



**CITY COUNCIL**  
**REGULAR MEETING PACKET**  
**October 6, 2025 @ 6:00pm Heritage Hall in Smith Park**

1. Call to Order: Mayor Bill Cook
2. Roll Call: Clerk of Council
3. Invocation:
4. Pledge of Allegiance:
5. Action on Minutes: 09/15/25 Regular Meeting, 09/08/25 & 9/22/25 Special Meeting,
6. Communications: Proclamation by Mayor Cook – Lowell McGlothlin- Attached
7. City Manager Report: Attached
8. Committee Reports: Council Hear, Discuss and Vote on Conditional Use Permit  
Recommended by The Planning Board
9. Comments from Members of the Public: \*Comments limited to 5 minutes or less

**10. RESOLUTIONS: NONE**

**11. ORDINANCES: (1-Intro; – 1-Action\*)**

**\*A. Ordinance 2025-41 (Introduced on 9/15/25. Public Hearing, and Action Tonight)**

AN ORDINANCE AMENDING ORDINANCE 2018-08 FOR THE PURPOSE OF UPDATING THE FEE SCHEDULE FOR MISCELLANEOUS FEES AND PERMITS REQUIRED BY THE CITY OF NEW CARLISLE, OHIO

**B. Ordinance 2025-42E (Introduction Tonight. Public Hearing, and Action on 10/20/25)**

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE TERMS OF THE APRIL 4, 2025 SECONDARY OPIOID MANUFACTURERS' SETTLEMENTS, AND DECLARING AN EMERGENCY

**12. OTHER BUSINESS:**

○ Additional City Business:

- City Offices Closed: Monday, October 13, 2025, Columbus Day
- Open for Discussion on City Related Business

13. Executive Session:

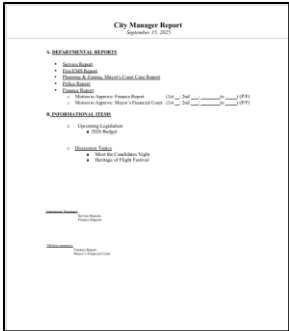
14. Return to Regular Session:

15. Adjournment:

Next Special Council Meeting is Tuesday, October 14, 2025 @ Fire Station 6:00PM  
Next Special Council Meeting is Wednesday, October 15, 2025 @ Fire Station 6:00PM  
Next Regular Council Meeting is Monday, October 20, 2025 @ Heritage Hall in Smith Park. 6:00PM

**RECORD OF PROCEEDING**  
**MINUTES: CITY OF NEW CARLISLE, OHIO**  
**REGULAR SESSION MEETING @ Heritage Hall on 9/15/25 @ 6:00 pm**

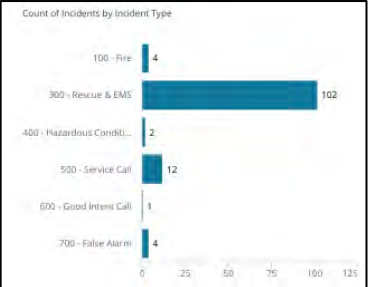
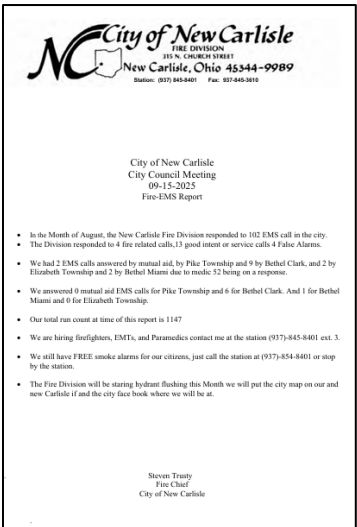
- 1. **Call to Order:** Mayor Cook calls the meeting to order.
- 2. **Roll Call:** Stapleton calls the roll – Cook, Bahun, Shamy, Wright, Lindsey, Eggleston- Absent: Grow **6 Members present, 1 absent**
- 3. **Invocation:** Chief Trusty
- 4. **Pledge of Allegiance:** All are welcome to participate
- 5. **Action on Minutes:**  
Action on Regular Session minutes of 9/2/25: 1<sup>st</sup>: Shamy, 2<sup>nd</sup>: Lindsey, YES: Eggleston, Cook, Bahun, Shamy, Wright, Lindsey NAY: 0 ABSENT: Grow **Accepted 6-0-1**
- 6. **Communications:**
- 7. **City Manager’s Report:**





8. **Committee Reports:**



- Brush removal – excavator rented – several areas completed, and a few more on the list.
- High service Pump – Layne Enterprises was awarded the business, planning for a December completion date
- All road resurfacing completed, with only a small portion remaining
- Monroe Meadows has begun section 2



- Still accepting applications for Fire, EMS, and Paramedics
- Hydrant flushing will be this week – the city website will list the locations

- |   |  |
|---|--|
|  <p>Court Report August 12, 2025</p> <p>Combs, Seth of Dayton pled guilty to Operating vehicle without license and was fined \$500 plus court cost. If defendant provides this court with proof of valid license within 180 days then \$300 will be suspended. Payment arrangements made.</p> <p>Engelbrecht, Gndy of New Carlisle pled no contest to Let Property &amp; Structure and Outdoor Storage. Fined \$500 plus court cost. If defendant gets property in compliance within 30 days according to the City, the fine will be suspended. On second count was fined court cost only.</p> | <p>CITY OF NEW CARLISLE MAYOR'S COURT</p>  <p>Court Report august 27, 2025</p> <p>Paschal, Frank of Dayton appeared after being arrested last week on a bench warrant for failure to appear. Defendants' payment plan is amended.</p> |
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NEW CAR/SLR	CALLS	ASSISTS	REPORTS	TRAFFIC STOP	CITATIONS	WARNINGS	ARREST	CODE ENFO	BUSINESS CHG	CRASH	PARKING CIT
August											
Dep. Bowers	53	7	8	5	0	5	1	6	32	1	0
Dep. Arnold	59	5	9	1	0	1	0	0	177	2	0
Dep. O'Brien	146	16	25	7	2	6	12	0	297	1	0
Dep. Thomas											
Dep. Schutte	85	2	2	9	1	8	0	0	335	0	0
Total	258	30	44	22	3	20	13	6	841	4	0


[illegible]

MONTH PAYMENT RECEIVED	CCA				STATE OF OHIO				ATTORNEY GENERAL			
	2024	2025	DIFFERENCE	% DIFFERENCE	2024	2025	DIFFERENCE	% DIFFERENCE	2024	2025	DIFFERENCE	% DIFFERENCE
JANUARY	\$152,657.05	\$203,464.23	\$50,807.18	6.42%	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$179.99	\$179.99	-
FEBRUARY	\$195,516.18	\$209,952.87	\$14,436.79	7.33%	\$12,117.33	\$4,617.39	\$7,499.94	-61.89%	\$0.00	\$7,322.96	\$7,322.96	-
MARCH	\$109,979.99	\$140,472.35	\$30,492.36	27.73%	\$2,627.55	\$1,567.50	\$-1,060.05	-22.89%	\$0.00	\$6,999.54	\$6,999.54	-
APRIL	\$140,841.59	\$180,159.31	\$39,317.72	20.23%	\$8,265.56	\$184.41	\$-8,081.15	-97.22%	\$4,334.38	\$6,090.95	\$1,756.57	40.53%
MAY	\$282,088.21	\$290,518.51	\$8,430.30	2.99%	\$4,732.18	\$1,131.80	\$-3,600.38	-76.08%	\$13,658.18	\$6,981.94	\$-6,676.24	-48.88%
JUNE	\$196,860.85	\$201,724.58	\$4,863.73	2.47%	\$38,203.73	\$41,694.44	\$3,490.71	9.14%	\$1,682.77	\$1,380.58	\$-302.19	-22.51%
JULY	\$215,548.23	\$230,980.11	\$15,431.88	7.14%	\$0.00	\$0.00	\$0.00	0.00%	\$636.01	\$506.44	\$-129.57	-20.37%
AUGUST	\$170,267.33	\$187,319.95	\$17,052.58	10.02%	\$15,415.26	\$5,819.02	\$-9,596.24	-61.99%	\$3,157.70	\$45.00	\$-3,112.70	-98.57%
SEPTEMBER	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00%
OCTOBER	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00%
NOVEMBER	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00%
DECEMBER	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00%
TOTALS	1,492,753.43	1,603,500.77	110,747.34	7.42%	72,582.70	55,054.56	\$-17,528.14	-24.15%	25,469.04	29,707.40	4,238.36	16.64%

COMBINED TOTAL NET COLLECTIONS-2025      \$1,688,262.73

- No Comments

Motion to accept Finance Report: 1<sup>st</sup>: Lindsey 2<sup>nd</sup>: Shamy YES: Wright, Lindsey, Eggleston, Cook, Bahun, Shamy NAY: 0 Absent: Grow – **Accepted 6-0-1**

