



# City of *NAPOLEON*, Ohio

255 West Riverview Avenue • P.O. Box 151  
Napoleon, Ohio 43545-0151  
Phone: (419) 592-4010 • Fax: (419) 599-8393  
Web Page: [www.napoleonohio.com](http://www.napoleonohio.com)

**Mayor**  
Jason Maassel

June 29, 2018

**Members of Council**

**PRESIDENT:**  
Joseph Bialorucki

**PRESIDENT PRO-TEM:**  
Daniel Baer

Travis B. Sheaffer  
Jeff Comadoll  
Kenneth Haase  
Jeff Mires  
Lori Siclair

Ohio Department of Commerce  
Division of Liquor Control  
Ms. Kelly Ables, Program Administrator & Division ITG Point of Contact  
6606 Tussing Road  
Reynoldsburg, OH 43068

Re: City of Napoleon Outdoor Refreshment Area Application

Dear Ms. Ables,

**City Manager**  
Joel L. Mazur

Enclosed with this letter is an application for an outdoor refreshment area along with the local legislation approving this application and a proof of publication according to the Ohio Revised Code Section 4301.82.

**Finance Director**  
Gregory J. Heath

The city has met with the local establishments and business owners within this proposed area and also the surrounding areas. Two public meetings were held to give the public a chance to voice their opinions on this matter; there has been little to no opposition towards the city establishing such an area. Therefore, the City of Napoleon is respectfully submitting this application for approval by the Ohio Division of Liquor Control.

**Law Director**  
Billy D. Harmon

**Public Works Director**  
Chad E. Lulfs, P.E., P.S.

Should you have any questions, please feel free to contact the office at (419) 592-4010. Thank you for taking the time to review this request.

Sincerely,

Joel L. Mazur  
City Manager

Application to the Napoleon City Council  
for the establishment of  
Napoleon Outdoor Refreshment Area



The office of the City Manager respectfully submits the following application to the Napoleon City Council to approve and enact the Napoleon Outdoor Refreshment Area in accordance with ORC 4301.82

Submitted May 16, 2018

By:   
Joel L. Mazur, City Manager

# Contents:

- 1.0 Overview
- 2.0 Specific Boundaries of the NORA
- 3.0 Land Use and Zoning
- 4.0 The Hours of Operation for the NORA
- 5.0 Public Safety Plan
- 6.0 Sanitation and Public Health Plan
- 7.0 Letters of Participation
- 8.0 Rules of the NORA

## 1.0 Overview

The Office of the City Manager of the City of Napoleon is submitting this application to the Napoleon City Council to approve and enact the Napoleon Outdoor Refreshment Area (NORA), in accordance with Section 4301.82 of the Ohio Revised Code. This allows municipalities with a population under 35,000 residents to create a Designated Outdoor Refreshment Area that is no larger than 150 contiguous acres in size. Napoleon City Council approval would create a Designated Outdoor Refreshment Area within most of Napoleon's Downtown, meeting or exceeding all of the requirements of ORC 4301.82, for the cultural and economic betterment of the businesses, residents, and property owners within the NORA, as well as the whole of Napoleon by further establishing Napoleon's Downtown as a destination for entertainment, culture, and activity.

The application filing must be advertised once a week for two consecutive weeks in a newspaper of general circulation. Council may approve of the establishment of the Designated Outdoor Refreshment Area between 30 and 60 days after the application notice is first published.

The city has strong experience in providing adequate security, public health measures and leadership for large and small events held in Napoleon's Downtown and would use the experience to manage and enforce the rules and administration of the NORA; an example includes the Henry County Rib Fest and, in previous years, a fall festival. The Chamber and many neighborhood stakeholders are very confident that this experience and the commitment to the overall advancement of Napoleon's Downtown is the perfect foundation of skills to administer the NORA.

As outlined in this Application, the City Manager will be working with the Napoleon Downtown stakeholders, Napoleon City Council, Safety, Sanitation, and Transportation officials to ensure a safe, professional implementation of the NORA. Through regular communication with all affected city departments and downtown stakeholders, the City Manager will precisely tailor the NORA safety and sanitation needs as time and experience progress, as permitted in ORC 4301.82.

Thank you to the many business owners of Napoleon's Downtown Business District, the Napoleon Law Director, the Napoleon Police Department, the Napoleon Operations Department and Napoleon City Council for their support and involvement in developing this Application.

## 2.0 Specific Boundaries of the NORA, Including Street Addresses

### 2.1 **See Exhibit A: Map of Boundaries**

### 2.2 **Boundary Description**

The Point Of Beginning be the southwest corner of the west end of the W. Front St. right of way,

Commencing northwest to the northwest corner of the W. Front St. right of way,

Then northeast along the W. Front St. right of way to the intersection of the west right of way of Scott St.,

Then northwest along the Scott St. right of way to the intersection of the centerline of right of way for W. Main St.,

Then east along W. Main St. centerline to the intersection of Scott St. centerline of right of way,

Then northwest along Scott St. centerline to the intersection of the north right of way of W. Clinton St.,

Then northeast along the north right of way of W. Clinton St. to the west property line of 126 W. Clinton St.,

Then northwest along the west property line of 126 W. Clinton St. to the intersection of the centerline of Shelby Ave.,

Then northeast along the centerline of Shelby Ave. to the intersection of the centerline of Monroe St. right of way,

Then southeast along the centerline of Monroe St. right of way to the intersection of the centerline of E. Riverview Ave. right of way,

Then southwest along the centerline of E. Riverview Ave. right of way to the intersection of the centerline of N. Perry St. right of way,

Then southeast along the centerline of N. Perry St. right of way to the intersection of the centerline of W. Front St. right of way,

Then southwest along the centerline of W. Front St. right of way to the east property line of 207 W. Front St.,

Then along the east property line of 207 W. Front St. to the south property line of 207 W. Front St.,

Then southwest along the south property line of 207 W. Front St. and continuing along the south property lines of W. Front St. to the west property line of 235 W. Front St.,

Then northwest along the west property line of 235 W. Front St. to the intersection of the south right of way line of W. Front St.,

Then southwest along the south right of way line of W. Front St. to The Point Of Beginning.

