

**NEW CARLISLE CITY COUNCIL  
REGULAR MEETING AGENDA**

August 5, 2019 @ 7:00pm

1. Call to Order: Mayor Mike Lowery
2. Roll Call: Clerk of Council
3. Invocation
4. Pledge of Allegiance
5. Action on Minutes: 7/15/19 - Special Meeting  
7/15/19 - Regular Meeting
6. Communications: None
7. City Manager's Report: Attached
8. Comments from Members of the Public:  
\*Please limit comments to 5 minutes or less
9. Committee Reports: NONE

10. RESOLUTIONS: (2 - Intro & Action)

**A. Resolution 19-11R: (Introduction, Public Hearing and Action on Tonight)**

A RESOLUTION TO APPROVE THE PHASE OF THE TRAFFIC SIGNAL UPGRADE PROGRAM ALONG MAIN STREET (S.R. 235) AT THE INTERSECTIONS OF JEFFERSON STREET AND LAKE AVENUE, IN COOPERATION WITH THE DIRECTOR OF TRANSPORTATION, AND DECLARING AN EMERGENCY

**B. Resolution 19-12R: (Introduction, Public Hearing and Action on Tonight)**

A RESOLUTION DECLARING THE NECESSITY OF IMPROVING THE STREETS OF THE CITY OF NEW CARLISLE, OHIO, BY LIGHTING THEM

11. ORDINANCES: (6 - Intro; 1 - Action)

**A. Ordinance 19-20: (Introduction Tonight. Public Hearing and Action on 8/19/19)**

AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO PROVIDE FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; TO PROVIDE FOR THE PUBLICATION OF SUCH NEW MATTER; AND TO REPEAL ORDINANCES IN CONFLICT THEREWITH.

**B. Ordinance 19-21E: (Introduction, Public Hearing and Action on Tonight)**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE PURCHASE OF ROADWAY DE-ICING ROCK SALT, AND DECLARING AN EMERGENCY

**C. Ordinance 19-22: (Introduction Tonight. Public Hearing and Action on 8/19/19)**

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN PUBLIC STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEW CARLISLE, OHIO, BY LIGHTING THEM

**D. Ordinance 19-23: (Introduction Tonight. Public Hearing and Action on 8/19/19)**

AN ORDINANCE LEVYING ASSESSMENTS FOR THE IMPROVEMENTS OF CERTAIN PUBLIC STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEW CARLISLE, OHIO, BY LIGHTING THEM

**E. Ordinance 19-24: (Introduction Tonight. Public Hearing and Action on 8/19/19)**

AN ORDINANCE CERTIFYING TO THE CLARK COUNTY AUDITOR AND AUTHORIZING PLACEMENT ON THE TAX DUPLICATE CERTAIN DELINQUENT UTILITY ACCOUNTS FOR COLLECTION WITH REAL ESTATE TAXES

**F. Ordinance 19-25: (Introduction Tonight. Public Hearing and Action on 8/19/19)**

AN ORDINANCE CERTIFYING TO THE CLARK COUNTY AUDITOR AND AUTHORIZING PLACEMENT ON THE TAX DUPLICATE CERTAIN UNCOLLECTED WEED AND/OR GRASS CUTTING FEES FOR COLLECTION WITH REAL ESTATE TAXES

12. OTHER BUSINESS:

- A. **Congressman Warren Davidson:** Will hold "Mobile Office Hours" at the City Building on the fourth Tuesday of each month from 1:30PM until 2:00PM.
- B. **Crime Watch:** Wednesday, August 13th @ 6:30PM. Location: Smith Park Shelter House

13. EXECUTIVE SESSION: To discuss the employment of a public employee.

14. Adjournment

Next **Regular Meeting** of the City Council will be **Monday, August 19th, 2019 @ 7:00pm**  
Location: Smith Park Shelter House, 801 West Jefferson Street, New Carlisle, Ohio 45344

RECORD OF PROCEEDINGS

**Minutes of: Council of the City of New Carlisle, Ohio** **SPECIAL MEETING**

**Held: Monday, JULY 15, 2019**

**1. CALL TO ORDER:** This Special Meeting of Council called to order at 7:00 pm by Mayor Lowery.

**2. ROLL CALL:** The Clerk of Council, Emily Berner then called the Roll:

**6 members present: Lowery, Shamy, Hopkins, McKenzie, Cobb, Cook Absent: Lindsey**

**STAFF PRESENT:** City Manager Randy Bridge, Service Director Howie Kitko, Finance Director Debbie Watson, Clerk of Council Emily Berner, Fire Chief Steve Trusty, Deputy Allender

**3. INVOCATION:** CM Cook

**4. PLEDGE OF ALLEGIANCE**

**5. ACTION ON MINUTES: NONE**

**6. COMMUNICATIONS: NONE**

**7. CITY MANAGERS REPORT: NONE**

**8. COMMENTS FROM MEMBERS OF THE PUBLIC: NONE**

**9. COMMITTEE REPORTS: NONE**

**10. RESOLUTIONS: NONE**

**MOTION TO AMEND RULES OF COUNCIL IN ORDER TO CONDUCT THE TAX BUDGET PUBLIC HEARING (ITEM 12 ON AGENDA) BEFORE VOTING ON ORDINANCE 19-18 (ITEM 11 ON THE AGENDA)**

**1<sup>ST</sup>- COOK**

**2<sup>ND</sup>- SHAMY**

**YES: 6 MOTION TO AMEND RULES OF COUNCIL ACCEPTED 6-0.**

**11. ORDINANCES:**

**ORDINANCE 19-18**

**AN ORDINANCE ADOPTING THE TAX BUDGET FOR THE CITY OF NEW CARLISLE, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020, AND SUBMITTING SAME TO THE AUDITOR OF CLARK COUNTY, OHIO**

**1<sup>ST</sup>- COOK**

**2<sup>ND</sup>- SHAMY**

**NO COMMENTS OR QUESTIONS**

**YES: 6 MOTION TO ACCEPT TAX BUDGET 2020 ACCEPTED 6-0.**

**12. OTHER BUSINESS:**

**TAX BUDGET PUBLIC HEARING**

**Motion to excuse VM Lindsey from meetings: 1<sup>st</sup>- Cobb 2<sup>nd</sup>- Shamy**

**Motion accepted 6-0**

**13. EXECUTIVE SESSION: NONE**

**14. ADJOURNMENT: 1<sup>ST</sup>- SHAMY 2<sup>ND</sup>- MCKENZIE**

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MAYOR CITY OF NEW CARLISLE

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CLERK CITY OF NEW CARLISLE

**RECORD OF PROCEEDINGS**

**Minutes of: Council of the City of New Carlisle, Ohio**

**REGULAR MEETING**

**Held: Monday, July 15, 2019**

**1. CALL TO ORDER:** This Regular Meeting of Council called to order at 7:00 pm by Mayor Lowery.

**2. ROLL CALL:** The Clerk of Council, Emily Berner then called the Roll:

**6 members present: Lowery, Shamy, Hopkins, McKenzie, Cobb, Cook Absent: Lindsey**

**STAFF PRESENT:** City Manager Randy Bridge, Service Director Howie Kitko, Finance Director Debbie Watson, Clerk of Council Emily Berner, Fire Chief Steve Trusty, Deputy Allender