			
MAYOR'S COURT REPORT			
FOR AUGUST 2025			
Total Charges: 15 (4 Traffic & 6 Other)			
Last Year: 22 (13 Traffic & 1 Criminal + 2 Other)			
FUND RECEIVED		CURRENT MONTH	YEAR-TO-DATE
Fines	\$	1,225.00	\$ 18,353.00
Court Cost	\$	1,202.00	\$ 13,583.00
Fees: Clark County Municipal (Transfer Cases)	\$	-	\$ -
Total Fees Paid (J.F. Brounour Chs. BIV)	\$	115.00	\$ 830.00
Other (Banc. Outlets)	\$	-	\$ -
Misc Fees Paid (All Time)	\$	-	\$ -
Bonds Collected	\$	-	\$ -
Restoration	\$	-	\$ -
SEE 17 Indirect Other Methods & Amount	\$	-	\$ -
TOTAL FUNDS RECEIVED	\$	2,666.00	\$ 30,766.00
FUNDS DISBURSED			
Victims of Crime	\$	63.00	\$ 792.00
Child Safety/Seat Belts	\$	-	\$ -
Indigent Defense Support Fund	\$	165.00	\$ 2,345.00
Drug Law Enforcement Fund	\$	17.00	\$ 287.50
Engagement	\$	60.00	\$ 50.00
State Bond Redemption (new as of 2019)	\$	-	\$ 150.00
TOTAL REMITTED TO STATE	\$	295.00	\$ 3,624.50
Indigent Criminal Alcohol Treatment (Springfield)	\$	7.50	\$ 127.50
Remitted to Cooperator Fund (Clark)	\$	126.00	\$ 1,178.00
Remitted to Cooperator Fund (Court)	\$	33.00	\$ 351.00
Remitted to Court Security Fund	\$	110.00	\$ 1,180.00
Remitted to Facility Fee	\$	55.00	\$ 595.00
Remitted to City of - Fees	\$	1,225.00	\$ 16,353.00
Remitted to City of - Court Court/Misc	\$	808.00	\$ 7,387.00
Remitted to City Jail Expenses	\$	-	\$ -
Remitted to City Enforcement & Education	\$	-	\$ -
Remitted to City Drug Analysis	\$	-	\$ -
SEE 18 Indirect Other Methods & Amount	\$	-	\$ -
TOTAL REMITTED TO CITY	\$	2,397.50	\$ 27,804.50
Capital Recovery	\$	-	\$ -
Restoration	\$	-	\$ -
Bonds forfeited	\$	-	\$ -
TOTAL DISBURSED	\$	2,660.00	\$ 30,766.00
Prepared & Submitted By: Wiley Thomas, Clerk of Court			

Motion to accept Finance Report: 1<sup>st</sup>: Lindsey 2<sup>nd</sup>: Shamy YES: Wright, Lindsey, Eggleston, Cook, Bahun, Shamy NAY: 0 Absent: Grow – **Accepted 6-0-1**

Mr. Hall began reviewing the City Manager’s report:

- Upcoming legislation: Would like to schedule work session for budget discussions, proposed dates to Council.
  - Motion for working session for budget planning on October 14 & 15, 2025 at 6:00 at the Fire house. 1<sup>st</sup>: Eggleston 2<sup>nd</sup>: Shamy YES: Wright, Lindsey, Eggleston, Cook, Bahun, Shamy NAY: 0 Absent: Grow **Accepted 6-0-1**
- Presented the idea of a meet the candidates for anyone running for council, to see if there is any interest from council. Council requested to bring this up again, once we know the candidates.
- Heritage of Flight festival is coming up on October 3-5, stage is going up now in town. Discussed the road closures and the great work with the new Sgt and HOF committee regarding the security needed during the festival.
- Councilman Lindsey expressed appreciation to Mr. Hall and all the administrative staff for the great job they are all doing.

9. **Comments from Members of the Public** (Comments less than 5 minutes)

- **Mike Lowery, 816 Plumwood Dr**
  - Spoke about some new activities at the Heritage of Flight this year
    - Wrestling – will have a full ring set up in front of Lee’s Chicken, Saturday at 6:00
    - Dog Contest – dress up your dog will be Saturday
    - Mile of Food will be back again, this is the biggest influx of food to the pantry, hopefully to meet our goal this year.
- **John Krabacher, 307 N. Henry St**
  - Great day at the community garden – shed had been vandalized recently, and Arbor Homes sent 10 volunteers to paint and clean up the shed, they also fixed the door that had been broke, Great Job!
  - Questioned the planned date for the swearing in of the Social Services commission. Mr. Hall explained that next Monday 9/22 will be the swearing-in and the 1<sup>st</sup> organizational meeting with council and commission both present.

10. **RESOLUTIONS:** (1- Intro; - 1- Action\*)

**\*A. Resolution 2025-12R (Introduction, Public Hearing, and Action Tonight)**

A RESOLUTION ACCEPTING THE OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES FOR 2026 ALONG WITH THE TAX YEAR 2026 RATES AND AMOUNTS CERTIFICATION FROM THE CLARK COUNTY BUDGET COMMISSION 1<sup>st</sup>: Shamy 2<sup>nd</sup>: Lindsey YES: Eggleston, Cook, Bahun, Shamy, Wright, Lindsey NAY: 0 Absent: Grow, **Accepted 6-0-1** ex. Annual legislation to receive property tax from levies

11. **ORDINANCES:** (1-Intro; – 1-Action\*)

**\*A. Ordinance 2025-40 (Introduced on 9/2/25. Public Hearing, and Action Tonight)**

AN ORDINANCE APPOINTING AND EMPLOYING A DIRECTOR OF LAW AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR LEGAL SERVICES 1<sup>st</sup>: Shamy 2<sup>nd</sup>: Lindsey YES: Eggleston,

Cook, Bahun, Shamy, Wright, Lindsey NAY: 0 Absent: Grow **Accepted 6-0-1** ex. 1 year renewal on the contract for the current law director. Mr. Hall commented on the great work Mr. Jefferies does, and the outstanding work relationship they have. Council commented on the great service Mr. Jefferies has done.

**B. Ordinance 2025-41 (Introduction Tonight. Public Hearing, and Action on 10/06/25)**

AN ORDINANCE AMENDING ORDINANCE 2018-08 FOR THE PURPOSE OF UPDATING THE FEE SCHEDULE FOR MISCELLANEOUS FEES AND PERMITS REQUIRED BY THE CITY OF NEW CARLISLE, OHIO

**12. Other Business:**

➤ Additional City Business

- City Offices Closed: Friday, October 3, 2025, at Noon (Heritage of Flight Festival)
- Intergovernmental Meeting September 29, 2025 @ THS at 6:30PM
- Open for Discussion on City Related Business
- Motion to excuse Councilwoman Grow from the meeting, 1<sup>st</sup>: Lindsey 2<sup>nd</sup>: Shamy YES:  
Wright, Lindsey, Eggleston, Cook, Bahun, Shamy NAY: 0 Absent: Grow **Accepted 6-0-1**

**13. Executive Session:**

**14. Return to Regular Session:**

**15. Adjournment: 1<sup>st</sup> Lindsey 2<sup>nd</sup> Shamy at 6:35pm**

YES: Wright, Lindsey, Eggleston, Cook, Bahun, Shamy NAY: 0 Absent: Grow **Accepted 6-0-1**

Mayor Bill Cook

Clerk of Council Christine Stapleton

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## RECORD OF PROCEEDING

MINUTES: CITY OF NEW CARLISLE, OHIO

SPECIAL/WORK SESSION MEETING @ Heritage Hall on 9/8/25 @ 6:00 pm

1. **Call to Order:** Mayor Cook calls the meeting to order.
2. **Roll Call:** Stapleton calls the roll – Cook, Grow, Bahun, Shamy, Wright, Lindsey, Eggleston **7 Members present**
3. **Invocation:** Councilman Lindsey
4. **Pledge of Allegiance:** All are welcome to participate
5. **Action on Minutes:**
6. **Communications:**
7. **City Manager’s Report:**
8. **Committee Reports:**
9. **Comments from Members of the Public** (Comments less than 5 minutes)
10. **RESOLUTIONS:** (None)
11. **ORDINANCES:** (None)
12. **Other Business:**
  - a. Additional City Business
    - **Columbarium**
      - Discuss Rules and Pricing: Install will be this fall at the cemetery.
      - Discussion on pricing / fees – between council and administration.
      - Motion to set the fee schedule for the columbarium 1. Set at higher prices in packet and include the interment fee, 2. 1<sup>st</sup> 20 pre-sale at reduced rate 3. \$100 on Saturday and \$200 Sunday and Holiday extra fees 4. Buy Back 15% Admin fee 5. No Admin fee for Inter-family transfer 6. \$450 dis-interment fee. **1<sup>st</sup>: Lindsey 2<sup>nd</sup>: Shamy YES: Wright, Lindsey, Eggleston, Cook, Grow, Bahun, Shamy NAY: 0 Accepted 7-0**
      - Additional discussion about engraving and special emblems will follow up with Mr. Jeffries about any legislation before passing.
    - Social Service Commission Interviews
      - 6:30PM: Michael Barclay
      - 6:45PM: Raymond Elam
    - City Parks
      - Nature Forest, **Maria Norman** spoke about the benefits of a natural forest, and native plants. Reviewed phases of plan. Discussion about plans for Madison Ave. land with potential to use for a natural forest. Council requested a possible blueprint of the layout, and would like to work in tandem with planting trees and dedicating these
      - Dog Park: Also looking for other areas that can possibly be used for a dog park. Council requested to look at Pros and Cons of having these, may be able to reach out to other communities that have these – check with insurance about liability.
      - A lot of great ideas have been brought up, trying to investigate all of the different options.
        - Currently going through preliminary review of potential soccer fields near Haddix field and possible pickleball court in the same area.
        - Disc Golf Course is still in the works as well and will be great and a great nature trail to play through.
    - Open for Discussion on City Related Business
13. **Executive Session:** To discuss the appointment, employment, dismissal, promotion, demotion or compensation of a public employee or official
  - a. Motion to move to discuss the appointment, employment, dismissal, promotion, demotion or compensation of a public employee or official at 7:07pm **1<sup>st</sup>: Lindsey 2<sup>nd</sup>: Shamy YES: Wright, Lindsey, Eggleston, Cook, Grow, Bahun, Shamy NAY: 0 Accepted 7-0**
  - b. **Return to Regular Session:** Motion to return to Regular Session @ 7:25pm **1<sup>st</sup>: Lindsey 2<sup>nd</sup>: Shamy YES: Wright, Lindsey, Eggleston, Cook, Grow, Bahun, Shamy NAY: 0 Accepted 7-0**

- c. Motion to accept all Michael Barclay and Raymond Elam for the Social Services Commission: **1<sup>st</sup>: Lindsey 2<sup>nd</sup>: Shamy** YES: Wright, Lindsey, Eggleston, Cook, Grown, Bahun, Shamy NAY: 0 **Accepted 7-0**

**14. Adjournment: 1<sup>st</sup> Lindsey 2<sup>nd</sup> Shamy @ 7:51 pm**  
YES: Wright, Lindsey, Eggleston, Cook, Grow, Bahun, Shamy NAY: 0, ABSENT: Lindsey  
**Accepted 7-0**

