

COUNCIL AGENDA

July 1, 2024

Committee and Council Meetings can be viewed by accessing YouTube

Council Chambers

7:00 P.M.

ROLL CALL

INVOCATION – Mr. Labutis

PLEDGE OF ALLEGIANCE

CAUCUS

MINUTES of June 17, 2024

APPOINTMENTS

Mayor Hall – Appointing the following individuals to serve as the initial Developer representatives to the Newark Downtown New Community Authority Board of Trustees:

- David Rhodes, term beginning June 17, 2024 and ending June 16, 2026
- Tim Hickman, term beginning June 17, 2024 and ending June 16, 2025
- Mark Mauter, term beginning June 17, 2024 and ending June 16, 2025

REPORTS OF STANDING COMMITTEES

Finance

Street

Safety

REPORTS FROM CITY OFFICIALS

Brandon Fox, Water Administrator – A list of properties being sent to lien for past due water, sewer, and stormwater bills.

COMMUNICATIONS

Ryan Bubb, City Auditor – An audit report by Wilson, Shannon & Snow Inc. for the year ended December 31, 2023.

Ohio Division of Liquor Control – New D1 Liquor Permit Application for 3GFAN LLC, DBA Fantuzzos Ristorante, 24-30 N. 4th St. Units 41, 19, 21, 23, 25, Newark, OH 43055

Public Hearing

24-46 A RESOLUTION APPROVING THE RENEWAL APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT AND DECLARING AN EMERGENCY.

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

24-19 AN ORDINANCE AMENDING CHAPTER 210 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO TO ESTABLISH PROCEDURES FOR SETTING THE COMPENSATION OF ELECTED OFFICIALS

ORDINANCES ON FIRST READING

24-20 AN ORDINANCE AMENDING CHAPTER 850 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO, TO IMPOSE LICENSING REQUIREMENTS FOR ADULT USE MARIJUANA FACILITIES, TO LIMIT THE NUMBER OF MARIJUANA DISPENSARIES OPERATING WITHIN THE CITY OF NEWARK, OHIO, AND DECLARING AN EMERGENCY.

24-22 AN ORDINANCE VACATING A PORTION OF IRON AVENUE, RUNNING WEST FROM VANVOORHIS STREET; SAID STREET RIGHT-OF-WAY IS LOCATED NORTH OF 383 IRON AVENUE.

RESOLUTIONS ON SECOND READING

24-59 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$50,000 - Construction of Eastside Transmission Line. These funds are being unencumbered from engineering services and will be used for construction. This is funded by Ohio Dept of Development Grant.)

RESOLUTIONS ON FIRST READING

24-61 Exp. A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (Additional monies needed due to 7.4% increase in premiums)

COMMENTS FROM CITIZENS

MISCELLANEOUS

ADJOURNMENT

RESOLUTION NO: 24-46

BY _____

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

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

WHEREAS, Watson Co. LLC are the owners of real property located at 7868 Licking Springs Road, Newark, Ohio, being known as parcel number 088-296964-00.002 and parcel number 054-305670-00.000, all or a portion of which is situated within the boundaries of the City of Newark, Ohio; and,

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

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

WHEREAS, the Clerk of the City of Newark's legislative body, the Newark City Council, received the application for placement of farmland in an agricultural district on April 29, 2024, and a public hearing on such renewal application shall be conducted on _____, 2024.

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

WHEREAS, this Resolution is hereby deemed an emergency pursuant to Charter Article 4.06 in that it is necessary for the immediate preservation of the public peace, health, safety, or welfare due to statutorily imposed deadlines for action by this Council.

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

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

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

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

Passed this _____ day of _____, 2024.