**3. INVOCATION:** CM Cook

**4. PLEDGE OF ALLEGIANCE**

**5. ACTION ON MINUTES:** 7/1/19 Regular meeting

**1<sup>st</sup> Cobb 2<sup>nd</sup> Shamy YES: 6 Minutes Accepted 6-0.**

**6. COMMUNICATIONS:** *George Leibold of Bold Demolition and Excavating Regarding the Madison St. School. Presented demo proposal of \$125,000 to demo property and retain ownership of the land. Council discusses and asks about plans after demo. Mr. Leibold notes he would develop or sell to a faster moving individual for development. Would keep mowed and cleaned while awaiting development. Various questions about dumping sites, crushing materials for city use (rock) and estimated cost to just come in and complete project without land, estimate near \$350,000. Council will discuss matter and plan accordingly if they choose this option to include in the 2020 budget.*

**7. CITY MANAGER'S REPORT:**

**City Manager's Report**

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**TO:** Mayor, Vice Mayor, City Council, Residents, and Business Owners  
**FROM:** Randy Bridge, City Manager  
**DATE:** July 12, 2019 for July 15, 2019

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- Items that should be reported to or discussed with Council are indicated with an asterisk (\*) and organized under separate headings.
- Council members may bring any other item up for discussion.

\*A - FINANCE REPORT - Attached

\*B - SERVICE REPORT - Attached

\*C - FIRE REPORT - Attached

\*D - POLICE REPORT - At Meeting

## A. Finance:

**COUNCIL FINANCIAL REPORT SUMMARY  
JUNE 2019**

JUNE Total Revenue General Fund: \$ 440,110.18

JUNE Total Expenses General Fund: \$ 386,345.17

Year-To-Date Total Revenue Collected: \$ 3,146,684.47

Year-To-Date Total Expenses: \$ 2,842,988.37

**Special Notes:**

Updates:

- *The reports that are included this evening are:*
  - Statement of Cash Position with MTD Totals by funds
  - Check Report for the month of JUNE
  - Pool Report

If you should have any questions or would like to see additional information just let me know.

Respectfully Submitted  
Deborah Watson  
Finance Director

*Lowery asks Watson to review the pool report (see below) and notes pool has made a profit. Cook asks why no one ever looked into why the pool did not make money. Bridge notes April has looked outside the box and brought people in. Watson notes most city pools do not stand on their own.*

**CITY OF NEW CARLISLE - JUNE 2019 POOL REPORT**

<b>Revenue To Date</b>	<b>\$ 40,056.85</b>		
<b>Transfers To Date</b>	<b>\$ 40,000.00</b>		
<b>Expenses To Date</b>		<b>\$ 37,307.61</b>	
<b>Profit</b>			<b>2,749.24</b>

**Details Listed Below**

POOL REVENUE		Ending -30-2019	Year To Date
Memberships		\$ 3,720.00	\$ 15,888.00
Daily Gate Fees		\$ 5,774.31	\$ 9,823.31
Concessions		\$ 5,695.95	\$ 9,016.35
Party Rental		\$ 2,498.00	\$ 4,004.00
Games		\$ -	\$ -
Misc. Donations		\$ 195.94	\$ -
Misc. Receipts		\$ -	\$ 1,325.19
	Pool Rental	\$ -	\$ -
	<b>Total Revenue</b>	<b>\$ 17,884.20</b>	<b>\$ 40,056.85</b>

POOL EXPENSES		Ending -30-2019	Year To Date
Personal Services	Wages, etc	\$ 10,425.29	\$ 14,077.75
Contractual	Utilities	\$ 82.65	\$ 445.24
	Maint. Of Facilities	\$ 780.54	\$ 2,140.37
	Maint. Of Equipment	\$ 119.95	\$ 520.18
	Phone/cell phone	\$ 108.91	\$ 326.54
	Permits/Fees/Misc	\$ -	\$ -
	Sub Total	\$ 1,092.05	\$ 3,432.33
Materials/Supplies	Concessions	\$ 1,771.60	\$ 5,498.09
	Operations Supplies	\$ 1,052.67	\$ 1,391.63
	Chemicals	\$ 1,230.59	\$ 3,200.19
	Repairs/Maint. Supplies	\$ -	\$ 24.17
	Membership/dues	\$ -	\$ 762.81
	Small tools	\$ -	\$ 34.48
Materials/Supplies	Capital Outlay	\$ 287.79	\$ 27,379.09
	Other	\$ 130.60	\$ 130.60
	Sub Total	\$ 4,473.25	\$ 38,421.06
Misc.		\$ (9.00)	\$ 58.90
	<b>Total Expenses</b>	<b>\$ 15,981.59</b>	<b>\$ 55,990.04</b>
			\$ 55,990.04

**B. SERVICE:**

To: Mr. Bridge, City Manager  
From: Howard Kitko, Service Director  
Date: July 15, 2019  
Subject: Council Update

**Service Departments:**

- Will be completing minor road repairs in areas that need a more in-depth repair, such as, ruts created from trash truck operations.
- We have 4 additional water main breaks to dig up and repair
- Road De-icing Salt bids were received. New Carlisle will verify the bid and make a recommendation to award to Cargill Salt for the same price as last year of \$89.95/ton. There will **NOT** be a minimum order amount this season or any cutoff dates for ordering.

**2018-2019 Various Road Projects:**

- Galewood Dr. Reconstruction Project: Reconstruction started July 8<sup>th</sup> for an estimated 80 days. T.C. Holzen was awarded the contract for \$334,639.50. New Carlisle Street Levy share is approximately \$41,400.
- Street Resurfacing Project: Hemlock, Butternut & Bittersweet are complete except one manhole adjustment. Cost is approximately \$45,420.66.

**2019 Wastewater Plant Influent Building Upgrade:**

- New Influent pump is fully operational. Peterson Construction was awarded the contract. Preconstruction meeting set for 7/17/19.

**Traffic Signal Upgrade Project:**

- Plans will go out for bid 9/12/19, Contract will be awarded 9/23/19 and Construction is to be completed by 8/31/20.

*CM Cook asks about the acoustics at shelter and Bridge will have some info next meeting.*

**C. FIRE- no comments/questions**

City of New Carlisle  
City Council Meeting  
07-15-2019  
Fire-EMS Report

- In the Month of June the New Carlisle Fire Division responded to 86 EMS call in the City and 21 in Elizabeth Township.
- The Division responded to 6 Fire related calls in the City and 1 in Elizabeth Township.
- We had 4 EMS calls answered by mutual aid, either by Pike Township or Bethel Clark, due to medic 52 being on a response.
- We answered 3 mutual aid EMS calls for Pike Township and 2 for Bethel Clark.
- In the Month of June the Division responded to 1 Overdose calls,

Steven Trusty  
Fire Chief  
City of New Carlisle

**D. POLICE:**

**CITY OF NEW CARLISLE  
CLARK COUNTY SHERIFF'S OFFICE**

**PATROL DIVISION**

**June, 2019 Report**

New Carlisle Deputies were dispatched to 58 calls.