### 2.3 Parcels Included Within the Boundary of the NORA

PARCEL	PROPERTY OWNER	PROPERTY ADDRESS		
410094213220	MUDDY RIVER PROPERTIES, LLC	113	E	CLINTON
410092190089	UNITED TELEPHONE CO	115	E	CLINTON
410094213880	DRY CREEK, LLC	116	E	CLINTON
410094213900	DRY CREEK, LLC	118	E	CLINTON
410094213940	HENRY CTY COMMISSIONERS	120	E	CLINTON
410094213920	NAPOLEON OHIO LODGE NO 929	126	E	CLINTON
410094213320	JULIE'S PORTRAIT CREATIONS	127	E	CLINTON
410094213680	JT BLDG MAINTENENCE	114	W	CLINTON
410090330220	FAMILY VIDEO MOVIE CLUB, INC	125	W	CLINTON
410094214440	GM CARNAHAN, LLC	118	W	FRONT
410094214420	SIEBENECK HOLDINGS, LLC	133	W	FRONT
411302540000	ALEXANDER, KATHERINE R	215	W	FRONT
411302480000	MEYERS, WILLIAM R	235	W	FRONT
411302560000	ALEXANDER, KATHERINE R	209 & 211	W	FRONT
410090340380	CITY OF NAPOLEON	112	W	MAIN
410090340340	CITY OF NAPOLEON	124	W	MAIN
410090610140	FUNKHOUSER MOTOR CO, LLC	125	W	MAIN
410090610060	LANKENAU, CHRISTINE M	103-105-107	W	MAIN
410094211960	PEPER, EDMUND G	555		MONROE
410094214460	KERN, KYLE	501	N	PERRY
410094214520	KERN, KYLE E	525	N	PERRY
410090610080	ROOD, SCOTT	535	N	PERRY
410090610040	NAPOLEON EAGLES, LTD, LLC	539	N	PERRY
410094210940	ZEEJER PROPERTIES, LLC	540	N	PERRY
410094212060	ZEEJER PROPERTIES, LLC	602	N	PERRY
410095580220	CITY OF NAPOLEON	603	N	PERRY
410094212080	KELLER PLASTERING, LTD	606	N	PERRY
410095580180	DONOVAN, JOHN	607	N	PERRY
410095580160	DONOVAN, JOHN	609	N	PERRY
410094212000	DRK INVESTMENTS NAPOLEON, LLC	610	N	PERRY
410090340480	NAPOLEON CHAMBER OF COM	611	N	PERRY
410095580140	NAPOLEON CHAMBER OF COM	611	N	PERRY
410094212020	HENRY CTY COMMISSIONERS	612	N	PERRY
410095580120	NAPOLEON DIVINE INSPIRATIONS	613	N	PERRY

410094212040	MANAHAN, THOMAS R	614	N	PERRY
410095580100	CASPER JAMES, LLC	615	N	PERRY
410095580060	ROESSING RENTALS DOWNTOWN, LLC	621	N	PERRY
410095580040	BLACKWOOD CONSTRUCTION SERVICES	625	N	PERRY
410095580020	BLACKWOOD CONSTRUCTION SERVICES	631	N	PERRY
410094212100	HENRY CTY COMMISSIONERS	660	N	PERRY
410095570020	PNC BANK NATIONAL ASSOC	701	N	PERRY
410095570040	PNC BANK NATIONAL ASSOC	701	N	PERRY
410095570060	LANKENAU PROPERTIES I, LTD	705	N	PERRY
410095570080	STATE BANK & TRUST CO	709	N	PERRY
410095570100	B & I TV CENTER	711	N	PERRY
410094213060	COLLINS, JACK	712	N	PERRY
410095570120	WEIDEMAN REAL ESTATE	713	N	PERRY
410094213040	716 PERRY ST, LLC	714	N	PERRY
410090330160	STATE BANK & TRUST CO	715	N	PERRY
410095570140	PNC BANK NATIONAL ASSOC	715	N	PERRY
410094213080	716 PERRY, LLC	716	N	PERRY
410095560120	TONJES, JAMES L	719	N	PERRY
410095560020	TONJES, JAMES L	719	N	PERRY
410094213100	BRIGHT NET PROPERTIES, LLC	720	N	PERRY
410095560100	HILVERS, LARRY D	721	N	PERRY
410094213140	TOGETHER WE CAN MAKE A	722	N	PERRY
410094213120	OBERHAUS, CATHY J	724	N	PERRY
410094213160	BICKFORD, DORIS	726	N	PERRY
410094213180	LANKENAU PROPERTIES I, LTD	730	N	PERRY
410094213200	GKK PROPERTIES, LLC	734	N	PERRY
410094213720	NATIONAL CITY BANK	801	N	PERRY
410094213760	HOWARD'S FRIENDLY SERVICE	808	N	PERRY
410094213740	KOESTER CORPORATION	809	N	PERRY
410094213780	SCHLADE, JEFFREY M	810	N	PERRY
410094213800	HOWARD'S FRIENDLY SERVICE	812	N	PERRY
410094213700	KOESTER CORPORATION	813	N	PERRY
410094213820	AGUILAR, JO A	814	N	PERRY
410094213840	TKO SOLUTIONS, LLC	816	N	PERRY
410094213860	TKO SOLUTIONS, LLC	818	N	PERRY
410095580200	CITY OF NAPOLEON	605 & 605 1/2	N	PERRY
410095580080	CASPER JAMES, LLC	617 & 619	N	PERRY
410095560080	TONJES, JAMES L	723-725	N	PERRY
410094211980	ACKERMAN, KERRY S	125		REISER
410090340320	LAUF, JEFFREY S	606		SCOTT
410090340300	LAUF, JEFFERY S	612		SCOTT

