

Service Committee Minutes

Honorable Council
City of Newark, Ohio
August 17, 2020

The Service Committee met via Zoom streaming live to YouTube on Monday, August 17, 2020 with these members in attendance:

Jeff Rath - Chair
Jeff Harris – Vice Chair
Ryan Bubb
Spencer Barker
Sean Fennell – sitting in for Jeremy Blake
Absent: Jeremy Blake

We wish to report:

PUBLIC HEARING

(To make comments during the Public Hearing please call in during the Livestream)

1. Consider **Resolution No. 20-59** A RESOLUTION CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA FOR DOWNTOWN NEWARK AND ENACTING REGULATIONS WITH REGARD THERETO.

Director Rhodes – Tonight we have the consultant doing the work on the DORA for us to give us the presentation

Mr. Rath – Shannon welcome to the Service Committee and thank you for taking time to speak to us. I want to make sure everyone has all of the information sent out to us today.

Shannon Fergus – We've been working on the DORA in coordination with NDP. A DORA allows establishments to have outdoor dining with alcohol in the public right away abutting their property without the need for fencing. It also allows patrons to walk around a designated area with alcoholic beverage that's been served by a liquor permit holding establishment within that district during special approved events. So, it's not all the time that they can walk around like that, the DORA is mostly allowing that outdoor dining with the beverages without the fencing. There's no need to build fencing, which helps remove obstructions in the public right of way and creates a friendly inviting atmosphere. This helps with issues of snow removal etc. and a lot of businesses in Ohio have reported an increase in revenue for the businesses with DORA. Another thing that I think is that during COVID it's important for businesses to be able to offer as much outdoor dining as possible it makes people feel more comfortable and is real important right now. The application is not set in stone. We can make changes based on your comments. It shows the current boundary that we have come up with. There are only certain permit holders that are allowed to be part of the DORA. We've included all of them within the boundary of the DORA they are included in the list we have provided you. The way NDP is proposing this DORA be set up is to mostly be used for the patio situation that I just mentioned, the hours would be Sundays 10am-10pm, Monday – Thursday 11am-10pm, Friday 11am-11pm, Saturdays and Holidays 10am-11pm. During the week we know restaurants close earlier. We allowed earlier hours on the weekends and holidays for people to be able to have those brunch cocktails that they wish to have.

No specific events have been proposed for the DORA. What we propose happening is the event organizer apply to the DORA board to have their event included as a sip and stroll event so that all board members can agree on which events to allow to happen. To participate in a DORA there's an obligation on the participating businesses that would like to sell the DORA beverages. They have to submit an outdoor dining plan to the city and be approved by your zoning department. They're required to purchase boundary signs. Two signs that mark the boundary of their patios and those signs are then used for sip and stroll events. They get rolled out to the outer boundaries of the DORA. They're required to purchase clear plastic cups that will have the DORA logo from NDP and each establishment will have a color assigned label so that in the event of litter etc. you will know where that cup came from, it also lets establishments know if someone is walking into their establishment with a beverage purchase elsewhere. Establishments would also be required to sell wristbands on the days of sip and stroll events this would generate revenue for the DORA for additional sanitary and police presence that may be needed and it also identifies individuals who are able to purchase beverages. There is also door signage that will be required. So, outdoor site plan, they would have to obtain a right of way permit and meet Newark's codified requirements for that site plan and have a review to verify ingress and egress requirements for emergencies are met. The signage plan is requiring each establishment purchase two signs with the DORA logo and these would cost approximately \$100 each so \$200 total. The cup is just a clear plastic cup. There may be another cup available which is more wine glass shaped that establishments can choose to use, but these again would need to be purchased from NDP. There will also be a wristband with the DORA logo for events. The signs are for establishments selling beverages, retail that doesn't sell beverages but allows you to carry one in and then others that are please dispose signs for businesses who do not want beverages carried in. The outdoor sanitation plan requires tables to be bussed by each establishment after each patron departs, all trash receptacle to be emptied before and after each special event with additional receptacle to be placed as needed and that would be the responsibility of NDP. If the city or DORA board determined they would like additional special duty police officers or public safety officers, NDP would bear that cost, so those wristbands help to defer some of that cost. The sanitation plan will be executed by the public safety personnel, operational tasks will be executed by NDP overseen by the DORA board. Our first thoughts for board members were Safety Director, Service Director, A Mayoral appointment, and appointment by NDP and an appointment from the SID.