Assaults; 1  
Domestic Violence; 10  
Theft; 8  
Non-Injury Crash; 1  
Injury Crash; 0  
Citations; 10  
Drug Compliant; 0  
Overdose; 2  
Suicide Attempted; 1  
Burglary; 4

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Our New Carlisle Deputies are still having a high volume of Domestic Violence calls. Please keep in mind that a lot of the time a family member ends up being arrested and that is another hardship for the whole family.

We had one night in June that we had 10 or more auto break-ins and only about half was reported to the Sheriff's Department. Other than one night of multiple auto break-ins the rest of the month was quite. Please lock your car and keep your valuables in the house and if you do witness anything suspicious call the Clark County Sheriff's Department.

It is Fair Time Again; the Clark County Fair will start at noon this Friday and will run through Friday of the following week (July 26). The fair is always a good time and we look forward to seeing you.

From June 20 to June 30 the four New Carlisle patrol cars patrolled just over 1,300 miles.

Again, please contact the Clark County Sheriff's Office at 937-328-2560 if you witness anything suspicious. This could be the phone call we need to solve a crime, or save a life.

Sergeant Ralph Underwood  
Clark County Sheriff's Department

*CM Shamy notes that he comes home from work late and there are many people out walking around town very late at night.*

**E. INFORMATIONAL ITEMS:**

## \* E. INFORMATIONAL ITEMS

- New City Building
  - Change of Scope Update
- Upcoming Legislation
  - Assessments Legislation in August (Street Light, Nuisance Abatements, Water/Sewer)
- Board of Zoning Appeals Update
  - July 17, 2019 Hearings will take place at the Smith Park Shelter House
  - Hearings as follows:
    - Review, discuss, and vote on an appeal (denied building permit application) for a new home build located adjacent to the Twin Creeks Subdivision. Applicant will be seeking a variance from the City's Zoning Code.
    - Review, discuss, and vote on an appeal (denied building permit application) for a new accessory building located on South Adams Street. Applicant will be seeking a variance from the City's Zoning Code.
    - Review, discuss, and vote on variance for a fence that was installed along West Jefferson Street. Applicant will be seeking a variance from the City's Zoning Code.
    - Review, discuss, and vote on variance request for a reduction in the number of required off-street parking spots for the new apartments located at 107 North Pike Street (formerly Belle Manor Nursing Home). Applicant will be seeking a variance from the City's Zoning Code.

*Bridge explains new Market Rate apartments going in where Belle Manor was located. 43 units, per ordinance a certain number of parking spots are needed, developer is seeking a variance to continue to allow the Community Health center to use parking owned by the soon to be apartment complex.*

**8. COMMENTS FROM MEMBERS OF THE PUBLIC: NONE****9. COMMITTEE REPORTS: NONE****10. RESOLUTIONS: (1 INTRO AND ACTION)****A. RESOLUTION 19-09**

A RESOLUTION AMENDING THE CITY OF NEW CARLISLE RULES OF COUNCIL  
***DIES PER LACK OF MOTION***

**11. ORDINANCES:****ORDINANCE 19-19E**

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT ADDENDUM#1 TO CONTRACT FOR ARCHITECTURAL SERVICES TO RENOVATE A BUILDING ON REAL PROPERTY LOCATED AT 101 SOUTH MAIN STREET, NEW CARLISLE, OHIO AUTHORIZED BY ORDINANCE 10-07.

*FOR THE CHANGE TO THE PLANS ON THE NEW BUILDING. NO COMMENTS OR QUESTIONS FROM COUNCIL.*

**1<sup>ST</sup>- COBB**

**2<sup>ND</sup>- SHAMY**

**YES: 6 MOTION ACCEPTED 6-0**

**12. OTHER BUSINESS:**

**A. CONGRESSMAN WARREN DAVIDSON: MOBILE OFFICE HOURS AT THE CITY BUILDING ON THE 4<sup>TH</sup> TUESDAY OF THE MONTH.**

**B. CRIME WATCH MEETING WEDNESDAY, AUGUST 13 AT 6:30 PM AT SMITH PARK SHELTER HOUSE.**

Motion to excuse VM Lindsey from meetings:

7/15/19

3281

1<sup>st</sup>- Cobb

2<sup>nd</sup>- Shamy

Motion accepted 6-0

**13. EXECUTIVE SESSION: NONE**

**14. ADJOURNMENT:**

**1<sup>ST</sup>- SHAMY**

**2<sup>ND</sup>- HOPKINS**

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MAYOR CITY OF NEW CARLISLE

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CLERK CITY OF NEW CARLISLE



## City Manager's Report

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**TO:** Mayor, Vice Mayor, City Council, Residents, and Business Owners  
**FROM:** Randy Bridge, City Manager  
**DATE:** July 29, 2019 for August 5, 2019

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- Items that should be reported to or discussed with Council are indicated with an asterisk (\*) and organized under separate headings.
- Council members may bring any other item up for discussion.

**A - FINANCE REPORT - Attached**

**B - SERVICE REPORT - Attached**

**C - FIRE REPORT - Attached**

**D - POLICE REPORT - At Meeting**

**\* E. INFORMATIONAL ITEMS**

- Western Clark County Business Coalition
  - Attended Rebranding Event on Friday, July 26th.
  - Changed organization's name to Gateway Business District
- Street Lighting Assessment Legislation
  - No Increase in cost to residents this year!
- Domino's Pizza
  - Will not bill the Swimming Pool for any pizza's for the months of May and June!
  - Thank You!
- New Building Update
  - Attorney is reviewing Construction Bid Documents
  - 2 Weeks, then bid
- Tax Budget
  - Error on Formula on the "Statement of Fund Activity" sheet
  - Amending Legislation on 8/15/19
  - Do not have to resubmit to County
- Council Requested Investigation on Councilmember at the Fireworks Show
  - Update and Conclusion

## **Resolution 19-11R**

### **A RESOLUTION TO APPROVE THE PHASE OF THE TRAFFIC SIGNAL UPGRADE PROGRAM ALONG MAIN STREET (S.R. 235) AT THE INTERSECTIONS OF JEFFERSON STREET AND LAKE AVENUE, IN COOPERATION WITH THE DIRECTOR OF TRANSPORTATION, AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of New Carlisle, by way of Ordinance 17-04, commenced a multiphase project with the Director of Transportation to upgrade traffic signals along Main Street (S.R. 235) at the intersections of Jefferson Street and Lake Avenue, including curb ramps, all lying within the City of New Carlisle, Clark County, Ohio; and

**WHEREAS**, upon initiating this multiphase cooperative project, the City agreed to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of his improvement form funds allocated by the Federal Highway Administration, U.S. Department of Transportation; and

**WHEREAS**, it has been determined New Carlisle's share of the project is now estimated to be ZERO DOLLARS (\$0.00), therefore, the City will not be required to deposit any funds at this time; and

**WHEREAS**, the City's ultimate share of the cost will be determined when final actual costs and allocations are determined;

**WHEREAS**, the Director of Transportation has approved legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of same to the City of New Carlisle; and

**WHEREAS**, the City desires the Director of Transportation to proceed with the aforesaid highway improvement.

**NOW, THEREFORE, THE MUNICIPALITY OF NEW CARLISLE HEREBY RESOLVES** as follows:

**Section 1.** The City hereby requests the Director of Transportation to proceed with the aforesaid upgrade traffic signals highway improvement project.