Mayor Bill Cook

Clerk of Council Christine Stapleton

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**RECORD OF PROCEEDING**

MINUTES: CITY OF NEW CARLISLE, OHIO

SPECIAL/WORK SESSION MEETING @ Heritage Hall on 9/22/25 @ 6:00 pm

1. **Call to Order:** Mayor Cook calls the meeting to order.
2. **Roll Call:** Stapleton calls the roll – Cook, Grow, Bahun, Shamy, Wright, Lindsey, Eggleston **7 Members present**
3. **Invocation:** Chief Trusty
4. **Pledge of Allegiance:** All are welcome to participate
5. **Action on Minutes:**
6. **Communications:**
7. **City Manager's Report:**
8. **Committee Reports:**
9. **Comments from Members of the Public** (Comments less than 5 minutes)
10. **RESOLUTIONS:** (None)
11. **ORDINANCES:** (None)
12. **Other Business:**
  - a. Additional City Business
    - Appoint Social Service Commission Members
      - Swear in Members – all members were sworn in by Clerk of Council
    - Social Service Commission Organization – Mr. Moore organized motions and votes for elected positions:
      - Elect President – Mr. Barclay
      - Elect Vice President – Mrs. Casto
      - Elect Secretary – Mrs. Dupuis
    - City Council Expectations of Social Service Commission – Open discussion between Council, administration, and commission members on expectations of the commission, items that will need to be discussed at the first organizational meeting, structure of the commission, financial needs of the commission, Reporting, confidentiality, and communication with council
      - Council members expressed their gratitude to the commission members for stepping up to help and be a part of this new commission.
    - Bylaws Discussion – Parks and Rec Sample Attached – Discussed and reviewed some of the bylaws and the plan to go in depth at the first organizational meeting, all commission members were given packets with a sample bylaw to review prior to the next meeting. Mr. Moore to follow up with Mr. Hall regarding communication for the members, such as email accounts and additional social media methods to reach out to the community.
    - Set Monthly Meeting Day/Time – Mr. Moore organized motions and voting by the commission members to determine the timing of the meetings: 1<sup>st</sup> Thursday of each month at 6:00pm, first meeting to be held November 6<sup>th</sup>, 2025.
    - Open for Discussion on City Related Business
      - Chief Trusty proposed to council a donation for the Fire Department Open house, and if council would like to be included on Saturday October 11<sup>th</sup> from 12-4. Motion to donate \$200 to the Fire Department Open House: **1<sup>st</sup>: Lindsey 2<sup>nd</sup>: Shamy YES: Wright, Lindsey, Eggleston, Cook, Grow, Bahun, Shamy NAY: 0 Accepted 7-0**
      - Motion to honor Lowell Mcglothin with a proclamation, as Heritage of Flight is planning to honor him at the upcoming festival, council would like to also honor him **1<sup>st</sup>: Cook 2<sup>nd</sup>: Shamy YES: Wright, Lindsey, Eggleston, Cook, Grow, Bahun, Shamy NAY: 0 Accepted 7-0**
      - Councilwoman Wright requested for Chief Trusty to consider putting together a video showing some of the daily activities of the fire department, always interesting to watch how they suit up, what they are responsible to do as well.
13. **Executive Session:**
14. **Adjournment: 1<sup>st</sup> Eggleston 2<sup>nd</sup> Lindsey @ 6:58 pm**

YES: Eggleston, Cook, Grow, Bahun, Shamy, Wright, Lindsey NAY: 0 **Accepted 7-0**

Mayor Bill Cook

Clerk of Council Christine Stapleton

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# Office of the Mayor

## Proclamation

WHEREAS, the City of New Carlisle joins the Heritage of Flight Committee and the citizens of Clark County in proudly recognizing Lowell R. McGlothlin as the 2025 Heritage of Flight Festival Grand Marshal; and

WHEREAS, Lowell R. McGlothlin was born and raised in Clark County, graduated from Tecumseh High School, and honorably served his country as a United States Marine, traveling the Pacific in service to his nation; and

WHEREAS, following his military service, Lowell embarked on a successful modeling career in New York City while remaining deeply connected to his hometown, later returning to New Carlisle to raise his family, build a business, and establish McGlothlin Insurance Co., which served the community for more than 25 years; and

WHEREAS, Lowell has dedicated decades of public service to his community, serving on New Carlisle City Council from 2002–2016, including four years as Mayor, and later as Clark County Commissioner for two terms from 2017–2024; and

WHEREAS, his commitment extends beyond elected office, with active service in organizations including Rotary, the American Legion, the Masonic Lodge, the New Carlisle Library Board of Trustees, and the Heritage of Flight Committee; and

WHEREAS, Lowell is also a devoted father and grandfather, who continues to inspire others through his leadership, volunteerism, and encouragement for young people to become involved in their community; and

WHEREAS, his life of service exemplifies the spirit of community, leadership, and pride that defines the City of New Carlisle and the Heritage of Flight Festival.

NOW, THEREFORE, BE IT PROCLAIMED that I, Bill Cook, Mayor of the City of New Carlisle, on behalf of the City Council and all our citizens, do hereby honor **Lowell R. McGlothlin** for his lifetime of service and leadership and congratulate him on being named the **2025 Heritage of Flight Festival Grand Marshal**.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Carlisle to be affixed

Signed this 6th day of October 2025.

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Bill Cook, MAYOR  
City of New Carlisle, Ohio

# City Manager Report

*October 6, 2025*

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## **A. DEPARTMENTAL REPORTS**

- The Following Departmental Reports will be given at the next City Council meeting that will be held on Monday, October 20, 2025; Finance, Public Service, Fire/EMS, Police, Planning & Zoning, and Mayor's Court Report.

## **B. INFORMATIONAL ITEMS**

- Upcoming Legislation
  - Liability Insurance
  -
- Discussion Topics
  - Heritage of Flight Wrap Up

Attachment Summary:

Motion summary:



**City of New Carlisle**

331 South Church Street  
New Carlisle, Ohio 4344  
937-845-9492



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**PLANNING BOARD**

Case #PB25-006

*Date 09/16/2025*

*Applicant Name: Dominica Salisbury*

*Applicant Address: 618 W. Jefferson St.*

*Applicant City: New Carlisle*

*Ohio. 45344*

Mr. Moore, Members of City Council

On September 16, 2025 at 6:00PM the City of New Carlisle Planning Board held a public meeting at Heritage Hall for Conditional use PB25-006 Located at 618 W, Jefferson St. for a Cottage Bakery. The Planning Board approved this Conditional use with the following restrictions.

1. Cannot use the front porch as a pickup location for the home baked goods.
2. Cannot use indoor furniture to store and display home baked goods on the front porch.
3. Cannot use parking signs to establish specific parking on a public roadway.
4. Must obtain a sign application and complete, return and pay for the approved permit prior to any signage being installed or erected.

This Conditional use permit is sent to Council for final approval, and any changes Council would like to make.

*Planning Board President*

*Signature Steve Fields.*

# Minutes of September 16, 2025, Planning Board Meeting

## PB 25-006 Salisbury Conditional Use

Planning Board president Mr. Fields called the meeting to order at 6:00 pm.

Mr. Moore called the roll with the following Planning Board members:

- Mr. Fields
- Mrs. Fields
- Mr. Putterbaugh
- Mrs. Hoffman-Absent
- Mrs. McFarland -Absent

The following City staff members were present:

- Bryan Moore, Planning Director

The following members of the public were present:

- Dominica Salisbury
- Amanda Chalmers 6325 Rolling Hills Dr.  
Huber Heights, Oh 45424

Approval of the May 20, 2025, Meeting was approved with a first from Mrs. Fields and a second from Mr. Puterbaugh. The minutes were approved 2-0-2.

## Planning Board Staff Report

**Case Number PB 25-006**

**Case Name:** Salisbury Conditional Use

**Hearing Date:** September 16, 2025

**Hearing Location:** Heritage Hall Shelter House

**Hearing Time:** 6:00PM

### I. General Information and Case Description

<b>Case Type:</b>	Conditional Use
<b>City Council:</b>	Will receive any recommendations from Planning Board
<b>Applicant:</b>	Dominica Salisbury
<b>Property Location</b>	618 W. Jefferson Street New Carlisle, Ohio 45344
<b>Owner:</b>	Cole & Dominica Salisbury
<b>Parcel Numbers:</b>	0300500034210001
<b>Adjacent Properties:</b>	<b>Zoning</b>
<b>North:</b>	R5 Medium Density Residential
<b>South:</b>	R4 One & Two Family Residential
<b>East:</b>	R4 One & Two Family Residential
<b>West:</b>	R5 Medium Density Residential
<b>Parcel Size:</b>	8424SF
<b>Current Zoning:</b>	R4 One & Two Family Residential

### II. Exhibits and Attachments

Item	Purpose
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Planning Board Staff Report	Details of the Case
Conditional Use Application	Application for Planning Board Lot Split
Zoning Code	Chapter 1284 Conditional Uses Chapter 1254 R-4 One and Two-Family Residential Districts 1280.27 Home Occupations 1244.02 Planning Board
Site Plan	Aerial View of Property
Legal Ad	Required by City Code
Resident Notification	Of Property Owners within 500ft of Application Address

## **II. Pertinent Code Sections**

- CHAPTER 1254 R-4 One and Two-Family Residential Districts
- 1244.02 Planning Board
- 1280.27 Home Occupations
- Chapter 1284 Conditional Uses

## **III. Staff Notes**

- **Upcoming Timeline**
  - TONIGHT-9/16/2025 City of New Carlisle Planning Board hearing to review, discuss, hear public comments, and vote on a recommendation to City Council to approve or deny with or without modifications a conditional use.
  - The City Council shall hold a Public Hearing not more than 40 days from the date of receiving the Planning Board recommendation.
  - The City Council, within 30 days, shall adopt or deny the Planning Board recommendation via Ordinance.
  - Conditional Use shall be effective 30 days after the City Council vote.