PRESIDENT

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

Approved as to Form: _____
Director of Law

Prepared by the Law Director's Office

**APPLICATION FOR PLACEMENT OF FARMLAND
IN AN AGRICULTURAL DISTRICT**

R.C. Section 929.02

(SEE REVERSE SIDE FOR INSTRUCTIONS BEFORE COMPLETING APPLICATION)

New Application
Renewal Application

A. Owner's Name: WATSONCO LLC

Owner's Address: PO BOX 425 NEWARK OH 43058-0425

Description of land as shown on property tax statement: _____

Location of Property _____ Licking
Street or Road _____ County

TAX DISTRICT(S)	PARCEL NUMBER(S)	# OF ACRES
NEWARK CITY-NORTH FORK LSD	088-296964-00.002	84.7600
NEWTON TWP-NEWARK-NFRK LSD	079-296964-00.003	5.2900
NEWTON TWP-NEWARK-NFRK LSD	079-296964-00.000	7.6500
NEWTON TWP-NEWARK-NFRK LSD	079-295812-00.000	34.2500
NEWARK CITY-NEWARK CSD	054-305670-00.000	42.7100
TOTAL # OF ACRES:		174.6600

B. Does any of the land lie within a municipal corporation limit? Yes No
If YES, REMEMBER a copy of this application must be submitted to the Clerk of the municipal legislative body.

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 of the Ohio Revised Code?
Yes No If "NO" show the following evidence of land use:

	Last Year # of Acres	2 Years Ago # of Acres	3 Years Ago # of Acres
Cropland	174.66	174.66	174.66
Permanent Pasture used for animal husbandry			
Woodland devoted to commercial timber & nursery stock			
Land Retirement Program pursuant to an agreement with a federal agency			
Conservation Program pursuant to an agreement with a federal agency			
Building Areas devoted to agricultural production			
Roads, building areas, and all other non agricultural areas			
Total Acres			

D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government: Yes No

If "NO", complete the following:

1. Attach evidence of the gross income for each of the past three (3) years, or
2. If the owner anticipates that the land will produce an annual gross income of twenty-five hundred Dollars or more, evidence must be attached showing the anticipated gross income.

By signing this application I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct report.

Signature of Owner: [Signature] Date: 3-16-23

BELOW THIS LINE FOR OFFICIAL USE ONLY

Date filed with County Auditor: _____

County Auditor's Signature: _____

Date Filed (if required) with Clerk of Municipal Corporation: _____

Clerk's Signature: _____

Action of legislative body of Municipal Corporation

Application Approved _____, Approved with Modifications _____, * Rejected _____*

Date of Legislative Action _____, Clerk's Signature _____

*If modified or rejected, attach reason for modification or rejection

RECEIVED

MAR - 8 2023

Michael L. Smith, Auditor
Licking Co., Ohio

ORDINANCE NO. 24-19

BY: _____

AN ORDINANCE AMENDING CHAPTER 210 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO TO ESTABLISH PROCEDURES FOR SETTING THE COMPENSATION OF ELECTED OFFICIALS

WHEREAS, by virtue of Newark City Charter Article 3.07 the Newark City Council has the authority, by ordinance or resolution to determine and fix the salaries and compensation of municipal employees and elected officials; and,

WHEREAS, Ohio Revised Code Section 731.07 requires that the salary of any officer of a city shall not be increased or diminished during any given term of office; and,

WHEREAS, Council previously enacted Section 210.10 of the Codified Ordinances of the City of Newark to prohibit modifications to the salary and compensation of elected officials of the City of Newark after the deadlines for filing petitions of candidacy for those positions; and,

WHEREAS, Council now desires to further clarify those deadlines; and,

WHEREAS, this matter was addressed by the Personnel Committee at a regularly scheduled meeting thereof which recommended consideration of passage by full Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, OHIO THAT:

SECTION ONE: Section 210.10 of the Codified Ordinances of the City of Newark, Ohio is hereby as set forth below:

CHAPTER 210: COUNCIL

Section 210.10: Setting Compensation for Elected Officials

- a. As it is Council's sole responsibility to establish the compensation of all elected officials within the City of Newark and to modify such compensation from time to time as circumstances dictate within the constraints of Ohio Revised Code Section 731.07, any increase in, diminishment to, or modification of the compensation package of an elected official for an upcoming term of office shall be ~~considered and~~ enacted by Council prior to the PARTISAN FILING deadline imposed by the Board of Elections, Secretary of State or other controlling election law for the filing of Petitions of Candidacy to be considered as a candidate for election to the particular office in question. If no action to increase, diminish, or modify such compensation

has been enacted by Council prior to the PARTISAN filing deadline set forth herein, the compensation package for such position shall remain unchanged from the then-existing structure for the forthcoming term of office.

b. The elected offices contemplated by this Section include:

- Mayor
- Auditor
- Treasurer
- Director of Law
- President of Council
- Councilmembers-at-Large
- Ward Council Members

SECTION TWO: This ordinance shall take effect at the earliest time permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

ADOPTED this _____ day _____, 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 _____

AN ORDINANCE AMENDING CHAPTER 850 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO, TO IMPOSE LICENSING REQUIREMENTS FOR ADULT USE MARIJUANA FACILITIES, TO LIMIT THE NUMBER OF MARIJUANA DISPENSARIES OPERATING WITHIN THE CITY OF NEWARK, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Newark, Ohio, in an effort to regulate and control the operation of various types of businesses within the boundaries of the City has enacted various licensing requirements for the health, safety and welfare of the community; and,

WHEREAS, the State of Ohio, by passage of Issue 2 in November of 2023, enacted Chapter 3780 of the Ohio Revised Code; and,

WHEREAS, Chapter 3780 of the Ohio Revised Code establishes the Division of Cannabis Control within the Department of Commerce; and,

WHEREAS, to ensure the proper oversight and control of the adult use cannabis industry, the Division of Cannabis Control has the authority to license, regulate, investigate, and penalize adult use cannabis operators, adult use testing laboratories and individuals required to be licensed; and,

WHEREAS, the City of Newark is considering enactment of certain zoning restrictions to allow for the operation of adult use marijuana facilities for the cultivation, processing, and dispensing of adult use marijuana in an effort to allow this new industry to operate within the City in an orderly, safe, and appropriate matter; and,

WHEREAS, there are currently no local regulations governing the operation of adult use marijuana facilities within the City of Newark and the City recognizes a need to license, monitor, and regulate the operation of such facilities, licensed by the State of Ohio, throughout the City; and,

WHEREAS, this matter was considered by the Safety Committee of this Council who passed the same on to full Council for consideration; and,

WHEREAS, this Ordinance is hereby deemed an emergency pursuant to Charter Article 4.06 in that it is necessary for the immediate preservation of the public peace, health, safety, or welfare of the citizens of the City of Newark, Ohio.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, AND STATE OF OHIO, THAT THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO, ARE HEREBY AMENDED TO READ AS SET FORTH HEREIN:

SECTION 1. Chapter 850 of the Codified Ordinances of the City of Newark, Ohio, is hereby amended to read as follows:

850.01 DEFINITIONS.

As used in this chapter:

~~(a) "Medical marijuana cultivator" means an entity that has been issued a certificate of operation by the Ohio Department of Commerce to grow, harvest, package, and transport medical marijuana as permitted under R.C. Chapter 3796.~~

~~—(b) "Medical marijuana dispensary" means an entity licensed pursuant to R.C. §§ 3796.04 and 3796.10 and any rules promulgated thereunder to sell medical marijuana to qualifying patients and caregivers.~~

~~(c) (A) "Medical marijuana facility" means any DISPENSARY, CULTIVATOR, PROCESSOR OR TESTING LABORATORY AS THOSE TERMS ARE DEFINED AT SECTION 3796:1-1-01(A) OF THE OHIO ADMINISTRATIVE CODE, OR ANY OTHER RECIPIENT OF A CERTIFICATE OF OPERATION AS THAT TERM IS DEFINED AT SECTION 3796:1-1-01(A)(6) OF THE OHIO ADMINISTRATIVE CODE. business operation defined herein as a medical marijuana dispensary, medical marijuana cultivator, or medical marijuana processor.~~