**Section 2.** The City wants to and will enter into a contract with the State of Ohio for this highway improvement project, attached as Exhibit A hereto, and the City Manager is hereby authorized and directed to execute this contract and any related documents for improving this project.

**Section 3.** The City Manager is hereby directed to transmit to the Director of Transportation a fully executed copy of this Ordinance.

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

\_\_\_\_\_  
Mike Lowery, MAYOR

\_\_\_\_\_  
Emily Berner, CLERK OF COUNCIL

APPROVED AS TO FORM:

\_\_\_\_\_  
Lynnette Dinkler, DIRECTOR OF LAW

1st: \_\_\_\_\_

2cd: \_\_\_\_\_

<b>Councilman Cobb</b>	<b>Y</b>	<b>N</b>
<b>Councilman Cook</b>	<b>Y</b>	<b>N</b>
<b>Vice Mayor Lindsey</b>	<b>Y</b>	<b>N</b>
<b>Mayor Lowery</b>	<b>Y</b>	<b>N</b>
<b>Councilman Shamy</b>	<b>Y</b>	<b>N</b>
<b>Councilwomen Hopkins</b>	<b>Y</b>	<b>N</b>
<b>Vacant</b>		

**Totals:**

**Pass**                      **Fail**

Intro: 8/5/19

Action: 8/5/19

Effective: 8/21/19

**Exhibit A**

**CONTRACT**  
(Chapter 5521, Ohio Revised Code)

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

**WITNESSTH:**

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

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

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

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

**SECTION I: RECITALS**

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

**SECTION II: PURPOSE**

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

**SECTION III: LEGAL REFERENCES**

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

#### **SECTION IV: SCOPE OF WORK**

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

The project consists of upgrading traffic signals along Main Street (S.R. 235) at the intersections of Jefferson Street and Lake Avenue, including curb ramps, lying within the City of New Carlisle; and

#### **SECTION V: FINANCIAL PARTICIPATION**

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

**SECTION VI: RIGHT-OF-WAY AND UTILITIES**

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

**SECTION VII: ADDITIONAL PROJECT OBLIGATIONS**

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

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

### **SECTION VIII: DISPUTES**

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

### **SECTION IX: NOTICE**

Notice under this contract shall be directed as follows

**City of New Carlisle**  
**331 S. Church Street, P.O. Box 419**  
**New Carlisle, Ohio**  
**45344**

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

### **SECTION X: FEDERAL REQUIREMENTS**

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

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

#### **SECTION XI: GENERAL PROVISIONS**

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



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

**SECTION XI: SIGNATURES**

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

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

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

**SEAL**  
(If Applicable)

**OHIO DEPARTMENT OF  
TRANSPORTATION**

**LOCAL PUBLIC AGENCY  
City of New Carlisle**

\_\_\_\_\_  
Director of Transportation

\_\_\_\_\_  
**City Manager**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

\_\_\_\_\_  
Lynnette Dinkler, Director of Law  
City of New Carlisle, Ohio

Approved:  
Dave Yost  
Attorney  
General

By: \_\_\_\_\_ Stephen H. Johnson  
Chief, Transportation

Date: \_\_\_\_\_

## **RESOLUTION 19-12R**

### **A RESOLUTION DECLARING THE NECESSITY OF IMPROVING THE STREETS OF THE CITY OF NEW CARLISLE, OHIO, BY LIGHTING THEM**

**THE CITY OF NEW CARLISLE HEREBY RESOLVES that:**

#### **SECTION 1. DETERMINATION TO IMPROVE**

It is deemed necessary by the City of New Carlisle to make a public improvement, the lighting of its streets, to be paid for in part by special assessments to be levied. The plans, specifications, and profiles of the proposed improvement and improvement after completion with reference to the property abutting thereon, and an estimate of the cost of the improvement has been prepared and filed in the office of the clerk of the City of New Carlisle and shall be/is open to the inspection of all persons interested. Thus, the City of New Carlisle hereby declares the necessity for such improvement by the passage of this Resolution.

#### **SECTION 2. THE NATURE AND LOCATION OF IMPROVEMENT**

The nature of the street lighting improvement is conducive to the public health, welfare of this City and the inhabitants thereof and the lots to be assessed are specifically benefited by the improvement. This Council further finds and determines that the public streets, roads, boulevards, and places to be improved are so situated in relation to each other that, in order to complete the improvements thereof in the most practical and economical manner, they should be improved at the same time, with the same kind of materials and in the same manner and, therefore, they should be treated as a single improvement included in the same legislation and contract.

#### **SECTION 3. APPROVAL OF PLANS, SPECIFICATIONS, PROFILES AND ESTIMATE OF COST**

The plans, specifications, and profiles of the proposed improvement and improvement after completion with reference to the property abutting thereon, and an estimate of the cost of the improvement are hereby approved.

#### **SECTION 4. COST AND METHOD OF LEVYING ASSESSMENT**

The entire cost of said improvement, less two percent (2%) thereof and the cost of lighting the intersections, shall be assessed upon the following described lots and lands, to-wit: pro rata to all lots and lands bounding and abutting upon said improvement, which lots and lands are hereby determined to be benefited by said improvement. Said assessments shall be levied by the following method, to-wit: by the front footage of the properties bounding and abutting upon the improvement.

## SECTION 5. MODE OF PAYMENT AND PAYMENT SCHEDULE

The mode of payment shall be cash, check, or money order. The payment schedule for the special assessments to be levied will be payable in two annual installments, or the owner of any property assessed may, at his/her option, pay such assessment in cash within ten days after notice of passage of the Ordinance levying such assessments.

## SECTION 6. STATEMENT ON SECURITIES

The City of New Carlisle does not intend to issue securities in anticipation of the levy of the special assessment. The City of New Carlisle does not intend to issue securities in anticipation of the collection of the special assessment.

## SECTION 7. ESTIMATED ASSESSMENTS AGAINST EACH LOT OR PARCEL TO BE ACCESSED

An estimated assessment in accordance with the method of assessment set forth above, showing the amount of the assessment against each lot or parcel of land to be assessed, shall be immediately prepared by the Finance Director and filed in the office of the clerk of the City of New Carlisle, and shall be open to the inspection of all persons interested.

## SECTION 8. LEVIED AND COLLECTED

This special assessment is to be levied and collected before the improvement for which the assessment is levied is commenced.