## **IV. Staff Narrative**

Dominica Salisbury is seeking a conditional use permit for a home bakery business. New Carlisle City Ordinance 1280.27 states that home bakeries are conditionally permitted in the R4 Zoning District. Mrs. Salisbury plans to operate her business under cottage law. Ohio cottage bakery laws, governed by the Ohio Department of Agriculture (ODA), allow the production and sale of non-potentially hazardous baked goods such as cookies, breads, brownies, cakes, and fruit pies.

Mrs. Salisbury established Sugar Revival, LLC on August 14, 2025 with the state of Ohio with the purpose of this limited liability company is to produce, package, market and sell small batch and cottage style sweet goods, including edible cookie dough, crispy treats, cotton candy and other desserts through direct-to-consumer and event-based sales and to engage in any other lawful business permitted under the laws of the State of Ohio.

City staff have reviewed the application and the attachments and are mostly satisfied with Mrs. Salisbury having a home bakery business with some modifications. The suggested modifications include Mrs. Salisbury to follow the regulations set forth in City Ordinance 1280.27 for Home Occupations specifically meeting the following requirements:

The proposed cabinet or any cabinet or front porch cannot be used as part of the home occupation.

- Chapter 1280.27 (b) Permitted Home Occupations. A “home occupation” is any activity carried out for financial gain by a resident that is conducted as an accessory use in the resident's dwelling unit. **Therefore, the front porch and a cabinet cannot be used for the home occupation because the front porch is not “in” the resident’s dwelling unit.**

- Chapter 1280.27 (c) Conditions for Operation. A home occupation shall meet the following conditions:
  - Not more than 25% of the floor area nor more than 500 square feet of the dwelling unit may be used in connection with a home occupation. Floor area of a dwelling unit, in this case, shall include the floor area of all heated and ventilated, and thereby habitable rooms and areas within the dwelling unit, including basements and habitable attic space of the dwelling unit, and attached garages shall be used in the conduct of the home occupation. **The front porch is not heated and ventilated or a habitable room.**
  - There shall be no change in the outside appearance of the dwelling, or other visible evidence of the home occupation, other than a sign, not illuminated and not larger than two square feet. **The cabinet is designed for indoor furniture and changes the outside appearance of the dwelling. Plus, the cabinet is a violation of City Ordinance 1280.20 Outdoor Storage and Display. Only one sign two square feet may be placed in the yard or attached to the principal structure. A residential sign permit will be required, approved and paid prior to the placement of the sign.**
  - A home occupation shall be carried on wholly within the principal building. **The front porch again is not within the principal building. The front porch is an accessory to the principal building.**
  - No traffic shall be generated by the operation of the home occupation which is greater than traffic volumes normally expected in the neighborhood, such as vehicles of occupants and a limited number of service vehicles. All parking shall be located off the street, and if located in a front yard, shall only be permitted on the driveway. **This is a low traffic corner lot on W Jefferson and Ohio Ave. Parking on Ohio Ave may require a variance with the BZA and or City Council's vote to finalize the conditional use.**
  - There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of a home occupation. **Parking signs directing traffic where to park is prohibited. The parking sign would specifically provide customers where to park and is a violation of City Ordinance 1280.27 (c).**

## **V. Staff Recommendation**

- The Planning Board should make a motion tonight and recommend the same for City Council as follows:
  1. Will vote to approve or deny with or without modifications the conditional use for a home bakery in a residential district.

### **Suggested Modifications:**

- Cannot use front porch as a pickup location for the home baked goods.
- Cannot use indoor furniture to store and display home baked goods on the front porch.
- Cannot use parking signs to establish specific parking on a public road.
- Must obtain a sign application and complete, return and pay for the approved permit prior to any signage being installed or erected.

**END OF STAFF REPORT**

## September 16, 2025-Minutes Recorded

The following members of the public spoke at the meeting:

- Amanda Chalmers asked if the cabinet was allowed to be on the porch? Mr. Fields and Mr. Moore confirmed that it is not allowed and that the applicant can seek a variance with the BZA. Mr. Moore stated that the BZA is not likely to approve such variance as it is considered outdoor storage and display and indoor furniture is not permitted to be displayed outdoors and used for storage.
- Dominica Salisbury commented that she will be receiving a home bakery license and that where she can hand product directly to the consumer and remove the structure from the porch. Mr. Moore confirmed that Mrs. Salisbury is modifying the request by removing the cabinet. Mrs. Salisbury asked about the signage using Sugar Revival Parking with an arrow. Mr. Moore confirmed that the parking signs are prohibited and that only one 2SF sign with the business name can be used.
- Mr. Fields confirmed to Mrs. Chalmers that they cannot use the front porch for the home occupation, need to remove the structure from the porch, nix the parking signs, and apply and pay for a residential sign permit before installing the sign
- Mrs. Chalmers asked if they could put out a table for Heritage of Flight. Mr. Moore confirmed that it would be a violation to do so because home occupations must be performed inside the dwelling unit.

The following were Planning Board discussion topics:

- No comments or discussion by members

The Planning Board made the following motions:

- Motion to approve conditional use recommendation to council with modifications not to use the front porch, not to use the cabinet structure, not to use parking signs, and to apply and pay for a sign permit prior to sign installation.
  - Mr. Fields-1<sup>st</sup> Yes
  - Mrs. Fields-2<sup>nd</sup>-Yes
  - Mr. Puterbaugh-Yes
- Motion to adjourn 6:27pm
  - Mr. Putterbaugh-1<sup>st</sup> Y
  - Mrs. Fields-2<sup>nd</sup> Yes
  - Mr. Fields-Yes

**END OF MEETING MINUTES**



CITY OF NEW CARLISLE  
**PLANNING BOARD REGULAR MEETING**  
September 16, 2025 @ 6:00PM

***Location: Meeting will be held in person at 801 W. Jefferson St, Heritage Hall Shelter House.***

1. Call Meeting to Order: Mr. Steve Fields, Board President

2. Roll call:

- Mr. Fields
- Mrs. McFarland
- Mr. Putterbaugh
- Mrs. Fields
- Mrs. Hoffman

3. Approval of the Minutes of May 20, 2025, Meeting:

- Mr. Fields
- Mrs. McFarland
- Mr. Putterbaugh
- Mrs. Fields
- Mrs. Hoffman

4. Public Hearing on the following:

☐ **PB 25-006 Salisbury Conditional Use**

- Staff Comments
- Public Comments
- Board Comments

☐ Motion - The Planning Board must pass a motion to vote to approve/deny conditional use with/without modifications and recommendation to City Council.

- Mr. Fields
- Mrs. McFarland
- Mr. Putterbaugh
- Mrs. Fields
- Mrs. Hoffmam

5. Miscellaneous Motions (if any):

Motion #1 Reason:	Motion #2 Reason:	Motion #3 Reason:

- Mr. Fields
- Mrs. McFarland
- Mr. Putterbaugh
- Mrs. Fields
- Mrs. Hoffman
- Mr. Fields
- Mrs. McFarland
- Mr. Putterbaugh
- Mrs. Fields
- Mrs. Hoffman
- Mr. Fields
- Mrs. McFarland
- Mr. Putterbaugh
- Mrs. Fields
- Mrs. Hoffman

6. Adjournment: (Time: \_\_\_\_\_)- Next Meeting Date October 21, 2025

- Mr. Fields
- Mrs. McFarland
- Mr. Putterbaugh
- Mrs. Fields
- Mrs. Hoffman





## Planning Board Staff Report

**Case Number PB 25-006**

**Case Name:** Salisbury Conditional Use

**Hearing Date:** September 16, 2025

**Hearing Location:** Heritage Hall Shelter House

**Hearing Time:** 6:00PM

### **I. General Information and Case Description**

<i>Case Type:</i>	Conditional Use
<i>City Council:</i>	Will receive any recommendations from Planning Board
<i>Applicant:</i>	Dominica Salisbury
<i>Property Location</i>	618 W. Jefferson Street New Carlisle, Ohio 45344
<i>Owner:</i>	Cole & Dominica Salisbury
<i>Parcel Numbers:</i>	0300500034210001
<i>Adjacent Properties:</i>	<b>Zoning</b>
<b>North:</b>	R5 Medium Density Residential
<b>South:</b>	R4 One & Two Family Residential
<b>East:</b>	R4 One & Two Family Residential
<b>West:</b>	R5 Medium Density Residential
<i>Parcel Size:</i>	8424SF
<i>Current Zoning:</i>	R4 One & Two Family Residential

### **II. Exhibits and Attachments**

<b>Item</b>	<b>Purpose</b>
Planning Board Staff Report	Details of the Case
Conditional Use Application	Application for Planning Board Lot Split
Zoning Code	Chapter 1284 Conditional Uses Chapter 1254 R-4 One and Two-Family Residential Districts 1280.27 Home Occupations 1244.02 Planning Board
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City staff have reviewed the application and the attachments and are mostly satisfied with Mrs. Salisbury having a home bakery business with some modifications. The suggested modifications include Mrs. Salisbury to follow the regulations set forth in City Ordinance 1280.27 for Home Occupations specifically meeting the following requirements:

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City of New Carlisle  
Planning Department

331 S. Church Street  
New Carlisle, Ohio 45344  
937.845.9492  
[bmoore@newcarlisleohio.gov](mailto:bmoore@newcarlisleohio.gov)

PLANNING BOARD  
APPLICATION  
CONDITIONAL USE

CONDITIONAL USE APPLICATION INSTRUCTIONS

The Conditional Use Application **must** include the following items:

1. A legal description of the property.
2. A description of the **EXISTING** and **PROPOSED** use of the property.
3. A description of the proposed Conditional Use.
4. A statement of the necessity or desirability of the proposed use to the neighborhood or community;
5. A statement of compatibility of the proposed use to adjacent property and to include; the effect of such elements as noise, light, glare, odor, fumes and vibration on adjoining property;
6. Such other information regarding the property, proposed use, or surrounding area may be pertinent to the application or required for appropriate action by the Planning Board.



