

Service Committee Minutes

Honorable Council
City of Newark, Ohio
March 3, 2025

The Service Committee met in Council Chambers on March 3, 2025 with these members in attendance:

Jeff Rath - Chair
Dustin Neely – Vice Chair
Bill Cost Jr.
Beth Bline
Bradley Chute

We wish to report:

1. **Resolution No. 25-11** A RESOLUTION EXPANDING THE EXISTING DESIGNATED OUTDOOR REFRESHMENT AREA FOR DOWNTOWN NEWARK AND ENACTING REGULATIONS WITH REGARD THERETO

Tim Hickman, Safety Director - Thank you, Mr. Chairman. So, what you have in front of you is a continuation of and an expansion to the DORA. State law requires that every five years the legislature has to pass a renewal to the DORA, so we're coming up on that five-year mark. And as we did so, the DORA board spoke with some of the downtown businesses, and we made some recommended changes to the DORA. The first change that we're proposing is an expansion of the boundaries. So, we'd like to move the boundaries one block to the west. So right now, it's on 4th Street. We would take it up 5th Street to Locust. That way we're bringing in the Mexican restaurant and the butcher shop that are on West Main Street. Secondly, we've made the hours uniform. One of the, I guess, points of contention or confusion that we had is, as it currently exists, the days and the hours of when the DORA is in operation kind of vary. So, it's kind of confusing to the operators when they're in place. So, we just made it every day from 10 a.m. to 10 p.m. but what we added in is we gave the mayor and the chief of police the authority to suspend the DORA if need fits. And then there's a couple other small changes that we made in regards to... we clarified what types of cups can be used in the DORA and then we've also eliminated the use of wristbands. So that's basically, other than those few things, it's basically staying as it was.

Mr. Rath - The 10 a.m. to 10 p.m. thing, is that, so we're doing Monday, basically 7 days a week, 10 a.m. to 10 p.m., very consistent for both users and participants. Is that pretty standard across the board with other communities?

Director Hickman - Well, we listened to our business people and that's kind of what they recommended so that's why we went with those hours.

Mr. Rath - I know it could be suspended by the mayor and the chief of police so it could be expanded for certain events?

Director Hickman - Can it be expanded? I don't know if we can...

Mr. Rath - For a specific event?

Director Hickman - I'm sorry, you're asking if we can expand it beyond specific...

Mr. Rath - Yes.

Director Hickman - I don't know if, I guess that'd be a question for the law director on whether it can be expanded beyond what's written in the legislation. But it can be suspended by the mayor and chief of police. So, say that there was a particular date that you didn't want to have a DORA on, the mayor or the chief could say, we're not going to have it on this day. Or if there was some sort of problem taking place, they could suspend it.

Mr. Rath - I understand that.

Rochelle Volen-Smith, 237 Violet Ct. - I just took a look at that area and I'm kind of confused as to where they're going to have the seating. Problems in some of the areas...

Mr. Rath - Where they're going to have the what?

Ms. Volen-Smith - And do I need to do my address and all that stuff?

Mr. Rath - Oh, yeah. I'm sorry.

Ms. Volen-Smith - Problems where they, 237 Violet Court, Rochelle Volen-Smith. So anyway, I'm kind of confused with the layout of where they're going to have seating because I find a big problem with some of the areas that have already, are allowing seating where they also have grates and things like that that are tripping hazards for some people and make it very difficult for people that might be in wheelchairs and that sort of thing. And looking at, I'm assuming you're largely doing the Arcade area for this?

Mr. Rath - So I'm confused as to what you mean by seating.

Ms. Volen-Smith - Where are you going to have the restaurant space outside?

Mr. Rath - The DORA doesn't have anything to do with seating.

Ms. Volen-Smith - So you're going to be serving food outside?

Mr. Rath - The DORA allows people to utilize the DORA area as a place where they can...

Ms. Volen-Smith - I don't understand what that means.

Mr. Rath - As a place where they can travel to and from with alcoholic beverages in the appropriate container. It doesn't have to do anything with outdoor seating. We have other...

Ms. Volen-Smith - So it's not going to be seating like a lot of areas downtown are having seating, and it's not really working very well.

Mr. Rath - We have seating outside, but we also have... We also have regulations for that, but that's not what we're talking about today.

Ms. Volen-Smith - Okay. And that's disappointing, frankly.

Mr. Rath - Well, it's just not part of the legislation. Nobody's brought forth legislation about that. I'm sorry to disappoint you, but nobody's brought forth legislation to further legislate outdoor seating in restaurants.

Ms. Volen-Smith - Well, I don't think we need that much in the way of outdoor seating in terms of the restaurants in that vicinity. As he said, some of the areas in the downtown area are kind of tripping hazards, frankly.

Mr. Rath - Did you have any questions about the DORA legislation?

Ms. Volen-Smith - What exactly is DORA?

Mr. Rath - It is a downtown... Go ahead.

Director Hickman - So basically, all that DORA is, in its simplest term, is an exemption from open container law.

Ms. Volen-Smith - Oh, an exemption? That's better.

Director Hickman - Yeah, so it gives certain geographical boundaries and you have to meet certain specifications. So, like, you know, it has to be served in a clear plastic cup. You have to have hours of operation. But all it is is just... In its simplest term is an exemption from open container laws. So, you can get a drink at a restaurant, stroll around the square, see the sights, and not be subjected to any sort of criminal penalties for that.

Ms. Volen-Smith - Isn't that a problem in terms of when, as a place has a liability, and has had liability for many, many years, if they over-serve people? How do you keep track of that?