~~(d) "Medical marijuana processor" means an entity that has been issued a certificate of operation by the Ohio Department of Commerce to manufacture medical marijuana products.~~

(B) "ADULT USE MARIJUANA FACILITY" MEANS ANY ADULT USE DISPENSARY, ADULT USE CULTIVATOR, ADULT USE PROCESSOR, ADULT USE TESTING LABORATORY, OR ADULT USE CANNABIS OPERATOR AS THOSE TERMS ARE DEFINED IN SECTION 3780.01(A) OF THE OHIO REVISED CODE OR ANY OTHER LICENSE HOLDER AS THAT TERM IS DEFINED AT SECTION 3780.01(A)(26).

(C) "MARIJUANA FACILITY" MEANS ANY MEDICAL MARIJUANA FACILITY OR ADULT USE MARIJUANA FACILITY.

850.02 LICENSE REQUIRED.

(A) No person or other entity shall operate any marijuana facility in the City of Newark, Ohio without first obtaining a VALID license pursuant to this chapter

issued by the Director of Public Safety PURSUANT TO THIS CHAPTER THAT IS VALID, ACTIVE AND IN GOOD STANDING WITH THE CITY.

(B) PURSUANT TO AUTHORITY GIVEN UNDER OHIO REVISED CODE SECTION 3780.25, THE CITY'S ISSUANCE OF ADULT USE MARIJUANA DISPENSARY LICENSES WILL BE LIMITED TO THE THREE (3) LICENSED MEDICAL MARIJUANA DISPENSARIES AT THEIR CURRENT LOCATIONS IN OPERATION AT THE TIME OF THE PASSAGE OF THIS ORDINANCE.

850.03 APPLICATION REQUIREMENT.

~~Any person or other entity SEEKING licensed by the State of Ohio Department of Commerce to operate any medical marijuana facility within the City shall submit an application for a license from the Director of Public Safety TO OPERATE ANY MARIJUANA FACILITY MUST BE LICENSED BY THE STATE OF OHIO AND IN COMPLIANCE WITH ALL APPLICABLE STATE AND CITY REGULATIONS, SPECIFICALLY INCLUDING BUT NOT LIMITED TO THE ZONING CODE OF THE CITY OF NEWARK. THE APPLICATION SHALL BE FILED on a form and in such a manner as mandated by the Director OF PUBLIC SAFETY. In addition to any other information required by the Director, each applicant for a license shall provide to the Director of Public Safety copies of all documents required by and filed with the State of Ohio AND PROOF OF LICENSURE. If additional documentation is required by the State of Ohio Department of Commerce following the issuance of a provisional license, then the additional documentation along with proof of permanent licensure status and all state licensing information, shall be provided by the applicant to the Director of Public Safety.~~

850.04 LICENSE FEES.

(A) Initial fees APPLICATION AND FEE. Any person or other entity applying for a license to operate a ~~medical~~ marijuana facility shall, before the issuance thereof, pay to the City of Newark an application fee of five hundred dollars (\$500.00). IF A MARIJUANA FACILITY DESIRES TO OPERATE AS BOTH A MEDICAL AND ADULT USE MARIJUANA, THEN AN APPLICATION FEE OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH TYPE OF APPLICATION WILL BE ASSESSED. ~~If the license issued by the State of Ohio Department of Commerce is issued after January 31 of any calendar year in which an applicant submits an application for a medical OR ADULT USE marijuana facilities facility license with the Director of Public Safety as required herein, such application fee shall be prorated, per diem, after such date.~~ ANY LICENSE ISSUED HEREUNDER BY THE DIRECTOR OF PUBLIC SAFETY SHALL BE VALID FOR THE REMAINDER OF THE CALENDAR YEAR IN WHICH IT WAS ISSUED AND EXPIRE ON DECEMBER 31ST. APPLICATIONS FILED AFTER THE FIRST OF JANUARY FOR ANY GIVEN YEAR SHALL PAY THE FULL ANNUAL LICENSING FEE AS SET FORTH HEREIN WITHOUT ANY PRO-RATING OF THE FEE BASED UPON DATE AND TIME OF APPLICATION.