New Carlisle  
00000-001 00000-001

Paid: \$200.00  
Tendered: \$200.00 Cash  
Change: \$0.00

8/26/2025 1:14 PM #2501837

Thank you very much!  
Have a Nice Day!

The application shall be accompanied by **two (2) copies of a plot plan**, drawn to appropriate scale, clearly showing the following:

1. The boundaries and dimensions of the lot;
2. The size, height, and location of existing and proposed structures;
3. The proposed use of all parts of the lot and structures, and all applicable information regarding parking and loading areas, traffic access and circulation, open space, landscaping, utilities, signs, lighting, yards, and any other information the Planning Board may require to determine if the proposed Conditional Use meets the intent and requirements of the Zoning Code of the City of New Carlisle.
4. The use of land and location of structures on adjacent property;
5. \$200 Application Fee
6. A list of all owners (including addresses) of land within (500) feet shall be submitted either as a part of the map or as a supplement thereto. The address of owners of land shall be that appearing on the current County Auditor's tax list or County Treasurer's mailing list (***Check with Planning Department as they may have the address list due to notification mailings***).

**PERIOD OF VALIDITY**

A Conditional Use granted by the Planning Board shall automatically expire at the end of six (6) months from the date on which the Planning Board grants the Conditional Use unless the use has begun/and or a building permit is obtained and the erection or alteration of a structure is started.





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PLANNING BOARD  
APPLICATION  
CONDITIONAL USE

*The undersigned requests a Conditional Use Permit for the use specified below. Should this application be approved, it is understood that it shall only authorize that particular use described in this application and any conditions or safeguards required by the Planning Board and/or City Council*

Fee: \$200

**PLEASE READ THE REQUIREMENTS AND INSTRUCTIONS BEFORE STARTING THIS APPLICATION**

**1. Applicant Information**

Name of Applicant: Dominica Salisbury Email: dominicalynh@gmail  
Mailing Address: 1618 W. Jefferson St., New Carlisle, OH 45344  
Phone Number: 937 260 5006 Additional Number: 937 723 1312

**2. Location Description**

Address of Property: 1618 W. Jefferson St., New Carlisle, OH 45344  
Property Owner: Cole and Dominica Salisbury Property Owner Phone: 937 260 5006  
Property Owner Mailing Address: 1618 W. Jefferson St., New Carlisle, OH 45344  
Existing Use (i.e., residential, commercial, etc.): Residential  
Zoning District (If not known, leave blank): \_\_\_\_\_

**3. A description of the existing and proposed use of the property:** Main family residents and small batch cottage bakery. Proposed use would be able to sell goods from bakery out of a cabinet on front porch.

**4. Conditional Use description (Nature of your business):** Small batch cottage bakery.



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PLANNING BOARD  
APPLICATION  
CONDITIONAL USE

5. A statement of the necessity or desirability of the proposed use to the neighborhood or community: \_\_\_\_\_

\* see attached

6. A statement of compatibility of the proposed use to adjacent properties and land uses to include the effects of such elements as noise, light, glare, odor, fumes, and vibration on adjoining properties: \_\_\_\_\_

none of this is applicable.

7. Such other information regarding the property, proposed use, or surrounding area that may be pertinent to the application or required for appropriate action by the Planning Board: Clear parking

sinage will be used to indicate parking ONLY  
on Ohio Street.

Application Checklist for Applicant

\$200 Fee ☐ Legal Description ☐ Plot Plan (2) – See Instructions ☐

I certify that the information and statements contained in this application and its supplements are true and correct. I also understand that this permit shall automatically expire at the end of six (6) months from the date on which the Planning Board of the City of New Carlisle grants the conditional use unless the use is begun and/or a building permit is obtained and the erection or alteration of a structure is started.

Dominica Salisbury  
Signature of Building Owner

Dominica Salisbury  
Signature of Applicant

8/26/25  
Date

8/26/25  
Date



# Conditional Use Application Additional Information

---

## Description of the Existing and Proposed Use of the Property:

### Existing Use:

The property is currently used as a private residential home with permission to operate a cottage bakery out of the home kitchen.

### Proposed Use:

We are requesting approval for a small seasonal, non-permanent porch-based stand under the name of our business, **Sugar Revival**, offering cottage foods such as cotton candy, cookies, cupcakes, gourmet Rice Krispy treats and edible cookie dough. All goods are produced in our home kitchen under Ohio's cottage food laws and sold directly from our front porch for porch pickup.

---

## Description of the Proposed Conditional Use:

The conditional use would permit Sugar Revival to operate as a **home-based cottage food porch stand**. It will involve the sale of non-potentially hazardous, shelf-stable foods a few days per week, primarily during warmer months. We plan to use a small, decorated table or porch cabinet for pickup. Marketing will be online only, with clearly posted hours and signage to direct customers to appropriate parking on our side street (not the state route in front).

---

## Statement of the Necessity or Desirability of the Proposed Use to the Neighborhood or Community:

Sugar Revival provides a nostalgic, small-town experience that brings joy, local flavor, and walkable fun to New Carlisle. Our stand promotes positive community engagement, gives neighbors a place to visit and enjoy homemade sweets, and could draw visitors to explore downtown. We're working on printed flyers to promote other small businesses and eateries in town, who are interested, helping boost the visibility and patronage of fellow entrepreneurs. This stand creates charm and economic opportunity while honoring local values and family-friendly fun.

---

## Statement of Compatibility with Adjacent Properties:

Sugar Revival will operate in a way that is respectful and compatible with neighboring homes and businesses. We will keep hours limited to daytime/early evening, limit outdoor lighting to soft decorative bulbs, and not use any amplified sound. All customer parking will be directed to our quiet side street, and signage will ensure there is **no disruption to traffic on the main road**. All displays will be tidy and tasteful, and we will ensure that there is no odor, noise, glare, or vibrations that would impact adjacent properties.

---

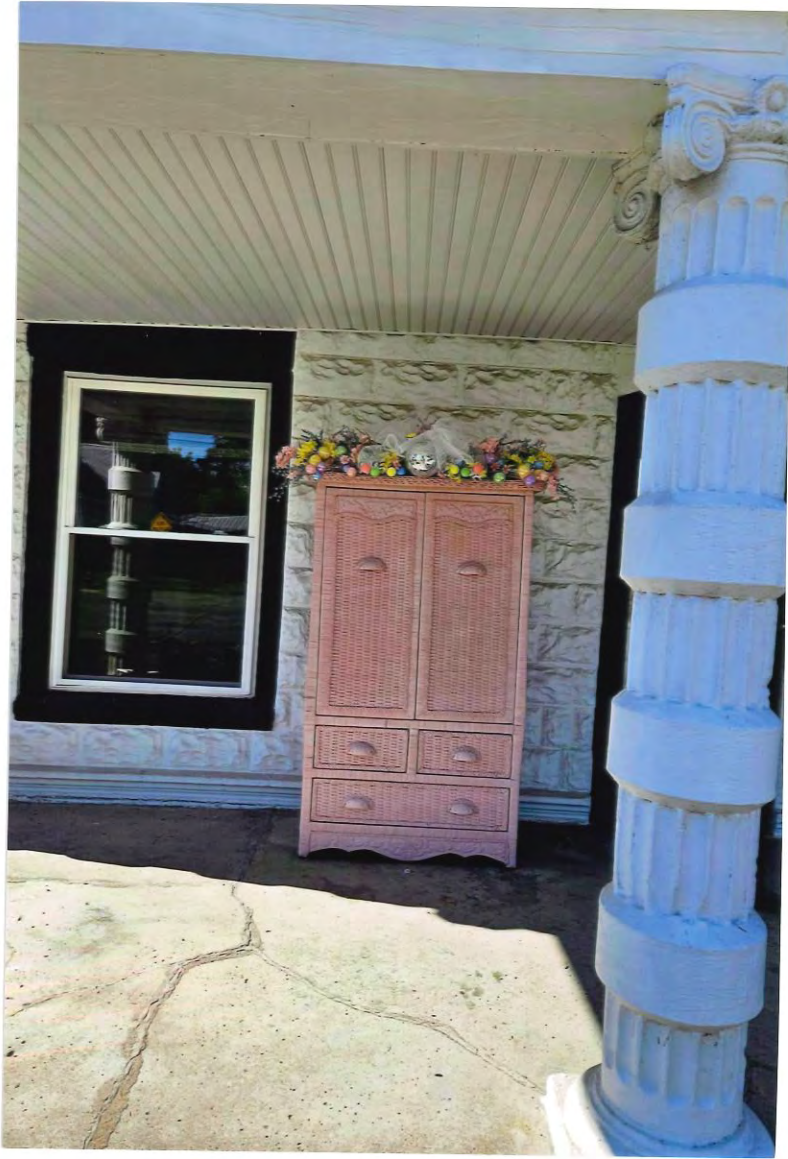
## Other Pertinent Information:

- **Location visibility:** Though the porch faces a state route, parking will take place on our quiet side street to ensure safety.
- **Traffic signage:** We will post signs encouraging guests to park on the side street.
- **Community connection:** We hope to partner with other New Carlisle businesses through shared flyers and possibly seasonal events.
- **Compliance:** We are compliant with Ohio Cottage Food Law, have an LLC and EIN, and collect/remit applicable taxes.
- **Community Respect:** We are committed to maintaining a clean, welcoming porch and yard area.
- **Proposed use:** There will be no signage permanently affixed to the home











## **CHAPTER 1284**

### **Conditional Uses**

[1284.01](#) Intent; scope.

[1284.02](#) Permit applications.

[1284.03](#) General standards.

[1284.04](#) Specific requirements. (Repealed)

[1284.05](#) Conditions and safeguards.

[1284.06](#) Hearings before Planning Board.

[1284.07](#) Hearings before Council.

[1284.08](#) Expiration of permit.

[1284.09](#) Violations.

#### ***CROSS REFERENCES***

Restrictions on location of buildings and structures - see Ohio R.C. 713.07

Appeals and variances - see P. & Z. [1244.04](#) et seq.

