9. **ADULT USE CULTIVATORS AS DEFINED AT ORC 3780.01(A)(4) AND 3780.01(A)(19)-(21) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.**
10. **ADULT USE PROCESSORS AS DEFINED AT ORC 3780.01(A)(7) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE**



**REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND THE OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.**

#### 64.6 DISTRICT STANDARDS

2. The combined square footage of the footprint of all buildings and structures on a given lot shall not be more than ~~twenty-five~~ **THIRTY-FIVE** percent of the lot area exclusive of any lot area in the floodway.

**SECTION 8:** *Article 66: GI General Industrial District* of the Zoning Code of the City of Newark, Ohio, is hereby amended to include the following:

#### ARTICLE 66 GI GENERAL INDUSTRIAL DISTRICT

#### 66.4 CONDITIONAL USES

17. **MEDICAL MARIJUANA DISPENSARIES AS DEFINED AT SECTION 3796:1-1-01 (13) OF THE OHIO ADMINISTRATIVE CODE (OAC) PROVIDED THAT (a) SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO AND (b) SUCH FACILITY IS NOT LOCATED WITHIN 1000 FEET OF A PARCEL OF REAL ESTATE HAVING SITUATED ON IT A SCHOOL, CHURCH, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK OR COMMUNITY ADDICTION SERVICES PROVIDER AS DEFINED UNDER SECTION 5119.01 OF THE REVISED CODE.**

**A VARIANCE FROM THE 1000 FEET DISTANCE RESTRICTION TO REDUCE SAID RESTRICTION BY NO MORE THAN 250 FEET DISTANCE MAY BE ISSUED BY THE BOARD OF ZONING APPEALS WITH A CONDITIONAL USE PERMIT.**

18. **MEDICAL MARIJUANA CULTIVATORS AS DEFINED AT OAC 3796:1-1-01(9) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.**
19. **MEDICAL MARIJUANA PROCESSORS AS DEFINED AT OAC 3796:1-1-01(39) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.**

**20. ADULT USE DISPENSARIES AS DEFINED AT SECTION 3780.01(A)(5) OF THE OHIO REVISED CODE PROVIDED THAT (A) SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OHIO REVISED CODE, THE OHIO ADMINISTRATIVE CODE, AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO AND (B) SUCH FACILITY IS NOT LOCATED WITHIN 1,000 FEET OF A PARCEL OF REAL ESTATE HAVING SITUATED ON IT A SCHOOL, CHURCH, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK OR COMMUNITY ADDICTION SERVICES PROVIDER AS DEFINED UNDER R.C. § 5119.01.**

**A VARIANCE FROM THE 1,000 FEET DISTANCE RESTRICTION TO REDUCE SAID RESTRICTION BY NO MORE THAN 250 FEET DISTANCE MAY BE ISSUED BY THE BOARD OF ZONING APPEALS WITH A CONDITIONAL USE PERMIT.**

**21. ADULT USE CULTIVATORS AS DEFINED AT ORC 3780.01(A)(4) AND 3780.01(A)(19)-(21) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.**

**22. ADULT USE PROCESSORS AS DEFINED AT ORC 3780.01(A)(7) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND THE OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.**

#### 66.6 DISTRICT STANDARDS

2. The combined square footage of the footprint of all buildings and structures on a given lot shall not be more than ~~twenty-five~~ **THIRTY-FIVE** percent of the lot area exclusive of any lot area in the floodway.

**SECTION 9:** The Tables of Content of the Zoning Code of the City of Newark, Ohio, are hereby amended to reflect the modifications made by this Ordinance.

**SECTION 10:** All other sections of the Zoning Code of the City of Newark, Ohio, not specifically addressed within this Ordinance shall remain in full force and effect as written.

**SECTION 11:** This Ordinance shall take effect upon full compliance with the procedures set forth at Article 4.12 and then on the earliest date allowed by Article 4.07 of the Charter of the City of Newark and remain in full force and effect thereafter.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

DATE FILED WITH MAYOR: \_\_\_\_\_

DATE APPROVED BY MAYOR: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM: \_\_\_\_\_  
TRICIA M. MOORE  
DIRECTOR OF LAW

Prepared by the Office of the Director of Law

BY: \_\_\_\_\_

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF PUBLIC SAFETY OFFICE FOR FEDERAL FISCAL YEAR 2025 OHIO TRAFFIC SAFETY GRANTS PROGRAMS: SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) AND THE IMPAIRED DRIVING ENFORCMENT PROGRAM (IDEP).

Whereas, the National Highway Administration and the Federal Highway Administration of the U.S. Department of Transportation provide federal funding for the costs of local law enforcement initiatives designed to improve highway safety; and,

WHEREAS, the City of Newark was notified by the Ohio Department of Public Safety that the City is eligible to submit applications for Fiscal Year 2025 State and Community Highway Funds; and,

WHEREAS, each unit of local government receiving funds must establish special revenue funds into which all payment received by the unit of local government under the Programs are deposited, and it is necessary to establish special revenue accounts 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: This Council authorizes and directs the Mayor, or his representative to prepare applications to the Ohio Department of Public Safety Office of the Governor’s Highway Safety Representative, for funding assistance through the Highway Safety Grant Programs: STEP and IDEP 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 highway safety funding programs.

Section 3: The Mayor is designated as the authorizing official to enter into an agreement with the Ohio Department of Public Safety Office of the Governor’s Highway Safety Representative, to administer the grant programs and to accept said funds when they become available.

Section 4: There are hereby established a special revenue funds to be know as the Highway Safety Grant Program funds. The Auditor is authorized and directed to deposit all receipts from the Highway Safety Grant Programs into these funds. Monies deposited into the funds are to be used solely for the purpose of improving highway safety.