410094560020	MEYERS, MARY K	712		SCOTT
410094213600	EMANUEL LUTHERAN CHURCH	810		SCOTT
410090340260	FROST INSURANCE AGENCY, INC	620 & 624		SCOTT
410094213000	HENRY CTY COMMISSIONERS	108	E	WASHINGTON
410094212980	HENRY CTY COMMISSIONERS	110	E	WASHINGTON
410094540040	HENRY COUNTY BANK	112	E	WASHINGTON
410094540020	HENRY COUNTY BANK	122	E	WASHINGTON
410094212920	HOLGATE STATE BANK	122	E	WASHINGTON
410094212900	HOLGATE STATE BANK	126	E	WASHINGTON
410094213020	HENRY CTY COMMISSIONERS	102-104	E	WASHINGTON
410090440020	BEILHARZ, KENT	111	W	WASHINGTON
410090330180	DERROW PROPERTIES, INC	114	W	WASHINGTON
410090330200	STATE BANK & TRUST CO	114	W	WASHINGTON
410090340080	MEISTER, BRADLEY E	115	W	WASHINGTON
410090330100	DERROW PROPERTIES, INC	116	W	WASHINGTON
410090330140	DERROW PROPERTIES, INC	116	W	WASHINGTON
410090340100	ROESSING RENTALS DOWNTOWN, LLC	117	W	WASHINGTON
410090330080	BEHNFELDT, JOSHUA A	118	W	WASHINGTON
410090340120	MODEN, WILLIAM R JR	119	W	WASHINGTON
410090330060	DERROW PROPERTIES, INC	120	W	WASHINGTON
410090340140	RATLIFF, KORIN L	121	W	WASHINGTON
410090340160	MEEKSON, MARY F	123	W	WASHINGTON
410090340180	IVY LEAGUE FLORIST & DESIGN	125	W	WASHINGTON
410090340200	IVY LEAGUE FLORIST & DESIGN	127	W	WASHINGTON
410090340220	IVY LEAGUE FLORIST & DESIGN	129	W	WASHINGTON
410090340240	SCHUETTE, GREG L	135	W	WASHINGTON
410090440021	LIVING WATERS TABERNACLE	107 & 109	W	WASHINGTON
410094570020	RITTENHOUSE PROPERTIES, LTD	130 - 136	W	WASHINGTON

## 2.4 Addresses to be Included in the NORA

Street Name	Range	Even/Odd
Clinton Street	111-130	Even & Odd
Front Street	118 - 211	Even & Odd
Main	103-131	Even & Odd
Monroe	555	Even & Odd
Perry	501-525	Odd
Perry	535-818	Odd & Even
Reiser	129 & 540	
Scott Street	606 - 799	Even & Odd
Washington Street	102-137	Even & Odd

## 2.5 Acreage

Said description of land contains approximately 27.1 acres (See Exhibit A: Map of Boundaries)

## 2.6 Signage

The City of Napoleon has determined that 8 signs produced by the City in a style consistent with the standard City of Napoleon signage, are necessary to adequately designate the NORA. The signs locations are depicted in Exhibit A: Map of Boundaries. The design of the signs is shown below:



### 3.0 Land Use and Zoning

#### 3.1 Land Use

Generally, the land use of all parcels within the NORA consists of all commercial establishments, except for a few residential or mixed use structures. The majority are retail businesses, dining establishments or service oriented businesses. The establishment of the NORA is within the City of Napoleon's Master Plan. The NORA is within the City of Napoleon's Downtown Revitalization District. There are more than four (4) liquor permit holders within the NORA. Below is a list of establishments within the NORA that hold liquor permits:

ESTABLISHMENT NAME	ADDRESS			PERMIT TYPE	PERMIT NUMBER
NAPOLEON OHIO ELKS LODGE NO 929	126	E	CLINTON	D4, D6	8984010929
LUMBERYARD WINERY	118	W	FRONT	A2, B2A, D6, S	3236676
FRATERNAL ORDER OF EAGLES #4428	539	N	PERRY	D1, D2, D3, D3A, D6	6303598
EDDIE J'S BAR & GRILL	617 & 619	N	PERRY	D5, D6	2445743
FLATROCK BREWERY	621	N	PERRY	A1C	27711260006
BRICK N' BREW PUB	631	N	PERRY	D5, D6	8200721
SPENGLER'S	713	N	PERRY	D2, D2X, D3	9470007
GRACIES TAQUERIA LLC	814	N	PERRY	D2, PENDING	3308090
FLATROCK PUB & LOUNGE	127	W	WASHINGTON	A1A	27711260001
FLATROCK BREWING COMPANY	125	W	WASHINGTON	A3A, PENDING	27711260001

#### 3.2 Zoning

All of the land within the NORA is zoned as C-1 General Commercial. The definition is as follows:

##### **1133.03 DENSITY AND DIMENSIONAL REGULATIONS FOR C-1 GENERAL COMMERCIAL DISTRICT.**

The following applies to a C-1 General Commercial District:

- (a) Permissible Uses. Permissible uses shall be in accordance with Chapter 1145.
- (b) General Provisions. Except as provided, the conduct of permitted uses herein shall be within completely enclosed buildings. Outside storage is prohibited, except when determined by the Zoning Administrator that the storage is minimal and subordinate to the permitted use. In general, accessory uses which clearly demonstrate subordination to the permitted use are permitted.