(B) RENEWAL APPLICATIONS AND FEES. AT LEAST FORTY-FIVE (45) DAYS PRIOR TO THE RENEWAL DEADLINE OF JANUARY 1ST OF EACH SUCCESSIVE YEAR, THE DIRECTOR OF PUBLIC SAFETY SHALL NOTIFY, BY REGULAR U.S. MAIL, ANY PERSON OR ENTITY OPERATING A MARIJUANA FACILITY IN THE CITY PURSUANT TO A LICENSE ISSUED UNDER THIS CHAPTER, OF THE OBLIGATION TO SUBMIT THE REQUIRED ANNUAL RENEWAL APPLICATION AND FEE AS MANDATED HEREUNDER. ANY PERSON OR ENTITY SEEKING TO RENEW THEIR MEDICAL OR ADULT USE MARIJUANA LICENSE FOR THE FOLLOWING YEAR MUST FILE A RENEWAL APPLICATION WITH THE DIRECTOR OF PUBLIC SAFETY AND PAY A FEE OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH TYPE OF LICENSE TO BE RENEWED ON OR BEFORE THE FIRST DAY OF JANUARY OF THE YEAR FOR WHICH THE RENEWAL IS SOUGHT.

~~ANY PERSON OR ENTITY ISSUED A LICENSE TO OPERATE A MARIJUANA FACILITY BY THE DIRECTOR OF PUBLIC SAFETY WHO FAILS TO FILE A RENEWAL APPLICATION ON OR BEFORE JANUARY 1ST OF EACH YEAR WILL BE CHARGED A LATE FEE OF FIVE HUNDRED DOLLARS (\$500.00) AND COULD BE SUBJECT TO THE CRIMINAL PENALTIES LISTED UNDER 850.08 OF THIS CHAPTER. IN ADDITION TO THE APPLICATION FEE DUE AT THE TIME OF FILING. IF THE RENEWAL APPLICATION, APPLICATION FEE, AND LATE FEE ARE NOT RECEIVED BY THE DIRECTOR OF PUBLIC SAFETY ON OR BEFORE JANUARY 31ST OF EACH YEAR, THE PERSON OR ENTITY WILL BE ORDERED BY WRITTEN NOTICE TO CEASE OPERATIONS OF THE FACILITY UNTIL THE REQUIRED APPLICATION ALONG WITH APPLICABLE FEES ARE SUBMITTED TO AND APPROVED BY THE DIRECTOR OF PUBLIC SAFETY. IF THE PERSON OR ENTITY CONTINUES TO OPERATE THE FACILITY AFTER JANUARY 31ST OF EACH YEAR WITHOUT RENEWING SAID LICENSE TO OPERATE, THEY ARE IN VIOLATION OF SECTION 850.02 AND MAY BE SUBJECT TO CRIMINAL CHARGES WITH THE PENALTIES LISTED IN SECTION 850.08.~~

~~(b) Renewal Fee. Should the licensed medical marijuana facility remain in operation and remain properly licensed by the State of Ohio Department of Commerce, the license issued hereunder by the City of Newark Director of Public Safety shall automatically renew annually upon payment of a renewal fee of five hundred dollars (\$500.00) payable on or before the 31st day of January of every successive calendar year in which the licensed medical marijuana facility remains in operation.~~

~~(c) Non-Renewal Penalty. At least thirty days prior to the renewal deadline of January 31st of each successive calendar year, the Director of Public Safety shall notify, by regular U.S. Mail, any person or entity operating a medical OR ADULT USE marijuana facility in the City pursuant to a license issued hereunder of the obligation to submit the required annual renewal fee as mandated~~