Mr. Rath – You're doing a great job zapping us full of information, before we get into the application process, I thought we would take a quick pause to find out if anyone has any questions about what you've covered so far. Let's be specific to the information covered so far.

Mr. Barker – I had a question regarding the Sunday hours. You mentioned cocktails. In my research of DORA and discussion with a Liquor Attorney and a distribution company owner, was that hard liquor was not part of a DORA. Is that correct or incorrect?

Shannon Fergus – I believe that is incorrect. I have not heard that, I might be wrong, but I have not read that anywhere. Emily is one of our staff working on this, have you heard that?

Emily – I have not. I will pull up the permit descriptions right now and double check, but I believe it is covered.

Director Sassen – I was going to advise Mr. Barker that the qualified permit holders have different types of permits and that would determine what each permit holder is allowed to do.

Mr. Marmie – The comment about the current trash enforcement, who is going to be there to do the enforcement and deal with complaints if any? Is it going to be up to the Newark Police Department?

Shannon Fergus – I don't want to speak for the NDP, Cheri and Fred from NDP please tell me if I'm wrong. My understanding was NDP was going to take ownership of that.

Fred Earnest – My understanding is that we are going to take ownership and oversee it with the Safety Director, the Service Director and his people. And evaluate. It's definitely the right thing for the community to increase the sizes of patios for everyone to survive especially during this COVID situation.

Cheri Hottinger – I would just add that just like the SID does right now, hire off duty police officers for parking enforcement and Safety Patrol, we would do the same for special events.

Mr. Rath – Shannon, if you would continue with the application process.

Shannon Fergus – We're in application process now. At the beginning of the month the application was submitted to council by the executive office. Council has 45 days to file a public notice of the application, which you did do. You did two public notices and notified the public that this hearing was the public hearing for the council and it was published in the paper two weeks in a row. Thirty to sixty days after that notice you must approve or disapprove that application by Resolution as a full council. If you approve it, Liquor Control is notified and automatically changes all liquor permits within the boundary to reflect DORA status. They have sent us all the materials we need to notify them and how they like to receive that notification. So, we would take care of that with NDP.

Director Sassen – I would like to just follow up to Mr. Barker's question. Intoxicating Liquors Permit Holders are included as a qualified permit holder, so mixed drinks would be included in this.

Fred Earnest – The only thing I would like to add is the important component to this is not walking around town with an open container because we can limit those events, we may find out we don't even want to have one of those events. The important part is opening up that patio, getting rid of the clutter of fences in front of establishments, it makes it easier to keep the downtown clean.

Cheri – There are several other communities that have DORA's and have been very successful with them, so we are not trying to make Newark a guinea pig for it. We have changed a lot of things to tweak it for our purposes, so we really have done our homework on it. It really is to help the businesses, that's the bottom line especially during this pandemic. If we can have more events like sip and strolls or Final Fridays, to me that's just icing on the cake, but our sole reason to have the DORA was to help the current businesses. NDP has invested time and money to try to be a good partner with the city and we certainly don't want to do anything detrimental to our success downtown and I think this would be a great addition.

Mr. Rath – Shannon have you been involved with any other cities in Ohio that have implemented a DORA?

Shannon Fergus – I have not helped any others create a DORA, we're working with one other community to do that right now. I have worked in other communities that have a DORA. We've met with three communities that have a DORA while we've been doing

this process. We've met with Middletown, Worthington and Hilliard about their DORA programs. We also researched Defiance, they are the ones who gave us the ideas about the stickers on the doors. Pretty much everyone I've talked to is really happy with the DORA and feels it has really enhanced their business district. I also set up Special Improvement Districts, I set up Newark's Special Improvement District and all of the communities I'm working in with Special Improvement Districts have decided that if they don't already have a DORA that they would like a DORA. It's become very popular for the small businesses to have kind of a life line during COVID.

Mr. Barker – On the proposed boundary, are we able to add the Skylight on there? In my research it looks like they might be the sole liquor license holder left that would not be in the boundary of the DORA and if we're going to do the downtown district I think we need to do all of the downtown liquor license holders. Are you able to amend that in the application or is that something we would amend before it goes to the council floor?