- (c) Minimum Lot Size. The minimum lot size shall be in accordance with Chapter 1147.
  - (d) Minimum Setback Lines. The minimum permissible setback lines shall be in accordance with Chapter 1147 and this section. Nonconforming rebuild(s) shall have setbacks as determined by the Planning Commission.
  - (e) Maximum Height of Buildings. The maximum permissible height of buildings shall be in accordance with Chapter 1147.
  - (f) Maximum Lot Coverage. The maximum lot coverage shall be in accordance with Chapter 1147.
  - (g) Off-Street Parking and Loading (see Chapter 1139).
  - (h) Signs (see Chapter 1335).
- (Ord. 074-10. Passed 12-20-10.)

#### 4.0 The Hours of Operation for the NORA

Sunday through Saturday, 12:00 p.m. to 1:00 a.m. (Last NORA sales)

**All NORA beverages MUST be finished and disposed of by 1:30 a.m.**

## 5.0 Public Safety Plan

### **Safety and Security Plan:**

The City of Napoleon Police Department commits to the continued patrol and monitoring of Napoleon's Downtown and the NORA as often as possible during NORA Hours of Operation. This is not an open-ended commitment, and shall be tailored to be adequate and sufficient for public safety in an efficient, ongoing basis. There will be a minimum of 2 officers on shift at any given time. There will be a minimum of three officers on shift during the evenings on Thursdays, Fridays and Saturdays.

It is understood that on-duty officers' first responsibility is to respond to calls for service or reported crime, whether or not those calls are in the NORA. It is also understood that another security mechanism is Contracted Security, which is the use of auxiliary officers when available or through privately hired security detail, especially during the early implementation of the NORA and during larger scale special events.

This Security Plan will be reviewed continuously, and may be updated at any time, but only with the coordination and approval of the Office of the City Manager and City Council with direct assistance and recommendations of the City of Napoleon Police Department, to ensure public safety at all times is both sufficient and adequate.

If it is determined by City officials that additional security is needed for any reason, the City reserves the right to suspend the NORA and Rules of the NORA until any security issues are resolved.

The City of Napoleon will keep the speed limit to 25 MPH through the NORA, except on Riverview Ave., which will remain as at 35 MPH.

### **Security Plan Review:**

The City Council Municipal Properties, Building, Land Use, and Economic Development Committee will meet with the Office of the City Manager in the regularly scheduled meetings no less than four (4) times during the first year of operation to review and adjust, if necessary, this Security Plan to ensure Public Safety is maintained. The first such meeting will take place no more than forty five (45) days after the initial implementation of the NORA. It is understood that the general composition of this Security Plan, with approval by Napoleon City Council, can be altered or improved at any time.

## 6.0 Sanitation and Public Health Plan

### **Trash Receptacles:**

The City of Napoleon owns and maintains trash receptacles throughout the NORA and will continue to maintain the trash receptacles. Maintenance of the trash receptacles will be monitored by the Operations Department of the City of Napoleon. City owned and maintained trash receptacles will be reviewed during the regularly scheduled City Council

Municipal Properties, Building, Land Use, and Economic Development Committee meetings in conjunction with the Security Plan Review described in Section 5.0 of this document.

The City reserves the right to modify the current maintenance schedule of trash receptacles as needed. One Refuse Crew will service the receptacles at a minimum of one time per week. The frequency may increase if volumes increase. This is anticipated during the summer and fall months. The Operations Department will respond to calls when receptacles need serviced during regular business hours.

The establishments that have liquor permits to serve alcohol on their premises shall maintain a trash receptacle of adequate size near the main entrance of the facility. The establishment may request a variance to this requirement in writing to the City Manager, who may modify this requirement with justification.

**Street Sweeping:**

The City of Napoleon Operations Department will continue its current schedule of street sweeping in the NORA.

7.0 Letters of Participation

See Exhibit B: Letters of Participation.

## 8.0 Rules of the NORA

Rules of Ohio Substitute House Bill 47:

ORC4301.62(C)(7)(a):

A person may have in the person's possession an opened container of beer, wine or intoxicating liquor at an outdoor location within an outdoor refreshment area (ORA) created under section 4301.82 of the Ohio Revised Code if the opened container of beer or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:

- (i) The permit holder's premises is located within the outdoor refreshment area.
- (ii) The permit held by the permit holder has an outdoor refreshment area designation.

ORC 4301.62(C)(7)(b):

Outdoor Refreshment Area Participants may NOT:

- (i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;
- (ii) Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area.

ORC 4301.82(F)(1)(g):

ALL beer, wine, or intoxicating liquor must be contained in the Official Cup of the ORA. No other container will be permitted.

Additional Rules Specific to the NORA:

- Only One (1) Official Cup will be permitted at a time per NORA Participant
- All NORA beverages must be served in a new, unused Official Cup
- Used Official Cups must be disposed of before entering any establishment that serves alcohol in the NORA
- Private property owners reserve the right to prohibit the consumption of alcohol on their property. Adequate signage shall be placed and clearly displayed at owner's expense in order for this rule to be enforced.
- Assumption of Good Behavior by NORA Participants:

A Participant can expect to enjoy the NORA without restraint, questioning, or harassment by Contracted Security, the City or any NORA entity SO LONG AS the Participant correctly follows all of the Rules of the NORA, and maintains a decorum of Good Behavior, free of public drunkenness, property destruction, or any action that disrupts the

enjoyment of another Participant, or disrupts any establishment, property owner, resident, visitor, passerby, or patron within the NORA.