Nonconforming uses - see P. & Z. [Ch. 1282](#)

Temporary uses - see P. & Z. [Ch. 1286](#)

Signs - see P. & Z. [Ch. 1290](#)

Off-street parking and loading - see P. & Z. [Ch. 1292](#)

#### **1284.01 INTENT; SCOPE.**

It is recognized that new kinds of uses are appearing daily and that many of these, and some other more conventional uses, possess characteristics of such unique and special nature, relative to location, design, size, method of operation, circulation and public facilities, that each specific use must be considered individually. These specific uses, as they are conditionally permitted under this Zoning Code, shall follow the procedures set forth in this chapter.

(Ord. 92-35. Passed 12-21-92.)

#### **1284.02 PERMIT APPLICATIONS.**

An application for a conditional use permit shall be filed with the Planning Director by at least one owner or lessee of the property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- (a) The name, address and phone number of the applicant;
- (b) A legal description of the property;
- (c) A description of the existing use;

(d) The present zoning district;

(e) A description of the proposed conditional use;

(f) A plan, drawn to scale, of the proposed site for the conditional use, showing the location and height of all buildings, parking and loading areas, traffic access and traffic circulation, open space, landscaping, refuse and service areas, utilities, signs, lighting, yards and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Zoning Code;

(g) A narrative statement evaluating the economic effects on adjoining property; the effect of such elements as noise, light, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and compliance of the proposed use with the Comprehensive Plan;

(h) A list of the names and mailing addresses of all property owners within 200 feet of the proposed use; and

(i) A fee as established by Council.

(Ord. 92-35. Passed 12-21-92.)

### **1284.03 GENERAL STANDARDS.**

In addition to the requirements for the district in which the proposed use is located, the Planning Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that, at the proposed location, such use will:

(a) Be harmonious and in accordance with the general objectives, or with any specific objective, of the Comprehensive Plan and/or this Zoning Code;

(b) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and so as not to change the essential character of the area;

(c) Not be hazardous or disturbing to existing or future neighboring uses;

(d) Be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers and schools, or be assured that the person responsible for the establishment of the proposed use is able to adequately provide such services;

(e) Not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

(f) Not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person or property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, light or odors;

(g) Have vehicular approaches to the property, which approaches shall be designed so as not to create an interference with traffic on surrounding public streets or roads; and

(h) Not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

(Ord. 92-35. Passed 12-21-92.)

### **1284.04 SPECIFIC REQUIREMENTS. (REPEALED)**



*(EDITOR'S NOTE: Section [1284.04](#) was repealed by Ordinance 92-35, passed December 21, 1992.)*

#### **1284.05 CONDITIONS AND SAFEGUARDS.**

In approving a conditional use, the Planning Board may prescribe appropriate conditions and safeguards in conformity with this Zoning Code, including a reasonable time limitation for the implementation of such use, in order to preserve the Comprehensive Plan and to protect the present and future character of the neighborhood. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed violations of this Zoning Code. The penalty shall be as provided in Section [1244.99](#).

(Ord. 92-35. Passed 12-21-92; Ord. 04-56. Passed 11-1-04.)

#### **1284.06 HEARINGS BEFORE PLANNING BOARD.**

(a) Required. The Planning Board shall hold a public hearing within thirty days from the date of receipt of the application provided for in Section [1284.02](#).

(b) Notice in Newspaper. Notice of such hearing shall be given in one or more newspapers of general circulation in the Municipality at least seven days before the date of such hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed conditional use.

(c) Notice to Property Owners. Written notice of such hearing shall be mailed by the Planning Director, or delivered in a method approved by the Board, at least seven days before the day of the hearing, to all property owners within 500 feet of the proposed conditional use. The notice shall contain the same information as contained in the notice required in subsection (b) hereof.

(d) Issuance of the Conditional Use Zoning Permit. If the application is approved or approved with modifications, the Planning Board shall direct the Planning Director to issue a conditional use zoning permit listing the specific conditions specified by the Planning Board for approval. If the application is disapproved by the Planning Board, the applicant may seek relief through the County Court of Common Pleas.

(Ord. 92-35. Passed 12-21-92; Ord. 04-56. Passed 11-1-04; Ord. 10-47. Passed 12-6-10.)

#### **1284.07 HEARINGS BEFORE COUNCIL.**

(a) Appeals to City Council. Any person, firm or corporation, or any officer, department, board, or agency of the Municipality, or any interested elector of the Municipality who has been aggrieved or affected by the decision of the Planning Board, may appeal from such decision to the City Council within ten days of the Board's decision. All notices of appeal must be filed in writing with the City Manager.

(b) Hearings Before Council. The City Council shall hold a public hearing on all appeals within 45 days after such appeal has been filed with the City Manager. The Council may reject the appeal on the ground that the appellant does not have sufficient interest in the decision, remand the appeal to the Board for reconsideration if Council determines there is new evidence, or reverse, modify or affirm the decision of the Board. Such actions shall require five affirmative votes of the members of Council. No action taken by Council within the 45 days shall be deemed affirmation of the Board's decision. All decisions of the City Council may be appealed to Common Pleas Court as provided in Ohio R.C. Chapters 2505 and 2506.

(Ord. 12-45. Passed 9-4-12.)

#### **1284.08 EXPIRATION OF PERMIT.**

(a) A conditional use permit shall be deemed to authorize only one particular conditional use, and such permit shall automatically expire if, for any reason, such conditional use ceases for more than six months.

(b) A conditional use permit is transferable to subsequent owners subject to the conditions of the approved site plan and further subject to all conditions stated on the original permit.

(Ord. 92-35. Passed 12-21-92.)

#### **1284.09 VIOLATIONS.**

Any use which does not conform to the terms and conditions set forth in a conditional use permit issued pursuant to this chapter shall be a violation of this Zoning Code. The penalty shall be as provided in Section [1244.99](#).

(Ord. 92-35. Passed 12-21-92.)

#### **1254.04 CONDITIONAL USES.**

The following uses are permitted in an R-4 One and Two-Family Residential District only if expressly authorized by Council in accordance with [Chapter 1284](#) and subject to limitations and restrictions deemed necessary by the Planning Board and/or Council:

(a) Two-family dwellings, as regulated by the Board in accordance with Section [1280.02](#);

(b) Private, noncommercial recreation areas and facilities such as recreation clubs, golf courses and country clubs;

(c) Structures and installations which are necessary public facilities and utilities and which require location in an R-4 District;

(d) Cemeteries;

(e) Home occupations, as regulated by Section [1280.27](#);

(f) State Highway Patrol outposts.

(g) Community gardens.

(Ord. 82-38. Passed 9-20-82; Ord. 85-11. Passed 3-4-85; Ord. 10-47. Passed 12-6-10; Ord. 2022-55. Passed 11-21-22.)

## 1280.27 HOME OCCUPATIONS.

(a) Applicable Districts; Limitation of Employees. Home occupations are conditionally permitted in SER Suburban Estate, R-2 Low Density, R-4 One and Two-Family, R-5 Medium Density, R-6 Medium-High Density Single-Family, R-7 High-Density Single-Family and R-12 Multifamily Residential Districts, in single-family dwellings only, provided that the home occupations meet the requirements of [Chapter 1284](#) and this section. No person other than a member of the family residing on the premises shall be engaged in such an occupation.

(b) Permitted Home Occupations. A “home occupation” is any activity carried out for financial gain by a resident that is conducted as an accessory use in the resident's dwelling unit. Permitted home occupations include, but are not limited to, the following:

- (1) Computer programming or data processing, professional offices, handicrafts such as model making, rug weaving, lapidary work, or ceramics with kiln up to six cubic feet in size maximum, dressmaking, sewing, millinery, tailoring, laundering, home cooking, baking, food preparation and preserving, exclusive of a catering service;
- (2) Offices of ministers, rabbis, priests or other clergymen;
- (3) Studios of artists, sculptors or authors;
- (4) Sales of real estate or insurance, provided that no nonresident employee works on the premises;
- (5) Music teaching or other types of instruction, except nursery schools, provided that such teaching or instruction is limited to one pupil at a time;
- (6) Day care centers, provided that not more than six children are cared for at any point in time;
- (7) (EDITOR'S NOTE: Division (b)(7) of this section was repealed by Ordinance 12-24, passed June 4, 2012.)
- (8) Direct sale product distribution (Avon, Home Interiors, Tupperware, etc.). Parties for the purpose of taking orders or selling merchandise shall not be held more often than two times each month on the premises;
- (9) Licensed medical massage therapist;
- (10) Secretarial work, including typing or word processing;
- (11) Small engine or motor repair;
- (12) Tax preparation; and
- (13) Telephone answering or solicitation.

In no event, however, shall home occupations be interpreted to include animal hospitals or veterinary clinic; ambulance service; appliance repair, including radio, television, audio or video recording or playback equipment, refrigerator, clothes washer or dryer, stove, range or microwave oven; barber or beauty salon; business schools; ceramics if kiln is larger than six cubic feet; clinics or hospitals; contractor, including demolition, excavation, cement, masonry, paving, carpentry, remodeling, building, painting, plumbing, heating, air conditioning or electrical; commercial stable; dancing schools or studios; food catering service; health salon, gym or aerobic exercise studio; kennel; medical, dental, or psychology offices; mortuaries; music schools; palm reading or fortune telling; pet grooming; photography or photo processing laboratory; printing shop; private clubs; restaurant or tavern; storage, rental, sales, service, parts sale, repair, body work, detailing,



upholstery, or washing of any vehicle; taxidermy; trailer rental; trucking, hauling, moving, tow truck service, hearse service, limousine or cab service; upholstery shop; welding or machine shop.

(c) Conditions for Operation. A home occupation shall meet the following conditions:

(1) Not more than 25% of the floor area nor more than 500 square feet of the dwelling unit may be used in connection with a home occupation. Floor area of a dwelling unit, in this case, shall include the floor area of all heated and ventilated, and thereby habitable rooms and areas within the dwelling unit, including basements and habitable attic space of the dwelling unit, and attached garages shall be used in the conduct of the home occupation.

(2) There shall be no change in the outside appearance of the dwelling, or other visible evidence of the home occupation, other than a sign, not illuminated and not larger than two square feet.