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 \_\_\_\_\_, 2024

\_\_\_\_\_, COUNCIL PRESIDENT

ATTEST \_\_\_\_\_, CLERK OF COUNCIL

DATE FILED WITH MAYOR \_\_\_\_\_

DATE APPROVED BY MAYOR \_\_\_\_\_

\_\_\_\_\_, MAYOR

FORM APPROVED \_\_\_\_\_, DIRECTOR OF LAW

BY: \_\_\_\_\_

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NEWARK TO ENTER INTO A COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED SUBRECIPIENT AGREEMENT WITH THE HEREINAFTER NAMED ORGANIZATIONS TO CARRY OUT ACTIVITIES INCLUDED WITHIN NEWARK'S FY 2024 COMMUNITY DEVELOPMENT BLOCK GRANT ONE YEAR ACTION PLAN.

WHEREAS, pursuant to Title I of the Housing and community Development Acts of 1974 and 1990, as amended, the City of Newark has applied for and received a Community Development Block Grant (CDBG) for certain community development activities; and,

WHEREAS, it is necessary to enter into a CDBG funded subrecipient agreement with the hereinafter mentioned organizations to implement the foregoing FY 2024 CDBG funded activity; and,

WHEREAS, it is necessary to authorize the Mayor to enter into the CDBG funded subrecipient agreement; and,

WHEREAS, copies of the proposed subrecipient agreements are on file in the offices of the Director of Public Service and Director of 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 Mayor is hereby authorized and directed to enter into CDBG funded subrecipient agreements with the following organizations for the implementation of the following FY 2024 CDBG funded projects:

- A. Behavioral Healthcare Partners Inc.
- B. St. Vincent de Paul
- C. Newark Development Partners CIC
- D. Licking County Coalition for Housing
- E. Together We Grow, Inc.
- F. The Woodlands-New Beginnings
- G. St. Vincent Haven
- H. Salvation Army

Section 2: 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 \_\_\_\_\_, 2024

\_\_\_\_\_, PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_, CLERK OF COUNCIL

DATE FILED WITH MAYOR: \_\_\_\_\_

DATE APPROVED BY MAYOR: \_\_\_\_\_

SIGNED BY MAYOR; \_\_\_\_\_

FORM APPROVED BY LAW DIRECTOR: \_\_\_\_\_

Resolution No.24-41

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 422 Debt Service Fund, in the amount of \$127,338.00 (Payment for Horns Hill / Waterworks roundabout will be made from TIF monies)

422.929.5421762	Principal Payment	55,000.00
422.929.5423762	Interest Payment	72,338.00

Section 2. There is hereby an appropriation of the unappropriated balance of the 422 Debt Service Fund, in the amount of \$638.06 (Thornwood Crossing bridge and roundabout payment for 2024)

422.931.5416230	Principal Payment	488.06
422.931.5426230	Interest Payment	150.00

Section 3. There is hereby an appropriation of the unappropriated balance of the 424 TIF Fund, in the amount of \$127,338.00 (Payment from District 3 TIF monies for Horns Hill roundabout)

424.933.5421762	Principal Payment	55,000.00
424.933.5423762	Interest Payment	72,338.00

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 \_\_\_\_\_, 2024.

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.24-42 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 \$64,974.00 (Placed an order for a new dump truck in 2022, the truck has never been sent to production, a similar truck is in stock at another dealer.)

335.432.5532	F- 350 dump truck	64,974.00
--------------	-------------------	-----------

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 \_\_\_\_\_, 2024.

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 FOR THE CITY OF NEWARK, OHIO, TO NEGOTIATE AND ENTER INTO A PURCHASE AGREEMENT WITHOUT COMPETITIVE BIDDING WITH COUGHLIN FORD, INC. FOR THE PURCHASE OF A 2023 FORD F-350 DUMP TRUCK.

WHEREAS, the Department of Parks and Recreation is a division within the Department of Public Service within the City of Newark, Ohio; and

WHEREAS, this division requires specialized equipment to provide services to citizens throughout the City of Newark; and

WHEREAS, a dump truck is one such piece of necessary specialized equipment; and

WHEREAS, a previous order for said vehicle from 2022 was unable to be fulfilled due to production and supply shortages; and,

WHEREAS, a similar vehicle has been located at Coughlin Ford, Inc. and is available for purchase; and,

WHEREAS, due to the vehicle only being available through a single source and pursuant to 10.02 of the Charter of the City of Newark, Ohio, it is requested that competitive bidding be waived and allow the Director of Public Service to enter into a purchase agreement to obtain the needed vehicle; and,

WHEREAS, the source of funding has been identified as available through the Capital Improvement Fund for purchase.

WHEREAS, this matter was considered in regular session by the Capital Improvement Committee who voted to refer the same to full Council for consideration; 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 enter into a purchase agreement with Coughlin Ford, Inc., for the purchase of one (1) 2023 Ford F-350 dump truck.

Section 2: It is in the best interest of the City and its residents that competitive bidding not be required and the same is hereby waived pursuant to Article 10.02 of the Charter of the City of Newark, Ohio, and the Director of Public Service is hereby authorized and directed to negotiate and enter directly into a purchase agreement for the purchase of one (1) 2023 Ford F-350 dump truck.

Section 3: This Resolution 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 \_\_\_\_\_, 2024

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

DATE FILED WITH MAYOR: \_\_\_\_\_

DATE APPROVED BY MAYOR: \_\_\_\_\_

MAYOR: \_\_\_\_\_

FORM APPROVED: \_\_\_\_\_  
DIRECTOR OF LAW

Prepared by the Office of the Director of Law

RESOLUTION NO: 24-44

BY: \_\_\_\_\_

**A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT WITH MPW INDUSTRIAL SERVICES, INC., WITHOUT COMPETITIVE BIDDING FOR PRESSURE WASHING OF THE SIDEWALKS SURROUNDING THE DOWNTOWN SQUARE**

**WHEREAS**, the sidewalks surrounding the downtown square which consist of concrete and brick pavers, require power washing in order to prevent costly repairs and preserve the aesthetic appeal of the courthouse and surrounding areas; and

**WHEREAS**, the City wishes to enter into contract with MPW Industrial Services, Inc. for sidewalk pressure washing based on their reputation of providing excellent service to their customers and having the knowledge and skill to safely clean the property and avoid damage to the concrete and brick pavers; and,

**WHEREAS**, Section 10.02(C) of the Charter of the City of Newark allows Council to waive competitive bidding by a vote of six (6) Council members if the statutory or common law of the State of Ohio does not require competitive bidding and if it is in the best interest of the City; and,

**WHEREAS**, while the cost of the contract exceeds the bidding threshold under the City Charter, it does fall below the competitive bidding threshold for the State of Ohio thereby allowing Council to waive the bidding requirement if so desired; and,

**WHEREAS**, it is requested that competitive bidding be waived and that the City, through the Director of Public Service, be permitted to negotiate and enter into contract with MPW Industrial Services, Inc., for sidewalk pressure washing for the downtown square; and,

**WHEREAS**, this matter was considered in regular session by the Service Committee who voted to refer the same to full Council for consideration.