**Rules Specific to the NORA Alcohol Establishment Owners/Operators:**

The Alcohol Establishment Owners/Operators shall supply their own Official NORA Cups. Official NORA Cups will be able to hold no more than sixteen (16) fluid ounces, and will be composed of plastic.

The design of the Official Cup shall not show children consuming alcohol, Santa Claus or any other Holiday figure using alcohol, and shall not use sayings or slogans that encourage the consumption of large quantities of alcohol.

The design of the Official Cup may have logos for sponsors. However, the Official Cup shall not have logos from liquor, wine or beer companies or establishments.

If an alcoholic beverage is poured into an Official Cup, then the patron must leave the establishment and may not stay inside of the establishment to consume the beverage.

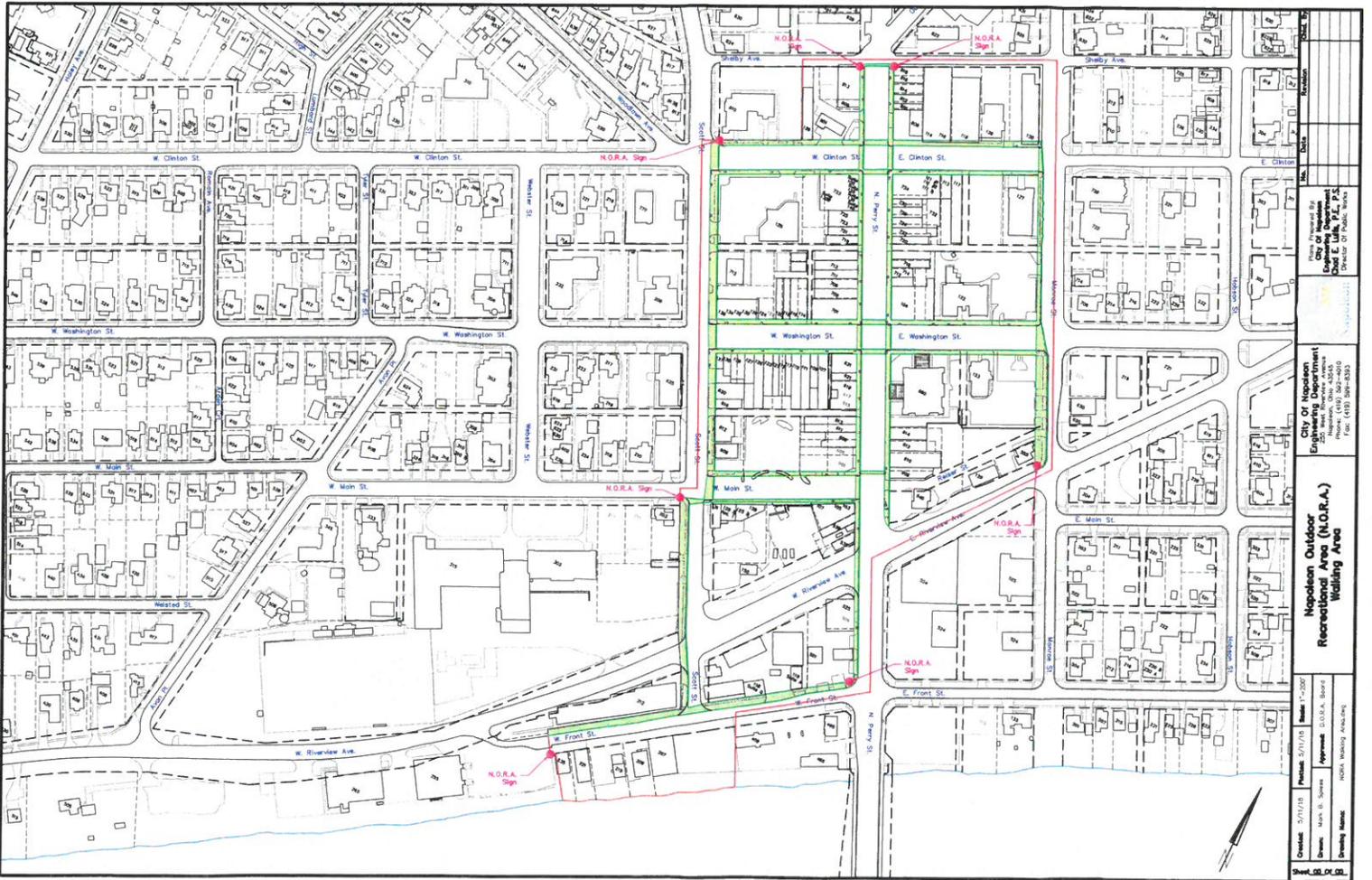
The Alcohol Establishment Owners/Operators may attach a fee or a To-Go Charge on every NORA beverage sold, accompanied by an Official NORA Cup.

The Alcohol Establishment Owners/Operators shall submit to the Office of the City Manager, a design that shall be printed on every Official NORA Cup prior to serving Participants or patrons. If the design of the Official NORA Cup is changed, the new design shall be submitted to the Office of the City Manager at a minimum of 30 days prior to the change of design. If a design is changed, only the Official NORA Cups with the new design will be recognized by Law Enforcement. This includes a change in logos for sponsors.