(3) A home occupation shall be carried on wholly within the principal building. No home occupation nor any storage of goods, materials, or products connected with a home occupation shall be allowed in any detached accessory building, or any vehicle including a recreational vehicle unless specifically permitted by the Planning Board.

(4) No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver or which causes fluctuation in line voltage off the premises.

(5) No traffic shall be generated by the operation of the home occupation which is greater than traffic volumes normally expected in the neighborhood, such as vehicles of occupants and a limited number of service vehicles. All parking shall be located off the street, and if located in a front yard, shall only be permitted on the driveway.

(6) There shall be no entrance or exitway specifically provided in the dwelling or on the premises for the conduct of a home occupation.

(7) Delivery from a commercial supplier in a vehicle larger than a step van shall be limited to one delivery and one pick-up each week and the delivery or pick-up shall not restrict traffic flow.

(Ord. 82-38. Passed 9-20-82; Ord. 04-57. Passed 11-1-04; Ord. 12-24. Passed 6-8-12.)

## **1244.02 PLANNING BOARD.**

(a) The Planning Board, as provided for in Section 8.02 of the Municipal Charter, shall consist of five members appointed by Council.

(b) The Board shall adopt rules necessary to the conduct of its affairs in keeping with this Zoning Code. Meetings shall be held at the call of the Chairman of the Board and at such other times as the Board may determine. The Chairman or, in his or her absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if a member is absent or fails to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

(Ord. 82-38. Passed 9-20-82.)

(c) For the purposes of this Zoning Code, the Planning Board shall:

- (1) Review all proposed amendments to this Zoning Code and make recommendations to Council;
- (2) Recommend approval or disapproval of all planned unit developments and mobile home park proposals; and
- (3) Review all proposed conditional use applications and make recommendations to Council.

(Ord. 85-11. Passed 3-4-85.)

Notice is hereby given that the City of New Carlisle Planning Board will hold a public hearing on Tuesday September 16, 2025, to discuss, vote, and hear public comments concerning case number PB25-006 for the conditional use of property on W. Jefferson Street. The public hearing will take place at 6:00PM and will be held at the Heritage Hall Shelter House, 801 West Jefferson Street, New Carlisle, Ohio 45344 and open to the public.

ADAM L & CHRISTA CLOUGH	101 CORY ST	NEW CARLISLE OH 45344
ALLAN R & CASSANDRA D REA	955 FREE RD	NEW CARLISLE OH 45344
ANGELA M WILCOX	100 S SMITH ST	NEW CARLISLE OH 45344
APRIL L GIBSON	110 S SMITH ST	NEW CARLISLE OH 45344
ARTHENA COOK	615 W JEFFERSON ST	NEW CARLISLE OH 45344
ASHLEY MARTIN	211 OHIO AVE	NEW CARLISLE OH 45344
B J R PROPERTIES LLC	5215 STUDEBAKER RD	TIPP CITY OH 45371
BERNARD W & JUDITH C PALM	411 W MADISON ST	NEW CARLISLE OH 45344
BETHANI N CROMER	604 W JEFFERSON ST	NEW CARLISLE OH 45344
BILLY HORN	106 SMITH ST	NEW CARLISLE OH 45344
BRADLY D PORTER	105 CORY ST	NEW CARLISLE OH 45344
CHRISTINA N PORTER	608 W MADISON ST	NEW CARLISLE OH 45344
CHRISTOPHER D KILBURN	607 W MADISON ST	NEW CARLISLE OH 45344
CLAYLISLE HOLDINGS LLC	3888 HUSTON RD	YELLOW SPRINGS OH 45387
COLE T & DOMINICA SALISBU	618 W JEFFERSON ST	NEW CARLISLE OH 45344
DANIEL J KOVAL	614 W JEFFERSON ST	NEW CARLISLE OH 45344
DANIEL J SIMON	614 W MADISON ST	NEW CARLISLE OH 45344
DAVID L II & PEGGY L MARQUE	607 W JEFFERSON ST	NEW CARLISLE OH 45344
DIONKA D CRAFTER	610 W MADISON ST	NEW CARLISLE OH 45344
DONALD R HALL III	609 W JEFFERSON ST	NEW CARLISLE OH 45344
DOUGLAS G & RHONDA L MINI	2537 S TECUMSEH RD	SPRINGFIELD OH 45502
ELIZABETH M & JAMES D PHAR	604 W WASHINGTON ST	NEW CARLISLE OH 45344
ELIZABETH MANAGEMENT INC	6100 E STATE ROUTE 41	TROY OH 45373
ELIZABETH N MINNICH	606 W JEFFERSON ST	NEW CARLISLE OH 45344
ERIN ROCHELLE HEIDER & JAS	28 W HUNTER DR	ENON OH 45323
ETHAN R HAAS	611 W MADISON ST	NEW CARLISLE OH 45344
FRED & WENDY E GREIL	616 W MADISON ST	NEW CARLISLE OH 45344
GENE ANN & PENNY ANN PAS	709 W JEFFERSON ST	NEW CARLISLE OH 45344
HABITAT FOR HUMANITY OF GI	115 W RIVERVIEW AVE	DAYTON OH 45405
HARRY J TAYNOR	107 CORY ST	NEW CARLISLE OH 45344
HOWARD TACKETT	307 GARFIELD ST	NEW CARLISLE OH 45344
JAMES D & EVA L ALSPAUGH	209 S HENRY ST	NEW CARLISLE OH 45344
JASON & ANGELA MC PEEK	619 W JEFFERSON ST	NEW CARLISLE OH 45344
JASON L & ELIZABETH A ELLIO	1606 W WASHINGTON ST	NEW CARLISLE OH 45344
JERRY L & RUTH A YOESTING	PO BOX 95	NEW CARLISLE OH 45344
JODY L SALZGEBER	700 W WASHINGTON ST	NEW CARLISLE OH 45344
JOHN & CASSANDRAEY BAUM	509 W JEFFERSON ST	NEW CARLISLE OH 45344
JOHN J & JO ANNE R BURNS	510 W JEFFERSON ST	NEW CARLISLE OH 45344
JOSE HERNANDEZ MEDINA	810 APPLEWOOD DR	NEW CARLISLE OH 45344
JUAN R CABRERA	109 CORY ST	NEW CARLISLE OH 45344
KATHLEEN C ALGREN	125 WOODS EDGE CT	WILMINGTON OH 45177
KEGLEY ENTERPRISES LLC	311 OHIO ST	NEW CARLISLE OH 45344
KEVIN AARON RAMIREZ	100 CORY ST	NEW CARLISLE OH 45344
KRISTI R PENCE	706 W JEFFERSON ST	NEW CARLISLE OH 45344
LARRY G & DONNA S KOOGLE	1909 W WASHINGTON ST	NEW CARLISLE OH 45344
LARRY T & JULIE L LEDBETTER	515 W MADISON ST	NEW CARLISLE OH 45344
LOWELL J & JANET F JOHNSON	111 CORY ST	NEW CARLISLE OH 45344
LUCRETIA A SHAFER	105 S HENRY ST	NEW CARLISLE OH 45344
MARK LEE PENCE	PO BOX 73	CLIFTON OH 45316

MEGAN RAE BORAM	615 W MADISON ST	NEW CARLISLE OH 45344
MELINDA JO MENKE & BRIAN P	707 W JEFFERSON ST	NEW CARLISLE OH 45344
MICHAEL J HALLORAN JR	601 W MADISON ST	NEW CARLISLE OH 45344
MILDRED L ROBERTS	619 W MADISON ST	NEW CARLISLE OH 45344
REBECCA PERKINS	705 W JEFFERSON ST	NEW CARLISLE OH 45344
ROBY & RACHEL MILLETT	700 W JEFFERSON ST	NEW CARLISLE OH 45344
ROGER & CHERYL A PHIPPS	213 OHIO AVE	NEW CARLISLE OH 45344
SANDRA L DUNCAN	601 W JEFFERSON ST	NEW CARLISLE OH 45344
SHARON L SMITH	600 W WASHINGTON ST	NEW CARLISLE OH 45344
SUZANNE M STAPLETON	608 W WASHINGTON ST	NEW CARLISLE OH 45344
TIMOTHY P BAHUN	710 W JEFFERSON ST	NEW CARLISLE OH 45344
TORRIE C & TYLER WLAZLO	103 CORY ST	NEW CARLISLE OH 45344
WHITNEY WHITENER & STACY	208 S HENRY ST	NEW CARLISLE OH 45344

# Minutes of May 20, 2025, Planning Board Meeting

## PB 25-005 Holder Deering Lot Split

Planning Board president Mr. Fields called the meeting to order at 6:00 pm.

Mr. Moore called the roll with the following Planning Board members present:

- Mr. Fields
- Mrs. Fields
- Mr. Putterbaugh
- Mrs. Hoffman
- Mrs. McFarland

The following City staff members were present:

- Bryan Moore, Planning Director

The following members of the public were present:

- Richard Deering
- Mike Adkins
- Bob Holder

Approval of the April 15, 2025, Meeting was approved with a first from Mrs. Fields and a second from Mrs. Hoffman. The minutes were approved 4-0-1.