~~hereunder. If the renewal fee is not received on or before the 31st of January of any successive year as required hereunder, an additional fee of five hundred dollars (\$500.00) will be imposed upon the person or entity operating such medical marijuana facility. If the renewal fee remains unpaid after notice and after the 31st of March of any such year, an additional fee of five hundred dollars (\$500.00) will be imposed upon the person or entity operating such medical marijuana facility for every thirty days thereafter and until such time as the renewal fee is paid in full.~~

850.05 APPLICATION UPDATE REQUIREMENT; LICENSE REVOCATION; APPEALS.

Any person or entity operating a licensed ~~medical~~ marijuana facility in the City pursuant to a license issued hereunder shall be subject to an ongoing and continuing obligation to provide updated and current application information to the Director of Public Safety, including but not limited to any additional documents required by and filed with the State of Ohio ~~Department of Commerce~~. Any failure on the part of any person or entity operating a licensed ~~medical~~ marijuana facility in the City pursuant to a license issued hereunder, to comply with all laws and regulations of the State of Ohio ~~Department of Commerce~~, Ohio Department of Taxation, or other applicable State agency, or in full compliance with all other laws of the City of Newark, Ohio ~~could~~ MAY result in the revocation of the license previously issued hereunder ~~at the discretion of~~ BY the Director of Public Safety. APPEALS OF DECISIONS BY THE DIRECTOR OF PUBLIC SAFETY UNDER THIS CHAPTER SHALL BE GOVERNED BY OHIO REVISED CODE CHAPTER 119.

850.06 IMPLIED CONSENT TO SEARCH.

Any person or other entity operating a ~~medical~~ marijuana facility pursuant to a license issued hereunder by the Director of Public Safety shall be deemed to have given consent to the random and unannounced search of the licensed premises by the Director of Public Safety or his designee to ensure that such facility is in full compliance with all licensing and operational requirements of the State of Ohio THROUGH THE Department of Commerce AND THE CITY OF NEWARK. NO PERSON OPERATING A MARIJUANA FACILITY SHALL REFUSE ENTRY TO THE DIRECTOR OF PUBLIC SAFETY OR THE DIRECTOR'S DESIGNEE TO CONDUCT SUCH COMPLIANCE CHECK IN ACCORDANCE WITH THIS SECTION.

850.07 ISSUANCE OF LICENSE AND GROUNDS FOR REFUSAL TO ISSUE LICENSE.

(A) THE DIRECTOR OF PUBLIC SAFETY SHALL REFUSE TO ISSUE A LICENSE UNDER THIS CHAPTER TO ANY MARIJUANA FACILITY THAT IS: (1) NOT PROPERLY LICENSED BY THE STATE OF OHIO; (2) IS FOUND TO BE NON-COMPLIANT WITH ANY APPLICABLE STATE OR CITY

REGULATIONS OR CODES; (3) IS LOCATED IN AN AREA WHERE THAT TYPE OF MARIJUANA FACILITY IS A PROHIBITED USE OR NOT OTHERWISE A PERMITTED OR CONDITIONAL USE PURSUANT TO THE ZONING CODE OF THE CITY OF NEWARK; OR (4) HAS NOT RECEIVED APPROVAL AS A CONDITIONAL USE FROM THE BOARD OF ZONING APPEALS.