## SECTION 9. NOTICE TO PROPERTY OWNERS

Upon filing of said estimated assessments as hereinbefore provided, the Finance Director is hereby ordered to cause notice of the passage of this Resolution and of the filing of said estimated assessments in accordance with Section 727.14 of the Ohio Revised Code: by publication once a week for two consecutive weeks in a newspaper of general circulation in the municipal corporation or, where the assessment against the owner of any lot or parcel of land will exceed two hundred fifty dollars, such owner shall be notified of the assessment in the manner provided in Section 727.13 of the Revised Code, which provides:

Notice of the passage of a resolution of necessity and the filing of the estimated assessment under section 727.12 of the Revised Code, shall, after the estimated assessment has been made and filed as provided by section 727.12 of the Revised Code, be served by the clerk of the legislative authority, or a person designated by such clerk, upon the owners of the lots or parcels of land to be assessed for the proposed improvement, in the same manner as service of summons in civil cases, or by certified mail addressed to such owner at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. If it appears by the return of service or the return of the certified mail notice that one or more of the owners cannot be found, such owners shall be served by publication of the notice once in a newspaper of general circulation within the

municipal corporation. The notice shall also set forth the place where such estimated assessments are on file and are open for public inspection. The return of the person serving the notice or a certified copy thereof or a returned receipt for notice forwarded by certified mail accepted by the addressee or anyone purporting to act for him shall be prima facie evidence of the service of notice under this section.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Mike Lowery, MAYOR

\_\_\_\_\_  
Emily Berner, CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Lynnette Dinkler, DIRECTOR OF LAW

1st: \_\_\_\_\_

2nd: \_\_\_\_\_

<b>Councilman Cobb</b>	<b>Y</b>	<b>N</b>
<b>Councilman Cook</b>	<b>Y</b>	<b>N</b>
<b>Vice Mayor Lindsey</b>	<b>Y</b>	<b>N</b>
<b>Mayor Lowery</b>	<b>Y</b>	<b>N</b>
<b>Councilman Shamy</b>	<b>Y</b>	<b>N</b>
<b>Councilwomen Hopkins</b>	<b>Y</b>	<b>N</b>
<b>Vacant</b>		

Totals:

Pass

Fail

Intro: 8/5/19

Action: 8/5/19

Effective: 8/21/19

## **ORDINANCE 19-20**

AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO PROVIDE FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; TO PROVIDE FOR THE PUBLICATION OF SUCH NEW MATTER; AND TO REPEAL ORDINANCES IN CONFLICT THEREWITH.

**WHEREAS**, American Legal Publishing has completed its annual updating and revision of the Codified Ordinances of the City, and

**WHEREAS**, various ordinances and resolutions of a general and permanent nature that have been passed by Council, but not heretofore included in the Codified Ordinances of the City, have now been made a part thereof, and

**WHEREAS**, the Codified Ordinances have been revised to conform to current State law:

**NOW, THEREFORE, THE MUNICIPALITY OF NEW CARLISLE HEREBY ORDAINS** as follows:

Section 1. The editing, arrangement and numbering or renumbering of the following ordinances and resolutions and parts of ordinances and resolutions are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
16-45	11-7-16	220.04
16-50	12-5-16	881.06
17-05	3-6-17	1043.05
17-23	7-7-17	1254.08, 1256.08, 1260.08
17-30	9-18-17	1040.16
17-31	9-18-17	1042.31
17-33E	9-5-17	246.02
17-53	12-18-17	1043.05
18-04	3-19-18	220.01
18-07	5-21-18	1286.02
 Res.		
18-07	5-21-18	Ch. 881, Appendix A
18-09	5-21-18	881.17, 881.17.1 - 881.17.16
18-10E	5-21-18	210.11
18-25	10-1-18	240.03, 246.02, Ch. 246, App. E, 628.02, 628.035, 636.23, 812.14, 812.27
18-27	11-19-18	248.12

**Section 2.** The following sections of the Codified Ordinances are contain new matter in the Codified Ordinances and are hereby approved, adopted and enacted:

402.115, 402.20, 402.21, 402.22, 402.24, 402.275, 402.385, 402.53, 402.54, 404.03, 408.02, 412.05, 414.01, 416.01, 416.02, 416.09, 416.13, 432.01, 432.02, 432.03, 432.04, 432.05, 432.06, 432.07, 432.08, 432.09, 432.10, 432.11, 432.12, 432.13, 432.14, 432.15, 432.155, 432.16, 432.17, 432.18, 432.19, 432.195, 432.20, 432.21, 432.22, 432.24, 432.25, 432.26, 432.27, 432.28, 432.29, 432.32, 432.33, 432.34, 432.39, 432.42, 432.43, 434.01, 434.011, 434.03, 434.035, 434.04, 434.05, 434.07, 434.08, 434.09, 436.01, 436.09, 436.11, 436.12, 436.14, 438.16, 440.01, 452.05, 452.055, 452.06, 474.01, 474.02, 474.03, 474.04, 474.05, 474.07, 474.08, 476.01, 476.04, 476.08, 606.01, 606.06, 606.12, 606.21, 606.24, 612.07, 612.08, 624.01, 624.02, 624.025, 624.03, 624.04, 624.05, 624.07, 624.076, 624.08, 624.12, 624.13, 624.14, 624.15, 624.17, 636.001, 636.045, 636.075, 636.09, 636.12, 636.15, 636.22, 642.05, 642.08, 642.09, 642.10, 642.11, 642.145, 642.15, 642.25, 648.04, 660.03, 660.08, 660.14, 666.03, 666.04, 666.08, 666.20, 672.01, 672.02, 672.04, 672.05, 672.07, 672.10, 672.15, 672.16, 698.02

**Section 3.** Pursuant to Sections 4.14 and 4.17 of the City Charter and Ohio R.C. 731.23, the Clerk of Council shall publish this ordinance or a brief summary thereof, together with a summary of the new matters covered by it, which summary is attached hereto as Exhibit A, in one or more newspapers of general circulation in the Municipality.

**Section 4.** All ordinances and resolutions or parts thereof which are in conflict with or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance except as follows:

(a) The enactment of such sections and subsections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.

(b) The repeal provided above shall not affect any legislation enacted subsequent to December 31, 2018.

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

\_\_\_\_\_  
Mike Lowery, MAYOR

\_\_\_\_\_  
Emily Berner, CLERK OF COUNCIL

APPROVED AS TO FORM:

\_\_\_\_\_  
Lynnette Dinkler, DIRECTOR OF LAW

1st: \_\_\_\_\_

2cd: \_\_\_\_\_

Councilman Cobb	Y	N
Councilman Cook	Y	N
Vice Mayor Lindsey	Y	N
Mayor Lowery	Y	N
Councilman Shamy	Y	N
Councilwomen Hopkins	Y	N
Vacant		

Totals:

Pass

Fail

Intro: 8/5/19  
Action: 8/19/19  
Effective: 9/3/19

## EXHIBIT A

### SUMMARY OF NEW MATTER CONTAINED IN THE 2019 REPLACEMENT PAGES FOR THE CODIFIED ORDINANCES OF NEW CARLISLE, OHIO

New matter in the Codified Ordinances of New Carlisle, Ohio, as contained in the 2019 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
402.115	Definition of electric bicycle
402.20	Definition of motor vehicle
402.21	Definition of motorcycle
402.22	Definition of motorized bicycle or moped
402.24	Definition of pedestrian
402.275	Definition of predicate motor vehicle or traffic offense
402.385	Definition of shared-use path
402.53	Definition of vehicle
402.54	Definition of waste collection vehicle
404.03	Exceptions generally; emergency, public safety and coroner vehicles exempt
408.02	General traffic penalty
412.05	Prohibitions against pedestrians and slow-moving vehicles on freeways
414.01	Obeying traffic-control devices
416.01	Pedestrian on crosswalk has right-of-way
416.02	Right-of-way yielded to blind pedestrian
416.09	Pedestrian on sidewalk has right-of-way
416.13	Operation of personal delivery device on sidewalks and crosswalks
432.01	Lanes of travel upon roadways
432.02	Vehicles traveling in opposite directions
432.03	Rules governing overtaking and passing of vehicles
432.04	Permission to overtake and pass on the right
432.05	Driving to left of center line
432.06	Prohibition against driving upon left side of roadway
432.07	Hazardous zones
432.08	Rules for driving in marked lanes
432.09	Space between moving vehicles
432.10	Rules for turns at intersections
432.11	U-turns and turning in roadway prohibited
432.12	Starting and backing vehicles
432.13	Turn and stop signals
432.14	Hand and arm signals
432.15	Right-of-way at intersections
432.155	Ambiguous or non-working traffic signals
432.16	Right-of-way when turning left

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<u>Section</u>	<u>New or amended matter regarding:</u>
432.17	Right-of-way at through highways; stop signs; yield signs
432.18	Emergency vehicles to proceed cautiously past red or stop signal
432.19	Right-of-way of public safety vehicles
432.195	Driving while approaching stationary public safety vehicle and certain other vehicles with caution
432.20	Stop at sidewalk area; stop signs on private roads and driveways; right-of-way on public highway
432.21	Funeral procession has right-of-way
432.22	Driving upon sidewalks, tree lawns or curbs
432.24	Driving upon closed highway prohibited
432.25	Following and parking near emergency or safety vehicles
432.26	Driving over unprotected fire hose
432.27	Driving through safety zone
432.28	One-way highways and rotary traffic islands
432.29	Divided roadways
432.32	Stop signs at grade crossings
432.33	Slow-moving vehicles or equipment crossing railroad tracks
432.34	Obstructing passage of other vehicles
432.39	Operation on paths set aside for bicycles
432.42	Texting while driving prohibited
432.43	Use of electronic wireless communication devices by minors or probationary drivers while driving prohibited
434.01	Driving or physical control of vehicle while under the influence of alcohol or drugs
434.011	Immobilizing or disabling device violation
434.03	Speed limits
434.035	Speed limits on private roads and driveways
434.04	Slow speed or stopping
434.05	Speed regulations on bridges
434.07	Street racing defined; prohibited on public highways
434.08	Vehicular homicide; vehicular manslaughter; vehicular assault
434.09	Operation restricted for mini-trucks and low-speed, under-speed, or utility vehicles
436.01	Driver's or commercial driver's license required
436.09	Display of license plates or validation stickers; registration
436.11	Failure to stop after accident
436.12	Stopping after accident on other than public roads or highways
436.14	Removal of vehicles after accidents
438.16	Number of lights permitted; red and flashing lights
440.05	Towing requirements; exception to size and weight restrictions
452.05	Impounding abandoned motor vehicle on public property
452.055	Impounding motor vehicle on private property
452.06	Condition when motor vehicle left unattended
474.01	Bicycles; application of Title VII
474.02	Rules for bicycles, motorcycles, and snowmobiles
474.03	Prohibition against attaching bicycles and sleds to vehicles
474.04	Riding bicycles; motorcycles abreast

<u>Section</u>	<u>New or amended matter regarding:</u>
474.05	Lights, signal devices, brakes on bicycles
474.07	Operation of motorized bicycle
474.08	Electric bicycles
476.01	Definitions for bicycles, motorcycles etc.
476.04	Permitted operation
476.08	Registration of vehicles
606.01	Definitions
606.06	Limitation of criminal prosecution
606.12	Failure to report a crime
606.21	Attempts
606.24	Disposition of unclaimed or forfeited property held by Police Department
612.01	Definitions (alcohol)
612.07	Open container prohibited; exception
612.08	Hours of sale or consumption
624.01	Drug related definitions
624.02	Trafficking in controlled substances; gift of marihuana
624.025	Illegal cultivation of marihuana
624.03	Drug possession offenses
624.04	Possessing drug abuse instruments
624.05	Permitting drug abuse
624.07	Abusing harmful intoxicants
624.076	Possessing nitrous oxide in motor vehicles
624.08	Illegal dispensing of drug samples
624.12	Controlled substance schedules
624.13	Controlled substance or prescription label
624.14	Drug paraphernalia
624.15	Counterfeit controlled substances
624.17	Sale of pure caffeine product
636.001	Definitions
636.045	Menacing by stalking; violating a protection order, consent agreement, anti-stalking protection order or order issued by a court of another state
636.075	Criminal child enticement
636.09	Nonsupport of dependents
636.12	Interference with custody; interference with support orders
636.15	Telecommunications harassment
636.22	Contributing to unruliness or delinquency of a child
642.05	Unauthorized use of property, including telecommunication property and computers; possession of municipal property
642.08	Assaulting police dog or horse or assistance dog
642.09	Arson
642.10	Vehicular vandalism
642.11	Criminal mischief
642.145	Forging or selling forged identification cards
642.15	Misuse of credit cards
642.25	Determining property value or amount of physical harm in arson
648.04	Disorderly conduct
660.03	Discarding litter prohibited

<u>Section</u>	<u>New or amended matter regarding:</u>
660.08	Open burning
660.14	Nonsmoking areas in places of public assembly
666.03	Sexual imposition
666.04	Public indecency
666.08	Soliciting; loitering to engage in
666.20	Nonconsensual dissemination of private sexual images
672.01	Definitions for weapons and explosives
672.02	Carrying concealed weapons
672.04	Improperly handling firearms in a motor vehicle
672.05	License or permit to possess dangerous ordnance
672.07	Unlawful transactions in weapons
672.10	Fireworks definitions
672.15	Possession of an object indistinguishable from a firearm in a school safety zone
672.16	Concealed handgun licenses: possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession
698.02	Penalties for misdemeanor

END OF EXHIBIT A

**ORDINANCE 19-21E**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE PURCHASE OF ROADWAY DE-ICING ROCK SALT, AND DECLARING AN EMERGENCY

**WHEREAS**, it is deemed necessary to provide roadway de-icing treatment with rock salt for City of New Carlisle roadways during winter weather events; and

**WHEREAS**, the City of New Carlisle is a member of the Southwest Ohio Purchasers for Government (SWOP4G) group, and

**WHEREAS**, bids for furnishing roadway de-icing rock salt for this purpose have been received, reviewed and evaluated by Southwest Ohio Purchasers for Government;

**NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY ORDAINS** as follows:

SECTION 1. That it is hereby determined that the best and lowest bid received was submitted by Cargill Inc. in the amount of \$89.95 per ton, effective through July 31, 2020.