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

**Section 1:** It is in the best interest of the City that competitive bidding not be required and the same is hereby waived pursuant to Article 10.02(C) of the Charter of the City of Newark, Ohio. The Director of Public Service is hereby authorized and directed to negotiate and enter directly into contract with

MPW Industrial Services, Inc., for sidewalk pressure washing for the downtown square.

**Section 2:** This Resolution shall become effective upon the earliest date permitted by Article 4.07 of the Charter of the City of Newark, Ohio

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Date Filed with Mayor: \_\_\_\_\_

Date Approved by Mayor: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Form Approved: \_\_\_\_\_  
Director of Law

BY: \_\_\_\_\_

A RESOLUTION TO DISBURSE ONEOHIO OPIOID SETTLEMENT FUNDS IN ACCORDANCE WITH THE TERMS OF THE ONEOHIO MEMORANDUM OF UNDERSTANDING ENTERED INTO BY THE CITY BY WAY OF RESOLUTION 21-52

WHEREAS, the City of Newark, Ohio entered into the OneOhio Memorandum of Understanding by way of Resolution 21-52; and,

WHEREAS, one purpose of the MOU is to create an effective means of distributing any potential settlement funds allocated between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio; and

WHEREAS, upon entering the MOU, the City agreed to utilize funds received in a manner consistent with the approved purposes definition which includes: evidence-based forward-looking strategies, programming, and services used to: (i) expand the availability of treatment for individuals affected by substance use disorders, (ii) develop, promote and provide evidence-based substance use prevention strategies, (iii) provide substance use avoidance and awareness education, (iv) decrease the oversupply of licit and illicit opioids, and (v) support recovery from addiction services performed by qualified and appropriately licensed providers; and,

WHEREAS, Licking Memorial Health Systems (“LMHS”) has proactively offered crucial education, substantial programs, and life-saving healthcare to combat the opioid crisis in the Licking County Community to include: approximately twenty (20) outreach programs specific to substance use disorders, presentations by subject matter experts for the prevention opioid abuse and drug-gateway topics in the community and within local schools, as well as outpatient and inpatient treatment for chemical dependency through Shepherd Hill, the Behavioral Health Department of LMHS; and,

WHEREAS, in recognition of the importance of the programs offered by LMHS and their positive impact on the opioid epidemic in our community, the City desires to disburse funds received as well as all future funds received from the OneOhio opioid settlement to LMHS to support their life-saving programs used to prevent, treat, and support recovery from addictions, including addictions to opioids.

WHEREAS, this matter was considered in a regular session by the Finance Committee who voted to refer the same to full Council.

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

Section 1. That all current and future funds received from the OneOhio opioid settlement be disbursed upon receipt to Licking Memorial Health Systems to fund and support their life-saving programs used to prevent, treat, and support recovery from addictions, including addictions to opioids, in accordance with the terms of the OneOhio MOU.

Section 2. That the City will comply with all reporting requirements of the State of Ohio as to the expenditure of funds with the cooperation of Licking Memorial Health Systems.

Section 3. That it is found and determined that all formal actions of the Council relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 4. This Resolution shall be effective pursuant to Charter Article 4.06 in order to ensure the prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_



CLERK OF COUNCIL

DATE FILED WITH MAYOR: \_\_\_\_\_

DATE APPROVED BY MAYOR: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

FORM APPROVED: \_\_\_\_\_  
DIRECTOR OF LAW

Prepared by the Office of the Director of Law

Resolution No.24-48

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 210 EMS Transports Fund, in the amount of \$133,852.00 (down payment on two EMS vehicles)

210.204.5532100	Vehicles Fire Transports	133,852.00
-----------------	--------------------------	------------

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 \_\_\_\_\_, 2024.

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.24-49

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 \$3,582.00 (Ohio EPA Recycle Grant funds for bottle filling stations at Water Admin, Water Plant and Water Distribution)

621.706.5331.100	Machinery and Equipment- bottle filling	3,582.00
------------------	--	----------

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 \_\_\_\_\_, 2024.

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. 24-50**

**A RESOLUTION REVISING AND DESCRIBING THE BOUNDARIES OF “THE FLATS COMMUNITY REINVESTMENT AREA NO. 6” IN NEWARK, OHIO.**

**WHEREAS**, on February 20, 2024, the Council for the City of Newark, Ohio passed Resolution No. 24-07-A to establish a The Flats Community Reinvestment Area No. 6 (“CRA No. 6”), within the jurisdiction of the City (as passed, the “Establishment Resolution”); and

**WHEREAS**, the provisions of the Establishment Resolution are incorporated herein by reference, except for those provisions and depictions establishing and outlining the boundaries of CRA No. 6. The Council desires to amend the boundaries of CRA No. 6 by passing this Resolution No. 24-50; and

**WHEREAS**, the new CRA No. 6 boundaries are depicted in Exhibit A; and

**WHEREAS**, the natural boundaries of the new CRA No. 6 boundaries are:

- To the South: Jackson Blvd. along with the southern boundaries of the parcels numbered: 054-286470-00.181, 054-286470-00.179, 054-286470-00.178, 054-286470-00.177, and 054-286470-00.176.
- To the East: N. 21<sup>st</sup> Street.
- To the North: Goosepond Road.
- To the West: The eastern and southern boundaries of the parcel 054-286698-00.000; the eastern and southern boundaries of parcel 054-286698-00.002; the eastern and northern boundaries of parcel 054-286698-00.004; the northern boundary of parcel number 054-286698-00.003; the western and southern boundaries of parcel number 054-286422-01.000; the western boundary of parcel number 054-286422-00.008; and the western boundary of parcel number 054-286422-00.007.