(B) THE DIRECTOR OF PUBLIC SAFETY MAY REFUSE TO ISSUE A LICENSE UNDER THIS CHAPTER TO ANY MARIJUANA FACILITY FOR REASONS OTHER THAN THOSE LISTED IN SECTION (A) ABOVE PENDING REVIEW BY COUNCIL AT A PUBLIC HEARING AS SET FORTH BELOW. THE DIRECTOR SHALL NOTIFY THE CLERK OF COUNCIL OF THE REFUSAL. UPON RECEIVING SUCH NOTICE, THE CLERK SHALL NOTIFY THE APPLICANT OF THE PENDING REFUSAL AS WELL AS THE DATE, TIME, AND LOCATION OF THE REQUIRED PUBLIC HEARING, WHICH SHALL BE SET NO LESS THAN FIFTEEN (15) DAYS AND NO MORE THAN THIRTY (30) DAYS FOLLOWING THE DIRECTOR'S NOTICE OF REFUSAL. COUNCIL WILL REVIEW THE REASONS SET FORTH FOR THE REFUSAL AND EITHER AFFIRM OR OVERTURN THE DECISION OF THE DIRECTOR BY A MAJORITY VOTE OF COUNCIL MEMBERS. IF SUCH REFUSAL RELATES TO A RENEWAL APPLICATION FOR AN EXISTING MARIJUANA FACILITY, THEN SUCH FACILITY MAY CONTINUE TO OPERATE SO LONG AS THE MATTER IS PENDING WITHOUT VIOLATING THIS CHAPTER. OPERATION OF SUCH FACILITY AFTER THE MATTER IS CONCLUDED WILL DEPEND UPON THE DECISION OF COUNCIL.

(C) EXCEPT AS SET FORTH IN SECTION 850.07(B) OF THIS CHAPTER, THE DIRECTOR SHALL ISSUE A LICENSE TO ANY MARIJUANA FACILITY THAT IS: (1) LICENSED BY THE STATE OF OHIO TO OPERATE AS A MARIJUANA FACILITY; (2) IN FULL COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER AND ANY OTHER APPLICABLE CITY REGULATIONS OR CODES; AND (3) LOCATED IN AN AREA WHERE THAT TYPE OF MARIJUANA FACILITY IS PERMITTED AS A PERMITTED OR CONDITIONAL USE PURSUANT TO THE ZONING CODE OF THE CITY OF NEWARK; AND (4) HAS RECEIVED APPROVAL AS A CONDITIONAL USE FROM THE BOARD OF ZONING APPEALS.

850.08 PENALTIES.

WHOEVER VIOLATES OR FAILS TO COMPLY WITH SECTIONS 850.02 OR 850.06 OF THIS CHAPTER IS GUILTY OF A FIRST-DEGREE MISDEMEANOR AND SHALL BE FINED NOT MORE THAN ONE THOUSAND DOLLARS (\$1,000.00) AND INCARCERATED FOR NOT MORE THAN SIX (6) MONTHS FOR EACH OFFENSE. A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OR NONCOMPLIANCE OCCURS OR CONTINUES.

SECTION 2. All other sections of the Codified Ordinances of the City of Newark, Ohio, not specifically addressed within this Ordinance shall remain in full force and effect as written.

SECTION 3. This Ordinance shall take effect immediately as an emergency for the reasons as stated herein pursuant to Newark City Charter Article 4.07 and remain in full force and effect thereafter.

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

BY: _____

AN ORDINANCE VACATING A PORTION OF IRON AVENUE, RUNNING WEST FROM VANVOORHIS STREET; SAID STREET RIGHT-OF-WAY IS LOCATED NORTH OF 383 IRON AVENUE.

WHEREAS, Newark City Council received a petition from owners of real estate in the City of Newark praying for the herein described street right-of-way vacation; and,

WHEREAS, the Street Committee of the City of Newark met on June 17, 2024, and considered the procedure as outlined in Section 723.06 of The Ohio Revised Code whereby notice of the intention to vacate is not required, and approved the preparation and submittal of this legislation for Council consideration, in accordance with Section 723.06 of The Ohio Revised Code; and,

WHEREAS, this Council finds there is good cause for such vacation and that such vacation will not be detrimental to the general interest.