**\*\*Violation of any of these Rules of The Area shall be considered a minor misdemeanor and violators face warnings and/or fines up to \$150.00 in accordance with ORC 4301.62\*\***

**\*\*The City of Napoleon reserves the right to enforce additional penalties that are in violation of the any federal, state or local code, rule or regulation as needed\*\***





Created: 5/17/15 Drawn: Map & Signs Drawing Name: NORA Walking Area	Project: 5/17/15 Approvers: D.O.R.A. Board NORA Working Area	<b>City of Napoleon</b> Engineer: [Name] 255 West Riverside Avenue Napoleon, OH 44662 Phone: (419) 562-4200 Fax: (419) 569-4333	Date: _____ Revision: _____ Prepared By: _____ Checked By: _____ Drawn By: _____ Project Director: _____ City Engineer: _____ City Clerk: _____ City Auditor: _____ City Treasurer: _____ City Manager: _____ Mayor: _____
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May 1, 2018

City Council Members  
City of Napoleon  
255 W. Riverview Ave.  
Napoleon, Ohio 43545

RE: Designated Outdoor Refreshment Area for the City of Napoleon Downtown Area

City Council Members:

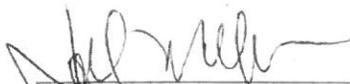
As business owners and stakeholders of the City of Napoleon's Downtown area, we fully support the creation of a Designated Outdoor Refreshment Area as described in the Ohio Revised Code Section 4301.82.

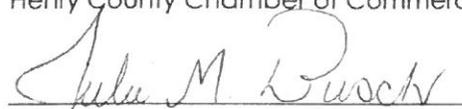
Napoleon's downtown has been steadily improving over the past several years. With the addition of the pocket park, city parking lot, road improvements and sidewalk space, the downtown has the look and feel of what a downtown should. The aesthetics of Napoleon's downtown will drastically improve even more with the painting of sidewalks and crosswalks, potential for painting murals and addition of flowers pots and hanging baskets.

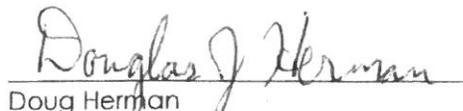
Now we are seeing an increase in activity not only with daily walking traffic but also with events. The Armory Arts and Events Center brings people into our downtown that otherwise would not come to Napoleon and we have more and more organizations holding events in downtown as well. These events include the Rib Fest, Witches Brew, and Symphony of Trees to name a few.

We recognize that the culture of the city government in Napoleon is changing and is becoming friendlier for businesses to thrive. We feel that the members of the downtown business district, in cooperation with the City of Napoleon, can attract and retain new and existing businesses in downtown by continuing to improve. Having a Designated Outdoor Refreshment Area would help attract more activity and give a social and economic boost to the Central Business District.

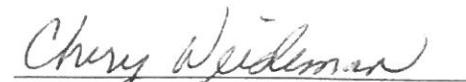
We sincerely appreciate your consideration and would gladly attend any public forums to provide additional comments.

  
\_\_\_\_\_  
Joel Miller  
Executive Director  
Henry County Chamber of Commerce

  
\_\_\_\_\_  
Julie Busch  
Business Owner  
The Armory Arts and Event Center

  
\_\_\_\_\_  
Doug Herman  
Business Owner  
Eddie J's Bar and Grille

  
\_\_\_\_\_  
Jim Tonjes  
Property/Business Owner  
Downtown Napoleon

  
\_\_\_\_\_  
Chery Weideman  
Business Owner  
Spengler's Restaurant

\_\_\_\_\_  
Lawrence Pritchard III  
Business Owner  
Flatrock Brewery

May 1, 2018

City Council Members  
City of Napoleon  
255 W. Riverview Ave.  
Napoleon, Ohio 43545

RE: Designated Outdoor Refreshment Area for the City of Napoleon Downtown Area

City Council Members:

As business owners and stakeholders of the City of Napoleon's Downtown area, we fully support the creation of a Designated Outdoor Refreshment Area as described in the Ohio Revised Code Section 4301.82.

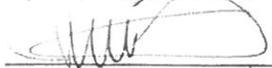
Napoleon's downtown has been steadily improving over the past several years. With the addition of the pocket park, city parking lot, road improvements and sidewalk space, the downtown has the look and feel of what a downtown should. The aesthetics of Napoleon's downtown will drastically improve even more with the painting of sidewalks and crosswalks, potential for painting murals and addition of flowers pots and hanging baskets.

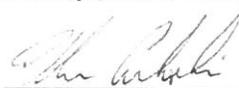
Now we are seeing an increase in activity not only with daily walking traffic but also with events. The Armory Arts and Events Center brings people into our downtown that otherwise would not come to Napoleon and we have more and more organizations holding events in downtown as well. These events include the Rib Fest, Witches Brew, and Symphony of Trees to name a few.

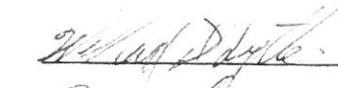
We recognize that the culture of the city government in Napoleon is changing and is becoming friendlier for businesses to thrive. We feel that the members of the downtown business district, in cooperation with the City of Napoleon, can attract and retain new and existing businesses in downtown by continuing to improve. Having a Designated Outdoor Refreshment Area would help attract more activity and give a social and economic boost to the Central Business District.

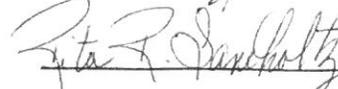
We sincerely appreciate your consideration and would gladly attend any public forums to provide additional comments.