All land within such boundaries comprise CRA No. 6; and

**WHEREAS**, the boundaries as amended by this Resolution No. 24-50 do not affect CRA No. 6’s compliance with the requirements of Ohio law.

**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 hereby reaffirms the creation and implementation of CRA No. 6 pursuant to Ohio law, but with the new boundaries as described above and depicted in Exhibit A. For clarity, parcels numbered 054-286698-00.000, 054-286698-00.002, 054-286698-00.004, and 054-286698-00.003 shall not be included within the new boundaries of CRA No. 6.

**Section 2.** The boundaries of CRA No. 6 as set by the Establishment Resolution are hereby revoked and replaced with the boundaries as outlined and established by this Resolution No. 24-50.

**Section 3.** The Council hereby finds and determines that the most current version of the Housing Survey (as defined in the Establishment Resolution) on file with the City is approved and accepted.

**Section 4.** The Council hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Council, that all deliberations of this Council and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including R.C. Section 121.22.

**Section 5.** This Resolution 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 May, 2024.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

DATE FILED WITH MAYOR: \_\_\_\_\_

DATE APPROVED BY MAYOR: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

FORM APPROVED: \_\_\_\_\_  
DIRECTOR OF LAW

EXHIBIT A  
DEPICTION OF THE CRA



City of Newark, Ohio



REVISED City of Newark Community Reinvestment Area  
Housing Survey

Prepared by:  
Taft Stettinius & Hollister LLP  
Chris L. Connelly  
Legal Counsel  
October 2023, REVISED April 2024

## **I. PURPOSE AND SCOPE**

This document aims to evaluate existing area conditions and recommend a Community Reinvestment Area (CRA) as described in Ohio Revised Code Sections 3735.65–70 within the city limits of Newark, Ohio (Appendix A). The circumstances in the defined area will show that “housing facilities or structures of historical significance are located [in the area], and new housing construction and repair of existing facilities or structures are discouraged.” O.R.C. § 3735.65(B). Unless otherwise noted, all statistical information contained here comes from the most recent U.S. Census or American Community Survey data.

## **II. CITY OF NEWARK AND LICKING COUNTY OVERVIEW**

The City of Newark was founded in 1802 and, early on in its existence, enjoyed vibrant economic and population growth thanks to the construction of the Erie Canal and a strong agricultural community. It was home to important freight and passenger stops and produced crucial agricultural goods for the surrounding communities and the Midwest at large. But like many rural towns, growth stagnated in the mid-20<sup>th</sup> century with the exodus to urban and suburban areas. Despite modest population growth in the last 100 years helped along by the academic institutions present in the City, portions of Newark’s tax base have weakened and caused disinvestment and declining housing supply and quality.

Recently, Newark has experienced revitalization in some areas thanks to investment from local government, academic institutions, and private industry, as well as excitement surrounding impending projects in Licking County. But the housing stock in Newark has not fared so well. Residential properties suffer from disinvestment, dilapidation, tax delinquency, vacancy, and abandonment. These conditions have led to the disinvestment sought to be addressed in the proposed CRA.

Economic hardship and poor housing stock have affected the City more significantly than Licking County as a whole, as reflected by the City having a higher poverty rate, lower median income, lower owner-occupancy rates, and lower home value than the County averages and surrounding municipalities. This information is specifically referenced below and highlights the City’s deficiencies sought to be alleviated by the creation of the CRA.

### **General City and County Data**

This data on the City and County is available from American Fact Finder on Census.gov (also see the census map in Appendix B showing population growth statistics) in the 2020 American Community Survey 5-Year Estimates:

- Population estimates:
  - City – 49,936
  - County – 180,401



- Median age:
  - City – 37.0
  - County – 39.7
  
- Median household income:
  - City – \$52,570
  - County – \$73,325
  
- Individuals below the poverty level:
  - City – 16.2%
  - County – 12.2%
  
- Median home value:
  - City – \$139,900
  - County – \$214,700
  
- Total housing units:
  - City – 19,800
  - County – 73,010
  
- Owner-occupied housing rate:
  - City – 55.3%
  - County – 76%

**Other Cities within Licking County**

In key metrics, other cities in Licking County have fared better than Newark:

- Median household income:
  - Granville – \$135,326
  - Pataskala – \$79,736
  - Johnstown – \$64,744
  
- Individuals below the poverty level:
  - Granville – 2.2%
  - Pataskala – 6.7%
  - Johnstown – 9.3%
  
- Median home value:
  - Granville – \$380,700
  - Pataskala – \$208,300
  - Johnstown – \$175,000

The City's negative income and housing statistics compared to the County at large show that the current City housing cannot support the same healthy development that is expected county-wide. In particular, portions of the CRA area contain vacant acreage for redevelopment, as few housing units have been constructed, and the housing that does exist is aging and in need of remediation.

The low owner-occupancy rate in the City coupled with the high poverty rate harm residents' ability to use disposable income to maintain, repair, and improve their property. The proposed CRA would help residents realize savings that can be used to reinvest into their property.

The City desires to facilitate more commercial and industrial development within its boundaries, focusing on those underdeveloped portions within the CRA. This commercial and industrial development will provide much-needed jobs for City and County residents and will lead to future residential development as the area's workforce increases in size.

Newark has underperformed its potential, in most areas, relative to neighboring municipalities. The proposed CRA will be beneficial in bringing the City up to par with the surrounding area and enable it to facilitate future growth consistent with county-wide expectations.

### **III. PROPOSED COMMUNITY REINVESTMENT AREA**

To respond to these development needs, the City is proposing to create a CRA that consists of several parcels within the City which are either vacant or blighted and require tax relief to be redeveloped. The proposed CRA is depicted on the attached map in **Appendix A**.