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

Section 1: The following described portion of Iron Avenue is hereby vacated, reserving, however, unto the City of Newark, Ohio, its successors and assigns, easements for construction, maintenance, and operation of various utilities, publicly owned and otherwise, to wit:

Being in the State of Ohio, County of Licking, City of Newark, and being a portion of Iron Avenue, lying west of VanVoorhis Street, as shown on the Plat of the Wehrle Addition as recorded in Plat Book 3 at Page 223 of the Licking County Plat Records, and being more particularly described as follows:

Beginning at the northeast corner of Lot 4701 of said Wehrle Addition, said point being on the south line of Iron Avenue and the west line of VanVoorhis Street;

Thence west along the north line of Lot 4701 to the northwest corner of Lot 4701, said point also marking the end of Iron Avenue previously vacated by Ordinance 1669 dated September 11, 1905;

Thence north along the vacated Iron Avenue right-of-way to the north right-of-way line of Iron Avenue;

Thence east along the north right-of-way line of Iron Avenue to a point, said point being the northern projection of the west line of VanVoorhis Street;

Thence south, crossing Iron Avenue, to the Place of Beginning.

This description was written based on information provided in existing plat and tax records, without the benefit of a field survey.

Section 2: The Division of Engineering of the City of Newark is hereby instructed to prepare a vacation plat of said vacated street and the Clerk of Council is instructed to endorse upon such plat the action of this Council, and to cause such plat to be recorded in the Office of the Recorder of Licking County, Ohio.

Section 3: This Ordinance shall become effective at the earliest time permitted by law after passage by Council and signature of the Mayor.

Adopted this _____ day of _____, 2024.

President of Council

Attest: _____

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor

Form Approved by: _____
Law Director

Prepared by the Division of Engineering.

Resolution No.24-59

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 623 Fund, in the amount of \$50,000.00 (Construction of Eastside Transmission Line. These funds are being unencumbered from engineering services and will be used for construction. This is funded by Ohio Dept of Development Grant.)

623.706.5521.603	Water lines east side transmission line	50,000.00
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This resolution is a measure providing for an appropriation for current expenses of the municipal corporation; it shall go into effect pursuant to Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, 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.24-61 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 100 General Fund, in the amount of \$1,350.00 (Additional monies needed due to 7.4% increase in premiums)

100.204.5124	Health Insurance	1,350.00
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Section 2. There is hereby an appropriation of the unappropriated balance of the 100 General Fund, in the amount of \$83,800.00 (Additional monies needed due to 7.4% increase in premiums, dept 102 – new employee has family coverage, original budget for single)

100	102	5124	Insurance	11,250.00
100	106	5124	Insurance	15,550.00
100	107	5124	Insurance	10,200.00
100	112	5124	Insurance	7,000.00
100	114	5124	Insurance	6,400.00
100	121	5124	Insurance	4,400.00
100	127	5124	Insurance	3,600.00
100	115	5124	Insurance	1,400.00
100	203	5124	Insurance	20,500.00
100	601	5124	Insurance	1,600.00
100	602	5124	Insurance	1,900.00

Section 3. There is hereby an appropriation of the unappropriated balance of the 231 Probation Grant, in the amount of \$362.00 (Additional monies needed due to 7.4% increase in premiums)

231.113.5124	Insurance	362.00
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Section 4. There is hereby an appropriation of the unappropriated balance of the 661 Sewer Fund, in the amount of \$24,700.00 (Additional monies needed due to 7.4% increase in premiums)

661.713.5124	Insurance	15,500.00
661.714.5124	Insurance	4,500.00
661.715.5124	Insurance	4,700.00

Section 5. There is hereby an appropriation of the unappropriated balance of the 621 Water Fund, in the amount of \$36,410.00 (Additional monies needed due to 7.4% increase in premiums)

621.706.5124	Insurance	22,000.00
621.707.5124	Insurance	2,010.00
621.708.5124	Insurance	12,400.00

Section 6. There is hereby an appropriation of the unappropriated balance of the 261 Judicial SR Fund, in the amount of \$265.00 (Additional monies needed due to 7.4% increase in premiums)

261.161.5124	Insurance	265.00
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Section 7. There is hereby an appropriation of the unappropriated balance of the 221 Street Fund, in the amount of \$5,800.00 (Additional monies needed due to 7.4% increase in premiums)

221.302.5124	Insurance	5,800.00
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This resolution is a measure providing for an appropriation for current expenses of the municipal corporation; it shall go into effect pursuant to Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, 2024.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____, _____