SECTION 2. That the City Manager be, and he hereby is authorized and empowered to enter into a purchase contract, hereto attached, and any related documents, on behalf of the City of New Carlisle with the successful bidder, as determined in Section 1 hereof, in accordance with its bid specifications.

SECTION 3. That in order to best serve the health, safety and welfare of the City and in order to obtain salt under the bid and best utilize City funds, this ordinance is declared an emergency and will be effective immediately upon passage.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mike Lowery, MAYOR

\_\_\_\_\_  
Emily Berner, CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Lynnette Dinkler, DIRECTOR OF LAW

Intro: 8/5/19  
Action: 8/19/19  
Effective: 9/3/19

1st: \_\_\_\_\_

2nd: \_\_\_\_\_

Councilman Cobb	Y	N
Councilman Cook	Y	N
Vice Mayor Lindsey	Y	N
Mayor Lowery	Y	N
Councilman Shamy	Y	N
Councilwomen Hopkins	Y	N
Vacant		

Totals:		
	Pass	Fail

## **ORDINANCE 19-22**

### **AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN PUBLIC STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEW CARLISLE, OHIO, BY LIGHTING THEM**

**WHEREAS**, this Council did adopt Resolution No. 19-12R on the 5th day of August 2019, declaring therein the proposed improvement hereinafter described; and

**WHEREAS**, pursuant to said Resolution, estimated assessments with respect to said improvement were duly prepared and placed on file in the Office of the Clerk of Council; and;

**WHEREAS**, no objections to said estimated assessments having been filed:

**NOW, THEREFORE, THE CITY OF NEW CARLISLE, OHIO, HERBY  
ORDAINS** that:

**SECTION 1.** It is hereby determined to proceed with the improvement of certain public streets within the corporate limits of the City of New Carlisle, Ohio, by lighting them in accordance with plans, profiles, specifications, and an estimate of cost for said improvement heretofore approved and filed in the Office of the Clerk.

**SECTION 2.** The estimated assessments of the cost of said improvement heretofore prepared and filed in the Office of said Clerk, be and the same are hereby adopted.

**SECTION 3.** It is further determined that the portion of the cost of said improvement to be assessed against the benefited property shall be assessed in the amount, manner and number of installments as provided for in said Resolution declaring the necessity of improvements.

**SECTION 4.** That all claims for damages resulting from said improvement that have been filed in accordance with law, if any, shall be inquired into after the completion of said improvement.

**SECTION 5.** The City Manager of the City of New Carlisle is hereby authorized and directed to cause said lighting improvement to be made by Miami Valley Lighting in accordance with the agreement between Miami Valley Lighting and the City of New Carlisle, Ohio, now in force and effect.

REMAINDER OF PAGE LEFT INTENTIONALLY BLANK

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Mike Lowery, MAYOR

\_\_\_\_\_  
Emily Berner, CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Lynnette Dinkler, DIRECTOR OF LAW

1st: \_\_\_\_\_

2cd: \_\_\_\_\_

<b>Councilman Cobb</b>	Y	N
<b>Councilman Cook</b>	Y	N
<b>Vice Mayor Lindsey</b>	Y	N
<b>Mayor Lowery</b>	Y	N
<b>Councilman Shamy</b>	Y	N
<b>Councilwomen Hopkins</b>	Y	N
<b>Vacant</b>		

Totals:

Pass

Fail

Intro: 8/5/19

Action: 8/19/19

Effective: 9/3/19

## **ORDINANCE NO. 19-23**

### **AN ORDINANCE LEVYING ASSESSMENTS FOR THE IMPROVEMENTS OF CERTAIN PUBLIC STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEW CARLISLE, OHIO, BY LIGHTING THEM**

**WHEREAS**, this Council did on the 5th day of August, 2019, duly adopt Resolution 19-12R, declaring the necessity of the improvement therein and hereinafter described; and

**WHEREAS**, this Council did on the 19th day of August, 2019, duly adopt Ordinance 19-22, determining to proceed with said improvement and adopting the estimated assessments theretofore filed with respect to said improvement; and

**WHEREAS**, the actual cost of the improvement has now been ascertained and has been placed on file in the Office of the Clerk and has been reported to this Council; and

**WHEREAS**, estimated assessments for said improvement heretofore adopted by Ordinance 19-22 have been adjusted so that said assessments, as adjusted, are in the same proportion to said estimated assessments as the actual cost of said improvement is to the estimated cost of said improvements; and

**WHEREAS**, the adjusted estimates are now on file in the Office of the Clerk:

**NOW, THEREFORE, THE CITY OF NEW CARLISLE, OHIO, HEREBY ORDAINS** that:

**SECTION 1.** The adjusted assessments for improving certain public streets within the corporate limits of the City of New Carlisle by lighting them, as heretofore reported to this Council and now on file in the Office of the Clerk, and in the estimated aggregate amount of \$94,138.20, be and the same hereby are adopted and confirmed.

**SECTION 2.** There be, and hereby are, levied and assessed upon the lots and lands bounding and abutting upon said improvement, amounts reported in said adjusted assessments as aforesaid, which assessments are at the rate of (\$.60) per front foot. Said assessments do not exceed any statutory limitation and are for calendar year 2020. The assessed lots and lands are set forth in the schedule on file in the Office of the Clerk, are made a part hereof by reference.

**SECTION 3.** It is hereby determined that the adjusted assessments hereinbefore referred to are in the same proportion to the estimated assessments as the actual cost of said improvement bears to the estimated cost of said improvement upon which such estimated assessments were made.

**SECTION 4.** The mode of payment shall be cash, check, or money order. The payment schedule for the special assessments to be levied will be payable to the Clark County Auditor in cash, check, or money order in two annual installments, which shall include the Auditor's collection fee of 4%, or the owner of any property assessed may, at his/her option, pay such assessment in cash within ten days after notice of passage of the Ordinance levying such assessments to the City of New Carlisle. Assessments not paid in full within the ten day period will be certified by the Clerk of Council to said Auditor to be placed on the tax duplicate and collected, as provided by law.

**SECTION 5.** The Finance Director is authorized and directed to keep said adjusted assessments on file for as long as any of them remain unpaid.