The proposed CRA includes several parcels of developable and residential land, the natural boundaries of which are as follows:

- To the South: Jackson Blvd. along with the southern boundaries of the parcels numbered: 054-286470-00.181, 054-286470-00.179, 054-286470-00.178, 054-286470-00.177, and 054-286470-00.176.
- To the East: N. 21<sup>st</sup> Street.
- To the North: Goosepond Road.
- To the West: The eastern and southern boundaries of the parcel 054-286698-00.000; the eastern and southern boundaries of parcel 054-286698-00.002; the eastern and northern boundaries of parcel 054-286698-00.004; the northern boundary of parcel number 054-286698-00.003; the western and southern boundaries of parcel number 054-286422-01.000; the western boundary of parcel number 054-286422-00.008; and the western boundary of parcel number 054-286422-00.007.

The proposed CRA is within the City limits and does not overlap with a preexisting CRA. It includes agricultural land, commercial land, and housing units. In addition, the region surrounding the proposed CRA boundaries comprises several amenities like a historic downtown area with restaurants and small businesses, The Works Museum, the Midland Theater, Dawes Arboretum, Nature Preserves, and even the World's Largest Basket. Despite the area's serene location in an east-Columbus suburb, the area immediately surrounding the proposed CRA suffers from limited housing stock, lower economic status, and is generally of lesser quality than surrounding City areas.

### **Lack of New Construction in the Area**

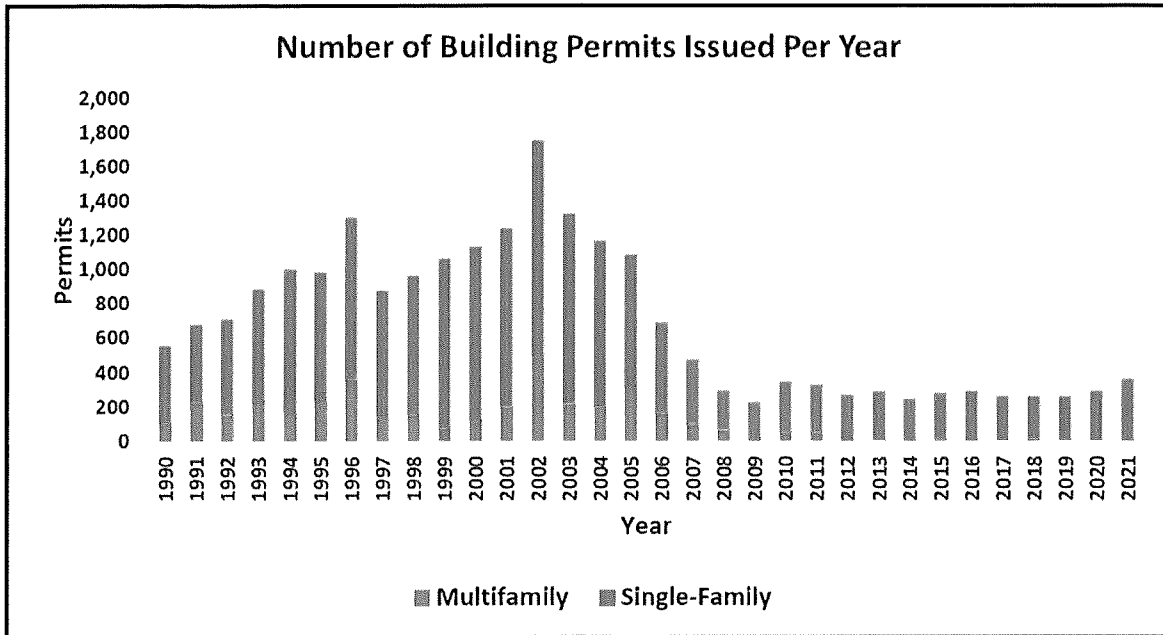
Over the last three years for which there is data, Licking County has seen flat change in the housing stock. This stagnation is evidenced by the comparison of demolition permits to new build permits. The County netted between 251-361 new single-family homes permits per year between 2018 and 2021 (2018:251; 2019:257; 2020:289; 2021:361)<sup>1</sup>. A rate far below the anticipated need of the area, which has directly and negatively affected Newark's ability to provide adequate housing options to its residents. On par with the County-wide trend, Newark's total housing supply has increased only 0.9% since 2010.<sup>2</sup>

Please reference the charts below from the 2022 BIA of Central Ohio Housing Need Assessment:

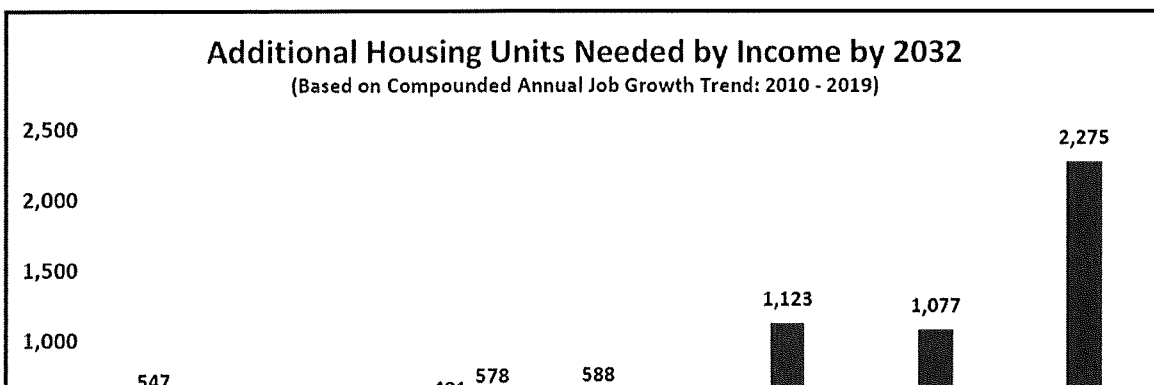
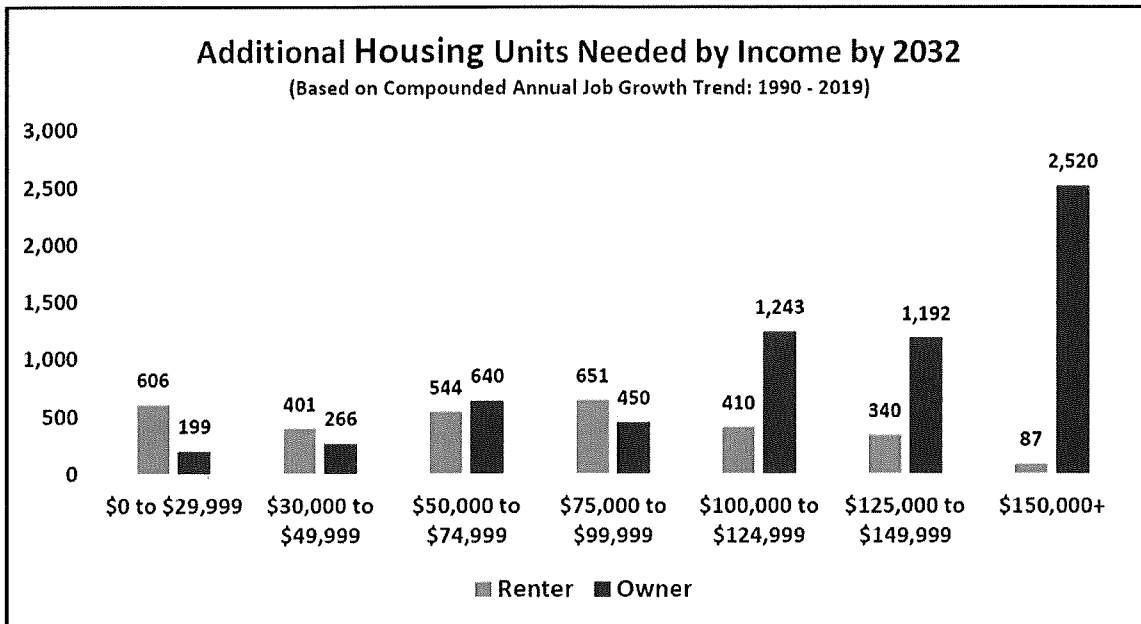
---