Director Hickman - Well, that's a totally different section of law, over-serving someone. It has nothing to do with the DORA.

Ms. Volen-Smith - It should.

Director Hickman - All of the permit holders are still, all of the liquor laws apply to them, which would include over-serving someone. So, if someone over-serves them, then they would be responsible through the Liquor Control Board.

Ms. Volen-Smith - But if they're going from place to place with that alcohol and going to another place, isn't that a problem?

Mr. Hickman - It hasn't been, no. It's been very successful.

Ms. Volen-Smith - But you haven't done it yet.

Mr. Hickman - Yes, we've been doing it for five years.

Mr. Rath - Yeah, we've been doing that for five years, and there's countless communities throughout Ohio and the rest of the country that have been doing that very, very successfully.

Ms. Volen-Smith - Yeah, I've seen that.

Mr. Marmie - Mr. Chair? May I? DORA stands for Designated Outdoor Refreshment Area. When the safety director is indicating the open container law, folks can go from restaurant to restaurant and drink and indulge as much as they desire. During these events that they allow the DORA to operate, it just means that they don't have to try to chug it before they go to the next place. So, they can actually carry their cup with them, and they can go from one to the other. However, the bartender or whatever facility still has the legal liability and obligation that if they feel that somebody has been over-served already and indulged too much and is intoxicated and should not have any more, they still are under that same obligation, as if they just came from one establishment to the next inside their facility. All this allows them to do is walk outside with a cup from one to the other.

Ms. Volen-Smith - That's a problem. And some cities, including Columbus, cover that by doing things like having punch cards, for instance, and restrictions that way, and control how many places can serve alcohol. And I don't see those sorts of controls with this. There's still liability, and it confuses that issue.

Mr. Marmie - You haven't read it. There are only certain facilities that belong to the DORA. So, it is restricted.

Ms. Volen-Smith - So how many people, how many places are...

Mr. Marmie - I don't have the exact count, but I know that they are restricted. You have to be a member of the DORA in order to participate.

Ms. Volen-Smith - So it's a club, outdoor club of sorts?

Director Hickman - Mr. Marmie, all the permit holders are listed in the legislation.

Ms. Volen-Smith - Okay, where do I find that?

Director Hickman - It's right there in the legislation.

Ms. Volen-Smith - Would that be in the notes?

Mr. Rath – You can have the council clerk send that to you via email.

Ms. Volen-Smith – That would be you.

Mr. Rath - No, that's not me. The council clerk.

Ms. Volen-Smith - A council clerk?

Mr. Rath – Yes.

Ms. Volen-Smith - Where would I find that?

Mr. Rath – The clerk of council. That's Amy.

Ms. Volen-Smith - Amy?

Mr. Rath - Yes.

Ms. Volen-Smith - And do you have the phone number for that?

Mr. Rath - I don't off the top of my head, no. I'm sorry. You'll be here for council, right? She'll be sitting in that chair in the middle, and you can talk to her personally.

Ms. Volen-Smith - Oh, that Amy.

Mr. Rath – Yes. That's the clerk of council.

Ms. Volen-Smith – Thank you.

Motion to send to full Council by Mr. Neely, Second by Ms. Bline, Passed 5-0

2. **Ordinance No. 25-08** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 134 EAST MAIN STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-186858-00.000, #054-186876-00.000, #054-186864-00.000, #054-186870-00.000, AND #054-195762-00.000 FROM THAT OF MB – MEDIUM INTENSITY BUSINESS ZONING DISTRICT TO DC – DOWNTOWN ZONING DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

David Rhodes, Service Director – Thank you, Mr. Chair. As normal, I ask you just to pass this on to the Planning Commission. We'll take a look at it, we'll meet with them, we'll come up with an opinion on what we think and we'll come back with a recommendation to Council.

Motion to send to full Council by Mr. Neely, Second by Ms. Bline, Passed 5-0

3. **Ordinance No. 25-09** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 330 THORNWOOD DRIVE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-216702-00.000 FROM THAT OF MFC - MULTI-FAMILY CONDO ZONING DISTRICT TO MFH – MULTI-FAMILY HIGH RISE ZONING DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Director Rhodes - Thank you, Mr. Chair. I took an opportunity to introduce I think every member of Council to Mr. Scott Hartley. He represents the Vista Group. This is going to be

phase two of their development. We didn't do the zoning change prior because we didn't know which way Thornwood was going to go. We still don't, but they've offered to hold back eight acres of ground so that city can figure that out. And again, I'd ask you just to pass this on to the Planning Commission. We'll get an opinion on it and get it back to you.

Motion to send to full Council by Mr. Neely, Second by Ms. Bline, Passed 5-0

4. **Ordinance No. 25-10** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 360 THORNWOOD DRIVE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-216624-00.000 FROM THAT OF MFC - MULTI-FAMILY CONDO ZONING DISTRICT TO MFH – MULTI-FAMILY HIGH RISE ZONING DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Director Rhodes - Thank you, Mr. Chair. More of the same. If you could pass it to me, I'll come up with an opinion.

Motion to send to full Council by Mr. Neely, Second by Ms. Bline

Mr. Rath - I know the developer is in the audience. It is thus far proven to be an incredible asset to the City of Newark in that neighborhood.

Director Rhodes - A very good community partner.

Mr. Rath - Yes, we very much appreciate that. Thank you very much.

Passed 5-0

Meeting stands adjourned

Jeff Rath -Chair