Mr. Rath – I might add another establishment that's in the DORA boundary but not on the list, that's The Works Deli, so if you guys could address both of those.

Shannon Fergus – We're looking up both of those liquor permits. It's done by Ohio Revised Code to see if we can include them. If they aren't allowed to sell the beverages at the very least they will be allowed to let people come and go. My question to Mr. Sassen would be if we can change that during the council process.

Director Sassen – The application process wouldn't change. If there is a desire to change the boundary to include another establishment that would be based on them holding a qualified permit. When I created those exhibits to attach to the legislation all that would be required is a request to amend. It wouldn't be necessary to go back and change the application it would simply be an amendment on the floor of council.

Cheri Hottinger – That would be done when council is voting on it then, not tonight, is that correct?

Director Sassen – That's my preference, I always prefer amendments to be made on the floor of council rather than in committee that way everyone has a chance to weigh in and in this case gives council a chance to interact with all of you to determine if these are qualified permit holders, is there a reason to change it. Personally I just think it's cleaner if we do it at council and not tonight.

Mr. Rath – Director Sassen, this has not come to us in this committee with an emergency clause, can we amend that here to add an emergency clause?

Director Sassen – You can do that at council or here. I suppose to add an emergency clause, contrary to what I just said, I'd probably rather do that in committee because then when you come to council on the agenda the community and all council members are on notice in advance that it's to be addressed as an emergency, so I would prefer that type of amendment be done tonight.

Mr. Rath – It would be my preference to pass this through committee with an emergency clause.

Mr. Lang – I had a question about the southern border because there seems to be a discrepancy between the two maps. I assume the proposed boundary on the red outline map. Thinking back to when the Canal market opened and we had the Clydesdales in, we kind of had a pretty big gathering there on E. Walnut Street in front of the foundations, I guess I wondered if we would want the boundary to extend further on the south side to include that area just north of the train tracks.

Director Sassen – They're not a permit holder

Mr. Lang – They aren't a permit holder but if we wanted to extend the gathering to that side of the street they would have to be included would they not?

Fred Ernest – That gathering would be an F2 permit which we opened up that whole boundary for a fundraiser charitable event. If you're talking about the Clydesdales and Summerfest I think it was called, we outlined and designated that space on the license for the F2 permit, temporary permit for that area.

Shannon Fergus – You would still need to extend that boundary to be able to have a DORA beverage in that area. If you don't want DORA beverages to be able to be in that charity event then you would not extend it.

Fred Ernest – I would think we would want it for the F2 holders only because it's a fundraiser, but that's the groups decision.

Mr. Rath – Just to expand on that, Cheri mentioned to me earlier, the F2 permit is for a non-charitable organization and if people are buying beverages we want them buying them from the F2 permit holder, not some other place and bringing them into there.

Fred Ernest – That's the way I view it too.

Director Sassen – There's a specific provision in the Ohio revised Code for F-class permit holders, so when they have a special event which is just a one or two day permit, they can file an application to be included for that specific event in the DORA, so you wouldn't have to extend the boundary, the application of the f-class permit holder would be asking to be included in this temporary basis in the DORA.

Motion to send to full council by Mr. Bubb, second by Mr. Barker

Motion passed 5-0

Motion to add emergency clause by Mr. Bubb, second by Mr. Barker

Motion passed 5-0

Director Sassen – I need a basis for what the emergency clause is for.

Mr. Rath – The whole idea of the DORA is for the morale, welfare and better being of the businesses in the DORA area. This is basically an economic stimulus type of plan and I think the sooner we create an opportunity for our downtown businesses to expand their offerings and increase their revenue, the more likely they are to be able to survive this COVID pandemic.

Mr. Barker – I have a procedural question for Mr. Sassen. Do we need now in committee to do an amendment for the Skylight in committee? Those can be made at council. If you just email them to me, I will draft them and incorporate them into 20-59-A and submit them to Janine.

Shannon Fergus – Do we need to have this ready for council at 7pm tonight?

Mr. Rath – No, it will be Tuesday, September 8th.