<sup>1</sup> Information found on U.S. Department of Housing and Urban Development website State of the Cities Data Systems Index – <https://socds.huduser.gov/permits/index.html?>

<sup>2</sup> Information found on Town Charts website at <https://www.towncharts.com/Ohio/Housing/Newark-city-OH-Housing-data.html> (Figure 3).



Source: State of the Cities Data Systems (SOCDS)



#### **IV. CONCLUSIONS**

The evidence for disinvestment in the proposed area is summarized by the following:

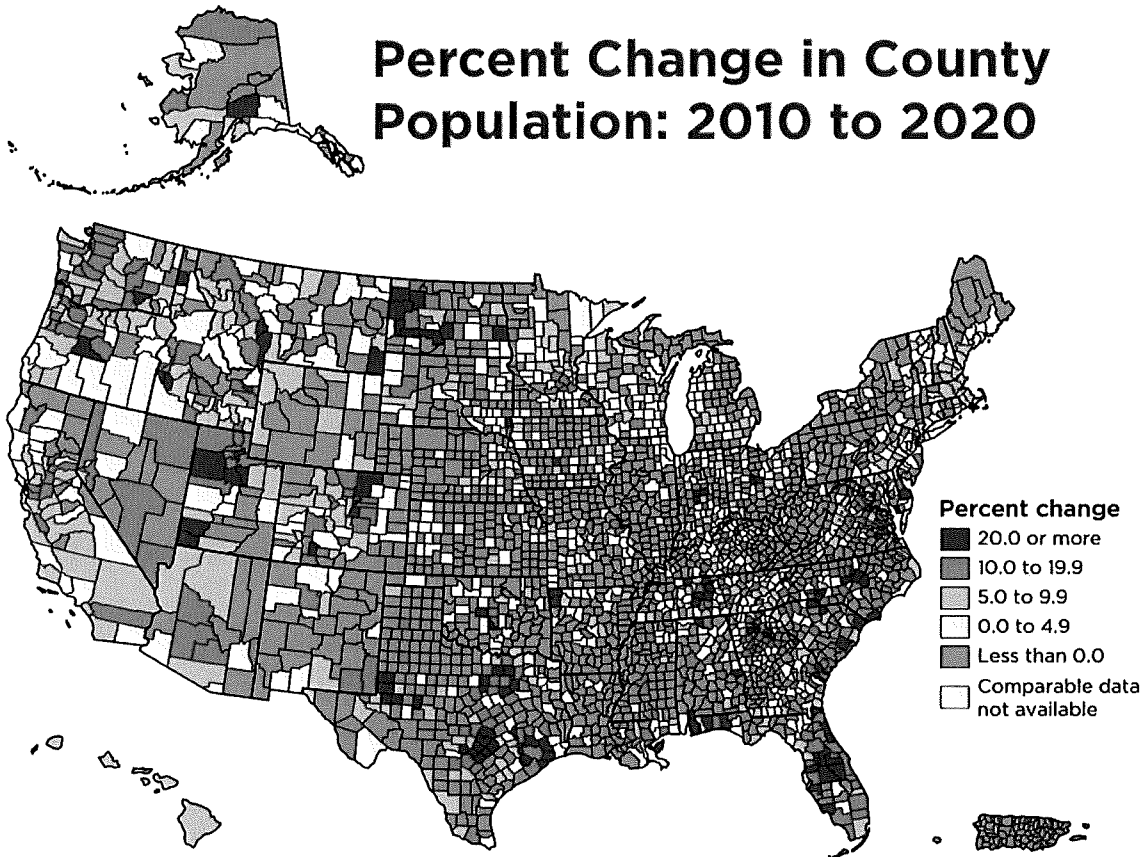
- more limited housing stock than surrounding areas in the City and County; and
- undeveloped, underutilized parcels.

The proposed CRA has suffered from disinvestment and meets the criteria under O.R.C. §§ 3735.65–70.

APPENDIX A – CRA Map



## APPENDIX B – Population Growth Comparison Among Counties



Note: Bedford city, VA, was changed to town status and added to Bedford County, VA, effective July 1, 2013. For purposes of presenting data, Bedford County is treated as if Bedford city were included in it at the time of the 2010 census.