**SECTION 6.** The Finance Director be, and hereby is, authorized and directed to cause notice of the levying of the assessments herein provided for, to be filed with the Clark County Auditor within thirty (30) days after the passage of the Ordinance.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Mike Lowery, MAYOR

\_\_\_\_\_  
Emily Berner, CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Lynnette Dinkler, DIRECTOR OF LAW

1st: \_\_\_\_\_

2cd: \_\_\_\_\_

Councilman Cobb	Y	N
Councilman Cook	Y	N
Vice Mayor Lindsey	Y	N
Mayor Lowery	Y	N
Councilman Shamy	Y	N
Councilwomen Hopkins	Y	N
Vacant		

Totals: \_\_\_\_\_  
Pass      Fail

Intro: 8/5/19  
Action: 8/19/19  
Effective: 9/3/19



## **ORDINANCE 19-24**

### **AN ORDINANCE CERTIFYING TO THE CLARK COUNTY AUDITOR AND AUTHORIZING PLACEMENT ON THE TAX DUPLICATE CERTAIN DELINQUENT UTILITY ACCOUNTS FOR COLLECTION WITH REAL ESTATE TAXES**

**WHEREAS**, certain individuals have water and sewer accounts with the City that have become delinquent; and

**WHEREAS**, Section 1040.16 (d) of the Municipal Code provides that all charges for water are a lien assessed against the property served, collectable in the same manner as other tax assessments thereon; and

**WHEREAS**, Section 1042.32 of the Municipal Code provides that unpaid billings, together with accrued penalties, shall be certified to the County Auditor, pursuant to Ohio Revised Code, who shall place such delinquencies upon the real property tax duplicate for the property being served, such delinquencies shall be a lien assessed against the property, and shall be collectable in the same manner as other tax assessments thereon; and

**WHEREAS**, Section 731.54 of the Ohio Revised Code provides that the City may certify such delinquent accounts to the county auditor for placement thereof upon the real property tax list and duplicate against the property served, to be collected in the same manner as other taxes;

**NOW, THEREFORE, THE MUNICIPALITY OF NEW CARLISLE HEREBY ORDAINS** as follows:

Section 1. There are hereby certified to the Auditor of Clark County the following delinquent water and sewer utility accounts for placement upon the tax list and duplicate and collection in the same manner as other taxes provided by law:

Name: Alisha M. Johnson Martino  
Property Address: 210 N. Pike St., New Carlisle Ohio 45344  
Parcel Number: 0300500029310036  
Amount due: \$332.75

Name: Nicole M. Mausolf  
Property Address: 219 Rawson Dr., New Carlisle Ohio 45344  
Parcel Number: 0300500035204027  
Amount due: \$34.96

Name: Marianne Young  
Property Address: 523 N. Church St., New Carlisle Ohio 45344  
Parcel Number: 0300500035407024  
Amount due: \$801.59

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Mike Lowrey, MAYOR

\_\_\_\_\_  
Emily Berner, CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Lynnette Dinkler, DIRECTOR OF LAW

1st: \_\_\_\_\_

2nd: \_\_\_\_\_

Councilman Cobb	Y	N
Councilman Cook	Y	N
Vice Mayor Lindsey	Y	N
Mayor Lowery	Y	N
Councilman Shamy	Y	N
Councilwomen Hopkins	Y	N
Vacant		
Totals:		
	Pass	Fail

Intro: 8/5/19  
Action: 8/19/19  
Effective: 9/3/19

## **ORDINANCE 19-25**

### **AN ORDINANCE CERTIFYING TO THE CLARK COUNTY AUDITOR AND AUTHORIZING PLACEMENT ON THE TAX DUPLICATE CERTAIN UNCOLLECTED WEED AND/OR GRASS CUTTING FEES FOR COLLECTION WITH REAL ESTATE TAXES**

**WHEREAS**, pursuant to Municipal Code Section 1460.26(a), no owner of land in the City shall allow his or her grass, weeds or rank vegetation to grow in excess of six inches; and

**WHEREAS**, the City Planning Director or his or her designee or Code Enforcement Officer shall serve written notice upon any owner, lessee, agent, or tenant having charge of the land in the City in violation of said code, notifying him or her of the Municipal Code violation, and that they must cut their grass, weeds or rank vegetation within five days of the receipt of notice; and

**WHEREAS**, the owner, lessee, agent or tenant listed below having charge of such land in violation of said code were advised to cut their grass, weeds or rank vegetation; and

**WHEREAS**, there has been no acknowledgement from the owner, lessee, agent or tenant having charge of such land; and

**WHEREAS**, under the Municipal Code 660.13, if the owner, lessee, agent or tenant having charge of such land fails to comply with the notice, the Director of Public Service, shall schedule cutting of such land, and may send a statement to the owner, lessee, agent or tenant having charge of such land, for the sum of money due the City for performing such service, including an administrative fee; and

**WHEREAS**, the City cut the grass, weeds or rank vegetation of such properties in violation of said code and billed the owner, lessee, agent or tenant for such services; and

**WHEREAS**, the owner, lessee, agent or tenant having charge of such land did not pay the City such bill; and

**WHEREAS**, Section 660.13(g) of the Municipal Code provides that the such charges for service, if not received by the City within ten days after receipt of such notice by the owner, lessee, agent or tenant having charge of such land, plus an additional administrative charge of ten percent, are a lien against the property served, collectable in the same manner as other tax assessments thereon; and

**WHEREAS**, Section 731.54 of the Ohio Revised Code provides that the Municipality may certify such delinquent charges for services to the county auditor for placement thereof upon the real property tax list and duplicate against the property served, to be collected in the same manner as other taxes.

**NOW, THEREFORE, THE CITY OF NEW CARLISLE, OHIO, HEREBY ORDAINS** as follows:

**SECTION 1.** There are hereby certified to the Auditor of Clark County the following delinquent charges for grass cutting services, for placement upon the tax list and duplicate against the property served, and collection in the same manner as other taxes as provided by law:

Property Address: 227 Drake Avenue, New Carlisle, OH 45344  
Parcel Number: 0300500035202007  
Amount Due: \$ 357.50

Property Address: 410 North Church Street, New Carlisle, OH 45344  
Parcel Number: 0300500035409022  
Amount Due: \$ 1,155.00

Property Address: 901 Brookfield Drive, New Carlisle, OH 45344  
Parcel Number: 0300500035103006  
Amount Due: \$ 715.00

Property Address: 913 Firwood Drive, New Carlisle, OH 45344  
Parcel Number: 0300500035115017  
Amount Due: \$ 742.50

Property Address: 211 Prentice Drive, New Carlisle, OH 45344  
Parcel Number: 0300500035211034  
Amount Due: \$ 549.50

Property Address: 210 North Pike Street, New Carlisle, OH 45344  
Parcel Number: 0300500029310036  
Amount Due: \$ 880.00

Property Address: 317 South Church Street, New Carlisle, OH 45344  
Parcel Number: 0300500034219021  
Amount Due: \$ 357.50

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Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mike Lowery, MAYOR

\_\_\_\_\_  
Emily Berner, Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Lynnette Dinkler, DIRECTOR OF LAW

1st: \_\_\_\_\_

2cd: \_\_\_\_\_

<b>Councilman Cobb</b>	<b>Y</b>	<b>N</b>
<b>Councilman Cook</b>	<b>Y</b>	<b>N</b>
<b>Vice Mayor Lindsey</b>	<b>Y</b>	<b>N</b>
<b>Mayor Lowery</b>	<b>Y</b>	<b>N</b>
<b>Councilman Shamy</b>	<b>Y</b>	<b>N</b>
<b>Councilwomen Hopkins</b>	<b>Y</b>	<b>N</b>
<b>Vacant</b>		

Totals:

Pass

Fail

Intro: 8/5/19

Action: 8/19/19

Effective: 9/3/19