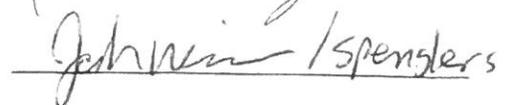
  
Dawnel B. Bickhoff Memory Keepers

  
Joan Cichocki

  
Ellie Cichocki

  
Rita R. Spensler

  
Johnnie Spensler

  
Johnnie Spensler

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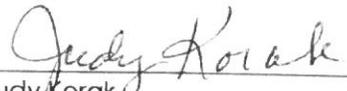
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Sean Baker  
Business Owner  
B&I TV and Appliance



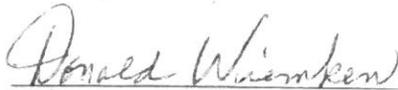
Judy Korak  
Business Owner  
Just Stuff



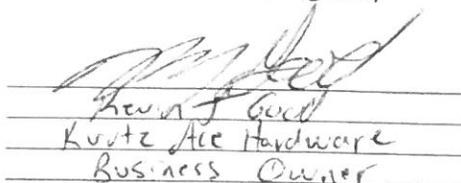
Michelle Fruth  
Business Owner  
Country Gourmet



Jack Collins  
Business Owner  
Jack Collins Insurance Agency



Donald Wisnicken  
Wendy Sines  
Business Owner



Kevin J. Good  
Kurtz Ace Hardware  
Business Owner

May 9, 2018

City Council Members  
City of Napoleon  
255 W. Riverview Avenue  
Napoleon, OH 43545

RE: Napoleon DORA (Downtown Outdoor Refreshment Area)

City Council Members:

Napoleon Alive would like to express our support for a DORA in Napoleon. We believe this would be a great addition to our community.

1) Events downtown could be enhanced with a DORA such as the Cruise Ins. People from Spengler's, Eddie J's Grille,... could more than gawk from afar but actually go over and support the event. 50/50's, Bake Sales,.. would all be enhanced and the car owners would enjoy the public appreciation. Fundraisers like last years Witches Walk put on by CASA would have more of a draw and be more participant friendly if they could carry their drinks with them. We believe more events like this would occur with a DORA.

2) Increase use of downtown. The Pocket Park is a prime example of an area that could be used more frequently by the ARTS Council and similar groups. Other events could happen in Main Street Parking Lot, by Family Video,...

3) Fight "Brain Drain". Young people move away saying there is nothing to do here. We can fight this with having a refreshment area and enhanced events in our community. Currently the city is trying to attract more housing into the community and we believe initiatives like this will help retain and attract young people. Also help the local work force attract educated people to the area.

4) Allow us to differentiate ourselves when we market Napoleon. Help us attract bus tours,.... in a way other area communities couldn't.

5) Allow our local businesses to expand their customer base. Eddie J's Grille, Spengler's, Flat Rock, Lumberyard, Clubs,... could create Corn Hole leagues and different outdoor events to attract people to Napoleon.

6) Attract more businesses to the community to fill places such as Brick n Brew,....

Napoleon Alive hopes you consider this by early Summer and support the growth of our community.

Respectfully,

Napoleon Alive

*Aligail Gostelmann*  
*Mary Dwyer*  
*Jayne Hubert*  
*AM*

*Long Herman*

STATE OF OHIO  
COUNTY OF HENRY

Sally Heaston, being first duly sworn, states that she is the General Manager of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in two issues in said paper, beginning on the 17th day of May, 2018, and ending on the 24th day of May, 2018.



Sally Heaston

Subscribed and sworn to before me this  
24th day of May, 2018



Beverly Griteman  
Notary Public,  
State of Ohio  
My Commission Expires  
February 13, 2021

Printer's Fee: \$91.60  
Notary Fee: \$1.50

**PUBLIC NOTICE**

An Application to establish a Designated Outdoor Refreshment Area, defined in the Ohio Revised Code Section 4301.82, has been submitted to the Napoleon City Council on May 16, 2018. The application is on file in the office of the Clerk of Council and can be reviewed by request at the Napoleon Administration Building located at 255 W. Riverview Ave., Napoleon, Ohio 43545 during regular business hours, or on the City's website at [www.napoleonohio.com](http://www.napoleonohio.com). Public hearings to discuss the creation of a Designated Outdoor Refreshment Area will be held on June 4, 2018 at 6:45 p.m. and June 18, 2018 at 6:45 p.m. at the Napoleon Administration Building. Written comments can be mailed to the Napoleon Administration Building or emailed to [agriffith@napoleonohio.com](mailto:agriffith@napoleonohio.com).

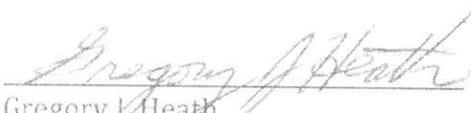
*City of Napoleon, Ohio*

**PUBLIC HEARING AGENDA**

Monday, June 4, 2018 at 6:45 pm

LOCATION: Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

- A. Review Napoleon Outdoor Refreshment Area (NORA).
- B. Adjournment.

  
Gregory J. Heath  
Finance Director/Clerk of Council

*City of Napoleon, Ohio*

**PUBLIC HEARING**

Monday, June 18, 2018 at 6:45 pm

LOCATION: Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

- A. Review Napoleon Outdoor Refreshment Area (NORA).
- B. Adjournment.