United States<sup>®</sup>  
**Census**  
Bureau

U.S. Department of Commerce  
U.S. CENSUS BUREAU  
[census.gov](https://www.census.gov)

Source: 2010 Census Redistricting Data (Public Law 94-171) Summary File; 2020 Census Redistricting Data (Public Law 94-171) Summary File

Resolution No.24-53 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 152 Fund, in the amount of \$1,000,000.00 (operating transfer)

152.100.5901100	Operating Transfer	1,000,000.00
-----------------	--------------------	--------------

Section 2. There is hereby an appropriation of the unappropriated balance of the 424 Fund, in the amount of \$56,270.18 (Payback Licking County for collection of expired District 1 & 2 TIF's. Received money in 2023 for tax year collection 2022. TIF expired in 2021.)

424.923.5611	Refund	56,270.18
--------------	--------	-----------

Section 3. There is hereby an appropriation of the unappropriated balance of the 334 Fund, in the amount of \$1,000,000.00 (Downtown parking garage)

334.121.5512	Structures other than buildings	1,000,000.00
--------------	---------------------------------	--------------

Section 4. There is hereby an appropriation of the unappropriated balance of the 100 Fund, in the amount of \$1,000,000.00 (OPT construction fund)

100.111.5901334	OPT Construction fund	1,000,000.00
-----------------	-----------------------	--------------

Section 5. There is hereby an appropriation of the unappropriated balance of the 930 Fund, in the amount of \$200,000.00 (intergovernmental)

930.134.5289	Intergovernmental	200,000.00
--------------	-------------------	------------

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 \_\_\_\_\_, 2024.



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: 24- 54**

**BY:** \_\_\_\_\_

**A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT WINTER CONTRACT (018-25) FOR ROAD SALT AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Newark in Licking County (hereinafter referred to as the “Political Subdivision”) hereby submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual winter road salt bid (018-25) in accordance with Ohio Revised Code 5513.01 (B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT’s signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless of any claims, actions, expenses, or other damages arising out of the Political Subdivision’s participation in the winter road salt contract; and
- d. The Political Subdivision’s electronic order for Sodium Chloride (Road Salt) will be in the amount of **500 tons**, of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically submitted salt quantities from its awarded salt supplier during the contract’s effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request no later than Monday, May 3, 2024 by 5:00pm. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: [Contracts.Purchasing@dot.ohio.gov](mailto:Contracts.Purchasing@dot.ohio.gov) by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision’s participation request. Furthermore, it is the sole responsibility of the Political

Subdivision to ensure ODOT has received this participation agreement as well and the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

**WHEREAS,** The emergency measure is necessary for the immediate preservation of the public, peace, health, safety, and welfare due to the program deadline set by ODOT.

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

**Section 1:** That this participation agreement for the ODOT winter road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT winter salt contract.

**Section 2:** That the Service Director is hereby authorized to agree in the name of the City of Newark to be bound by all terms and conditions as the Director of Transportation prescribes.

**Section 3:** That the Service Director is hereby authorized to agree in the name of the City of Newark to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City of Newark participates, for items it receives pursuant to the contract.

**Section 4:** This Resolution shall become effective immediately as an emergency pursuant to Article 4.07 of the Charter of the City of Newark, Ohio for the immediate preservation of the public peace, health, safety, and welfare

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Date Filed with Mayor: \_\_\_\_\_

Date Approved by Mayor: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Service Director

Form Approved: \_\_\_\_\_  
Law Director

Prepared by the Division of Engineering.

RESOLUTION 24-55

BY: \_\_\_\_\_

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO SUBMIT AN APPLICATION TO THE OHIO OFFICE OF BUDGET AND MANAGEMENT FOR THE OHIO AMBULANCE TRANSPORTATION IMPACTED INDUSTRY PROGRAM.

WHEREAS, funds were awarded to the State of Ohio from the U.S. Treasury as the Coronavirus State and Local Fiscal Recovery Funds (Assistance Listing No. 21.027), authorized pursuant to the American Rescue Plan Act (ARPA), Pub.L No. 117-2 (March 11, 2021); and,

WHEREAS, the City of Newark was notified by the Ohio Office of Budget and Management that the City is eligible to submit application for Ohio Ambulance Transportation Impacted Industry Program; and,

WHEREAS, there is no match required; and,

WHEREAS, each unit of local government receiving funds must establish special revenue funds into which all payment received by the unit of local government under the Program are deposited, and it is necessary to establish 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: This Council authorizes and directs the Mayor, or his representative to prepare an application to the Ohio Office of Budget and Management for the Ohio Ambulance Transportation Impacted Industry Program 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 safety funding programs.

Section 3: The Mayor is designated as the authorizing official to enter into an agreement with the Ohio Office of Budget and Management Representative, to administer the grant programs and to accept said funds when they become available.

Section 4: There is hereby established a special revenue fund to be know as the Ohio Ambulance Transportation Impacted Industry Program fund. The Auditor is authorized and directed to deposit all receipts from the Ohio Ambulance Impacted Industry Program into this fund. Monies deposited into the fund are to be used solely for the purpose of retaining firefighter/EMS personnel.

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 \_\_\_\_\_, 2024

\_\_\_\_\_, COUNCIL PRESIDENT

ATTEST \_\_\_\_\_, CLERK OF COUNCIL

DATE FILED WITH MAYOR \_\_\_\_\_

DATE APPROVED BY MAYOR \_\_\_\_\_

\_\_\_\_\_, MAYOR

FORM APPROVED \_\_\_\_\_, DIRECTOR OF LAW

Resolution No.24-56

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 Fund, in the amount of \$2,187.77 (To put funds into the Fire-Overtime account. This is for special duty at the Licking Spring Trout Club for fireworks 2024.)

100.205.5118	Fire-Uniformed, Overtime	2,187.77
--------------	-----------------------------	----------

Section 2. There is hereby an appropriation of the unappropriated balance of the 100 Fund, in the amount of \$2,127.72 (Received as reimbursement for 1<sup>st</sup> quarter 2024 CPT training from the State of Ohio. Money must be kept separate from the General Fund and only used for authorized law enforcement training purposes.)

100.203.5220.2	Continuing Professional Training	2,127.72
----------------	-------------------------------------	----------

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 \_\_\_\_\_, 2024.