2. Consider **Ordinance No. 20-27** AN ORDINANCE ENACTING AMENDMENTS TO NEWARK'S SEWER USE AND SEWER CHARGES ORDINANCE (91-59); DIRECTING LIMITED PUBLICATION OF THE SEWER USE AND SEWER CHARGES ORDINANCE

Mr. Roger Loomis – This is an issue we've talked about the approval of long term control plan we get from Ohio EPA, the one thing that came out of that and there's several reasons why we want to try to bump the rates a little bit as we look into the future of what we need to do. EPA wanted us to bump up the time frame in which we did area number 4 which is a massive area north of SR 16 along SR 13 which includes Rugg Avenue, Jefferson Road, Fairfield Avenue and Moull Street and all that work would be to get done prior to 2028. When we look at that work and expanded amount of work we feel we will need more money to do that work in the future. This isn't proposed rate increase until 2022, but it would help us with our financing of this project in the future because it's such a large project, it's going to be probably a

2 year design and 4-5 year construction project. What we're proposing is we currently have a 2.3% increase every year until the year 2029. We're proposing to increase that by 3% in 2022, 3.7% in 2023, 3.2% in 2024 and 4.7% in 2028. This is as flat as we can make these increases and still get the money we need to get this done. Our goal is try to keep the yearly increase rate as low as possible or we can wait and have one large increase, I'm not in favor of that. We did get a wastewater project moved up on us that's causing us some problems and the Thornwood Drive area is another issue we have to deal with that will have some sewer costs. This is mandated work required by the EPA.

Mr. Rath – I understand these increases are necessary and I like that we're stretching it out over a period of time, I'm sure the increases on a household will be fairly insignificant and almost unrecognizable. Am I correct?

Mr. Loomis – A minimum user will see about 37 cents a month increase starting in 2023. This will still leave us in the lower 25 percentile for the state for our rates. In 2028 an average user is going to see about a \$5 per month increase in their bill.

Motion to send to full council by Mr. Barker, second by Mr. Bubb

Motion passed 5-0

Mr. Rath – It is 6:58pm so we will adjourn for city council meeting at 7:00pm and we will re-convene after council meeting to complete the Service Committee Meeting and then Street Committee will meet.

Mr. Barker – I will be sending out invitations to everyone for an updated meeting for after the council meeting.

Mr. Rath – We are adjourned until after the council meeting.

Mr. Rath – We are re-convening the Service Committee Meeting

3. Consider **Resolution No. 20-62** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT BIDS AND SELL CERTAIN SURPLUS PERSONAL PROPERTY NOW OWNED BY THE CITY OF NEWARK, OHIO, AND DECLARING THAT SUCH PROPERTY IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE, AND DECLARING AN EMERGENCY

Director Rhodes – We would like to move forward with an auction on October 17th for excess vehicles at the impound lot.

Mr. Rath – That's a long time from now, why do you need the emergency clause?

Director Rhodes – For proper advertisement

Motion by Mr. Barker to send to full council, second by Mr. Bubb

Motion passed 5-0

4. Consider **Ordinance No. 20-29** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF PROPERTIES IN AND ABUTTING FAIRWAY ESTATES SUBDIVISION AND ALONG HORNS HILL ROAD BY UPGRADING THE EXISTING SANITARY SEWER SYSTEM AND INSTALLING A NEW GRAVITY SEWER SYSTEM AND THE NECESSARY APPURTENANCES, THERETO.

Mr. Brian Morehead – City Engineer – This project has been a long time to completion. We have all the finals costs determined and the final assessments to the original petitioners have all been determined. This piece of legislation levies the assessments to all those property owners. We've also allowed folks not in the original petition to join the assessment voluntarily and although I set a deadline of last week for them to get their paperwork into me, three more dribbled in in the mail today, so if you notice on section I the total amount of \$206,116.60 will change,, I will come back to you with an amendment before the council meeting in three weeks with a new number with all of the voluntary assessments. There are approximately 25 voluntary assessments and I think we have about 17 of them signed up as of right now. So, I'm just letting you know that we will have to make an amendment to that dollar amount. Otherwise

this will levy the assessments and once the legislation is passed by council, we will give all of them the opportunity to pay their assessments within 30 days and after that it will be added to their property tax.

Mr. Rath – Mr. Morehead, you'll have 5 weeks to bring that amendment forward without an emergency clause or waiving the 2 day reading rule.

Mr. Bubb – I will abstain from this.

Motion to send to full council by Mr. Barker, second by Mr. Harris

Motion passed with 4 in favor and 1 abstention

Jeff Rath - Chair