Gregory J. Heath  
Finance Director/Clerk of Council

**RESOLUTION NO. 032-18**

**A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF  
THE NAPOLEON OPEN REFRESHMENT AREA (NORA),  
MAKING CERTAIN FINDINGS AND DETERMINATIONS AND  
ENACTING REGULATIONS WITH RESPECT THERETO; AND  
DECLARING AN EMERGENCY**

**WHEREAS**, effective April 30, 2017, enacted Ohio Revised Code Section 4301.82 now authorizes cities in Ohio with a population less than thirty-five thousand (35,000) to designate within their corporate limits outdoor refreshment areas for the purpose of complimenting the cultural and economic success of the designated area. Outdoor Refreshment Areas allow individuals, subject to local time and place regulations, to possess and consume alcoholic beverages in designated public places provided the beverage is purchased from qualified permitted premises within the area. The operative effect is to exempt such individuals from open container laws. Locally established time and place regulations are coordinated with scheduled cultural activities within the designated area; and,

**WHEREAS**, several of the businesses and establishments within the suggested area have petitioned the City for an establishment of an outdoor refreshment area to be known as the Napoleon Outdoor Refreshment Area (NORA). The petition reflects the nature and types of establishments that will be located within the outdoor refreshment area. The proposed area is consistent with existing zoning and the proposed hours of operation and rules will ensure the continued public health and safety within the area; and,

**WHEREAS**, Ohio Revised Code Section 4301.82(F)(1) requires the City to establish requirements that the City determines necessary to ensure public health and safety in the area; and,

**WHEREAS**, Ohio Revised Code Section 4301.82(F)(2) provides for notice of this proposed action to be published in a newspaper of general circulation once a week for two (2) consecutive weeks; and,

**WHEREAS**, the outdoor refreshment area application as submitted, to include the premises of the permit holders located at the street addresses on Exhibit A meets the requirements of Ohio Revised Code Section 4301.82(B)(1 – 5), it being further clarified that the boundary of the designated outdoor refreshment area includes the premises of the permit holders located at the street addresses listed on Exhibit A; and,

**WHEREAS**, approval of the outdoor refreshment area will serve to enhance the experiences of the patrons of the business establishments and the special events within the area. **Now Therefore**,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON,  
OHIO:**

Section 1. That, pursuant to Ohio Revised Code 4301.82 there is hereby established and designated the Napoleon Outdoor Refreshment Area with the boundaries of the area, including the street addresses, as comprised and described in the application being attached hereto as Exhibit A and incorporated herein.

Section 2. That, it is hereby found and determined the Council of the City of Napoleon, Ohio for the purpose to insure the public health and safety within the area that the following are identified in Exhibit A and incorporated herein:

1. The number, spacing, and type of signage designating the area;
2. The hours of operation for the area;
3. The number of personnel needed to ensure public safety in the area;
4. The sanitation plan to maintain the appearance and public health of the area;  
and,
5. The number of personnel needed to execute the sanitation plan.

Section 3. That, it is hereby further found and determined by this Council that all beer and intoxicating liquor served in the area shall be served solely in new, unused official NORA cups.

Section 4. That, it is hereby further found and determined by this Council that the business, artistic, cultural and entertainment establishments located within the area will be enhanced hereby.

Section 5. That, the area will encompass no fewer than four (4) qualified liquor permit holders, all of which are identified in Exhibit A, attached hereto and made a part hereof, by business name, address, liquor permit type and liquor permit number.

Section 6. Also included in Exhibit A and in accordance with Ohio Revised Code Section 4301.82(F)(1)(c) are the hours of operation for the outdoor refreshment area, which will apply to all activity within the area, only as may be limited by approval of special event permitting. Also, the uses of the land within the proposed outdoor refreshment area are in accord with the Master Zoning Plan of the City of Napoleon, Ohio; and that the hours and rules of the area set forth in Exhibit A and incorporated herein, will ensure public health and safety.

Section 7. That, the sanitation plan that will help maintain the appearance and public health of the area as described in Exhibit A, attached hereto and made a part hereof, is hereby approved as meeting the requirements of Ohio Revised Code Section 4301.82(F)(1)(e – f), including the manner in which the number of personnel needed to carry out the sanitation plan shall be determined.

Section 8. That, the Municipal Properties, Buildings, Land Use, and Economic Development Committee of Council shall meet with the office of the City Manager to in regularly scheduled meetings review, and adjust if necessary, the security requirements of the outdoor refreshment area, as established herein, to ensure public health and safety is maintained. The first such meeting shall take place not more than forty-five (45) days after the initial implementation of the outdoor refreshment area.

Section 9. That, the Clerk of Council is hereby instructed forthwith to provide notice, including forwarding a copy of this Resolution No. 032-18, as required by Ohio Revised Code Section 4301.82 of the establishment of this outdoor refreshment area to the Superintendent of the Ohio Department of Commerce Division of Liquor Control and to the investigative unit of the Ohio Department of Public Safety, all in accordance with Ohio Revised Code Sections 4301.82(c) and 4301.82(F)(3).

Section 10. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open

meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 11. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 12. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time for the furtherance of economic development within the City of Napoleon, all of which affects the public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the outdoor refreshment area application process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: June 25, 2018

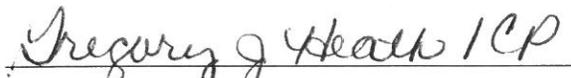
  
Joseph D. Bialorucki, Council President

Approved: June 25, 2018

  
Jason P. Maassel, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest:

  
Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 032-18 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

Certification

I, Gregory J. Heath, Finance Director/Clerk for the City of Napoleon, Ohio, do hereby certify that this document is a true and correct copy of **Resolution No. 032-18** passed **June 25, 2018**.

Gregory J. Heath / CP  
Gregory J. Heath  
Finance Director/Clerk of Council

6-26-2018  
Date