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 FOR THE CITY OF NEWARK, OHIO, TO NEGOTIATE AND ENTER INTO A LEASE PURCHASE AGREEMENT WITHOUT COMPETITIVE BIDDING WITH SOUTHEASTERN EQUIPMENT CO. INC., FOR THE PURCHASE OF AN ASPHALT GRINDER

WHEREAS, the Street Department is a division within the Department of Public Service within the City of Newark, Ohio; and

WHEREAS, this division requires specialized equipment to provide services to citizens throughout the City of Newark; and

WHEREAS, an asphalt grinder is one such piece of necessary specialized equipment; and

WHEREAS, an asphalt grinder is available for purchase through Southeastern Equipment Co. Inc.; and,

WHEREAS, due to the equipment being available through a single source and pursuant to 10.02 of the Charter of the City of Newark, Ohio, it is requested that competitive bidding be waived and allow the Director of Public Service to enter into a purchase agreement to obtain the needed equipment; and,

WHEREAS, the source of funding has been identified as available through the Capital Improvement Fund for purchase.

WHEREAS, this matter was considered in regular session by the Capital Improvement Committee who voted to refer the same to full Council for consideration; 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 enter into a purchase agreement with Southeastern Equipment Co. Inc., for the purchase of one (1) asphalt grinder.
- Section 2: It is in the best interest of the City and its residents that competitive bidding not be required and the same is hereby waived pursuant to Article 10.02 of the Charter of the City of Newark, Ohio, and the Director of Public Service is hereby authorized and directed to negotiate and enter directly into a purchase agreement for the purchase of one (1) asphalt grinder.
- Section 3: This Resolution 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 \_\_\_\_\_, 2024

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

DATE FILED WITH MAYOR: \_\_\_\_\_

DATE APPROVED BY MAYOR: \_\_\_\_\_

MAYOR: \_\_\_\_\_

FORM APPROVED: \_\_\_\_\_  
DIRECTOR OF LAW

Prepared by the Office of the Director of Law



RESOLUTION NO. 24-58

BY: \_\_\_\_\_

**A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO PURCHASE TWO (2) USED STREET SWEEPERS FOR THE STORMWATER UTILITY WITHOUT COMPETITIVE BIDDING.**

**WHEREAS**, the City of Newark operates a Stormwater Utility; and,

**WHEREAS**, the system has approximately 6,180 storm catch basins and 530 miles of roads; and,

**WHEREAS**, the Stormwater Utility is required to sweep City streets on a routine basis to remove debris as a method of storm water pollution prevention; and,

**WHEREAS**, the Stormwater Utility is required to clean catch basins routinely to prevent buildup of storm debris; and,

**WHEREAS**, the street sweepers are used and can only be acquired from a single source and therefore pursuant to 10.02(C) of the Newark City Charter, competitive bidding may be waived; and,

**WHEREAS**, the Public Service Committee of the Newark City Council met on May 20, 2024 and 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: Competitive bidding is hereby waived and the Director of Public Service is hereby authorized and directed to purchase two (2) used Street Sweepers on behalf of the City of Newark, Ohio.
- Section 2: That the dedicated source of payment will be Stormwater user charges and American Rescue Plan funding.
- Section 3: 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 \_\_\_\_\_ 2024.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:  
CLERK OF COUNCIL

DATE FILED WITH MAYOR: \_\_\_\_\_

DATE APPROVED BY MAYOR: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

FORM APPROVED: \_\_\_\_\_  
DIRECTOR OF LAW

---

---

**W W DIVISION OF WATER & WASTEWATER W W**

---

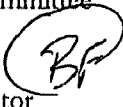
---

Brandon Fox  
Utilities Superintendent  
740-670-7945

34 South 5<sup>th</sup> Street  
P. O. Box 4100  
Newark, Ohio 43058-4100

**MEMORANDUM**

**TO:** Jeff Rath, Chairman  
Public Service Committee

**FROM:** Brandon Fox   
Water Administrator

**SUBJECT:** Service Committee Agenda

**DATE:** May 14, 2024

**COPIES:** Mayor, Service Director, Clerk of Council, Jeff Rath, Dustin Neely, Bill Cost Jr., Beth Bline, Bradley Chute, file

---

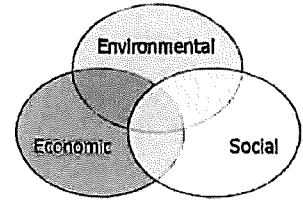
I would appreciate some time on the next Service Committee agenda to present the following resolution.

**A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO PURCHASE TWO (2) USED STREET SWEEPERS FOR THE STORMWATER UTILITY**

**Department of Public Service**

**Division of Stormwater**

**Request for Legislation**



***Project Title: Street Sweeper Replacement***

**A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO PURCHASE TWO (2) USED STREET SWEEPERS FOR THE STORMWATER UTILITY**

---

---

**Background/Purpose:**

The City has approximately 530 miles of roads and 6,180 storm water catch basins that must be maintained and routinely cleaned to prevent stormwater pollution. The City currently has two street sweepers that are used to clean streets. One sweeper is in need of replacement. A new street sweeper is estimated to cost \$450,000. The City recently identified used, refurbished street sweepers that meet the requirements of the City for cleaning streets and also have a vacuum system for cleaning out catch basins. The used units have less than 100 operating hours on them and have a cost of \$175,000 each.

**Scope of Work:**

The Division of Water and Wastewater, through the Director of Public Service, is requesting authorization to purchase two (2) Elgin used street sweepers. This current legislation authorizes that process to start.

**Justification/Urgency:**

City staff has physically test ran the used street sweepers are confident with the quality and remaining useful life. It is in the best interest of the City to take advantage of this opportunity.

**Anticipated Costs and funding source:**

The Stormwater Utility has funding to purchase one unit and City ARP funds are being requested to purchase the second unit.

**Schedule:**

The used street sweepers are currently reserved for the City pending passage of the legislation.

**Community Impact:**

This project will benefit the City by saving significant operating funds while replacing an aging asset.

**Request Initiated by:**

Brandon Fox/Brian Morehead