## Planning Board Staff Report

**Case Number PB 25-005**

**Case Name:** RD Holder/Deering Lot Split

**Hearing Date:** May 20, 2025

**Hearing Location:** Heritage Hall Shelter House

**Hearing Time:** 6:00PM

### I. General Information and Case Description

<i>Case Type:</i>	Minor Subdivision Lot Split	
<i>City Council:</i>	Will not receive any recommendations from Planning Board	
<i>Applicant:</i>		
<i>Property Location:</i>	0 North Dayton-Lakeview Rd New Carlisle, Ohio 45344	
<i>Owner:</i>	Honey Creek Investment Co LLC	
<i>Parcel Numbers:</i>	0300500033000117, 0300500033000121	
<i>Adjacent Properties:</i>	<b>Zoning</b>	<b>Use</b>
<b>North:</b>	OA-Office Apartment Districts	
<b>South:</b>	GB-General Business	
<b>East:</b>	LI-Light Industrial Districts	
<b>West:</b>	N/A	
<i>Parcel Size:</i>	.653 Acres	
<i>Current Zoning:</i>	LI-Light Industrial Districts	

### II. Exhibits and Attachments

Item	Purpose
------	---------

Planning Board Staff Report	Details of the Case
Planning Board Review Application	Application for Planning Board Lot Split
Zoning Code	Chapter 1226 Procedure for Minor Subdivision
Plat of Survey	An Officially Drawn Map that Defines the Boundaries Between Different Parcels of Property
Legal Description Split	A Written Statement that Delineates the Boundaries of a Piece of Real Property-Split
Legal Ad	Required by City Code
Resident Notification	Of Property Owners within 500ft of Application Address

## **II. Pertinent Code Sections**

- 1226 Procedures for Minor Lot Splits
- 1244.02 Planning Board
- Section 8.03 Comprehensive Plan

## **III. Staff Notes**

- **Upcoming Timeline**
  - TONIGHT – 4/15/2025 Planning Board to vote to approve or deny with or without recommendations for lot split

## **IV. Staff Narrative**

Blackhorse Energy LLC dba, RD Holder, is selling .653 acres of land to Richard Deering. The parcel being split is zoned LI-Light Industrial and is inside the municipal boundaries. There is no current use for this land, however, Richard Deering may possibly develop this land for future business growth.

All aspects of this lot split are in conformity with all applicable codes that govern city operations. The approval will also instruct the appropriate city staff to submit all required materials to the appropriate Clark County departments to implement and record the approved split. City staff recommends that the Planning Board approves this minor subdivision.

## **V. Staff Recommendation**

- The Planning Board should make a motion tonight as follows:
  1. Will vote to approve or deny the minor subdivision lot split for RD Holder and Richard Deering.

**END OF STAFF REPORT**

## May 20, 2025-Minutes Recorded

The following members of the public spoke at the meeting:

- Richard Deering Talks about warehouse that will be developed for start up businesses. The warehouse will provide heat/air conditioning and will accommodate businesses with heavy equipment and conference room space.

The following were Planning Board discussion topics:

- No comments or discussion by members

The Planning Board made the following motions:

- Motion to approve lot split
  - First-Mrs. Hoffman, Second Mr. Fields, passes 5-0
- Motion to adjourn 6:06pm
  - First-Mrs. McFarland, Second Mrs. Fields, passes 5-0

**END OF MEETING MINUTES**



## **ORDINANCE 2025-41**

### **AN ORDINANCE AMENDING ORDINANCE 2018-08 FOR THE PURPOSE OF UPDATING THE FEE SCHEDULE FOR MISCELLANEOUS FEES AND PERMITS REQUIRED BY THE CITY OF NEW CARLISLE, OHIO**

**WHEREAS**, City Council of the City of New Carlisle voted to adopt a Planning and Zoning Fee Schedule in 2014; and

**WHEREAS**, it is necessary to update the fee schedule from time to time to help defray the costs of the required reviews, inspections and/or other administrative oversight; and

**WHEREAS**, other than the correction of scrivener's errors, the fee schedule was last updated by City Council in 2018; and

**WHEREAS**, it is necessary to update the fee schedule to address solar panels, prohibited sign removal, vacation/dedication, sidewalks/curbs/gutters/driveways and special events; and

**WHEREAS**, an update to the fee schedule is also needed in order to make it more organized and to raise the cost of various other permits due to the additional administrative expenses associated with those permits; and

**WHEREAS**, City Council may alter or amend the fee schedule under Section 1244.16 of the Codified Ordinances; and

**WHEREAS**, Ordinance 2018-08, which previously revised the fee schedule, is to be amended by this Ordinance.

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

**SECTION 1.** Ordinance 2018-08 and the Planning and Zoning Fee Schedule are amended as set forth on the attached Exhibit A.

**SECTION 2.** Unless otherwise provided on the attached schedule, any fees owed by an applicant are to be paid contemporaneously with the issuance of a permit by the City.

**SECTION 3.** This ordinance shall take effect and be in full force at the earliest time allowed by law.

**SECTION 4.** All ordinances or parts of ordinances that are in conflict with this ordinance are hereby repealed.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Bill Cook, Mayor

\_\_\_\_\_  
Christine Stapleton, Clerk of Council

APPROVED AS TO FORM:

\_\_\_\_\_  
Jacob M. Jeffries, DIRECTOR OF LAW

Introduction and First Reading: 09/15/2025  
Second Reading and Action: 10/06/2025  
Effective Date of Legislation: 10/21/2025

_____ Wright	Y	N
_____ Bahun	Y	N
_____ Lindsey	Y	N
_____ Mayor Cook	Y	N
_____ V. Mayor Eggleston	Y	N
_____ Shamy	Y	N
_____ Grow	Y	N
Totals:		
		Pass Fail

## EXHIBIT A

CITY OF NEW CARLISLE, OHIO		
Miscellaneous Fee and Permit Schedule 2025		
RESIDENTIAL		
Accessory Structures (Residential) (200 sq. ft. or less)	<del>\$35.00</del> \$40.00	
Accessory Structures (Residential) (over 200 sq. ft.)	<del>\$45.00</del> \$50.00	
Demolition (Residential) (1,000 sq. ft. or less)	<del>\$50.00</del> \$60.00	Fee Must Be Paid Upon Submission of Application
Demolition (Residential) (Over 1,000 sq. ft.)	<del>\$100.00</del> \$125.00	Fee Must Be Paid Upon Submission of Application
Fences (Residential)	<del>\$20.00</del> \$25.00	
Minor Subdivisions (5 lots or less)	<del>\$50.00 per new lot created PLUS \$100.00 Planning Board Fee</del> \$60 per new lot created PLUS \$225.00 Planning Board Fee	Fee Must Be Paid Upon Submission of Application
Major Subdivisions (more than 5 lots)	<del>\$200.00</del> \$250.00 Preliminary Plans \$150 Plus \$2 per lot for Final Plans \$1000 Engineering Fees 0.025% of estimated project cost	Fee Must Be Paid Upon Submission of Application
Multiple Family Construction	\$80.00 Per Unit	
New Residential Construction (1 & 2 Family)	<del>\$125.00</del> \$135.00	
Residential Additions	\$50.00 Plus \$1.00 Per 100 sq. ft.	
Signs (Residential)	<del>\$25.00 Plus \$.50 Per sq. ft.</del> \$30 Plus \$.50 Per sq. ft.	
Swimming Pools (Above Ground)	<del>\$35.00</del> \$40.00	
Swimming Pools (In Ground)	<del>\$60.00</del> \$65.00	
COMMERCIAL		
Accessory Structures (Commercial) (200 sq. ft. or less)	<del>\$45.00</del> \$50.00	
Accessory Structures (Commercial) (over 200 sq. ft.)	<del>\$45.00</del> \$60.00	
Change of Use/Occupancy Permits	<del>\$25.00</del> \$30.00	Fee Must Be Paid Upon Submission of Application
Demolition (Commercial) (1,000 sq. ft. or less)	<del>\$75.00</del> \$80.00	Fee Must Be Paid Upon Submission of Application
Demolition (Commercial) (Over 1,000 sq. ft.)	<del>\$150.00</del> \$175.00	Fee Must Be Paid Upon Submission of Application
Fences (Commercial)	<del>\$25.00</del> \$30.00	
Non-Residential Construction	\$150.00 Plus \$1.00 Per 100 sq. ft. over 1,000 sq. ft.	
Signs (Commercial)	<del>\$30 Plus \$.50 Per sq. ft.</del> \$35.00 Plus \$.50 Per sq. ft.	
Signs (Temporary) (Residential and Commercial)	<del>\$35.00</del> \$40.00	
ADDITIONAL REQUIRED APPLICATIONS		
Appeals (BZA)	<del>\$100.00</del> \$125.00	Fee Must Be Paid Upon Submission of Application
Annexations	<del>\$200.00</del> \$225.00	Fee Must Be Paid Upon Submission of Application
Conditional Uses (Planning Board)	<del>\$200.00</del> \$225.00	Fee Must Be Paid Upon Submission of Application
Penalty Fee (For starting work without a permit)	<del>\$10.00</del> Added to Double the Cost of the Permit	
Prohibited Sign Removal	\$25.00 per sign	
Solar Panels Ground Mounted	\$85.00 Plus \$.50 Per sq. ft.	
Solar Panels-Roof Top	\$100.00	
Sidewalk/Curb/Gutter/Driveway Apron Inspections	\$30.00	Fee Must Be Paid Upon Submission of Application
Special Events Permits	\$125.00	
Temporary Sales Vendor	<del>\$50.00</del> \$60.00 Per Year	
Temporary Food Vendors Stands/Trailers	<del>\$50.00</del> \$60.00 Per Year	
Vacations/Dedications	\$35.00 Plus all Recording and Publication Fees	Fee Must Be Paid Upon Submission of Application
Variances (BZA)	<del>\$125.00</del> \$150.00	Fee Must Be Paid Upon Submission of Application
Zoning Amendments (Planning Board)	<del>\$200.00</del> \$225.00	Fee Must Be Paid Upon Submission of Application
Zoning Code Text	<del>\$10 per page</del> \$25 per page	Fee Must Be Paid Upon Submission of Application
Zoning Code Map	\$10.00 Per Map	Fee Must Be Paid Upon Submission of Application
Flood Plain	\$35.00	Fee Must Be Paid Upon Submission of Application
Accessory Structures include storage sheds, detached garages, pole barns, carports, decks, covered patios, and porch enclosures.		

## **ORDINANCE NO. 2025-42E**

### **AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE TERMS OF THE APRIL 4, 2025 SECONDARY OPIOID MANUFACTURERS' SETTLEMENTS, AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of New Carlisle, Ohio (hereinafter referred to as “the City”) is a municipal entity formed and organized pursuant to the Constitution and laws of the State of Ohio; and

**WHEREAS**, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

**WHEREAS**, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

**WHEREAS**, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

**WHEREAS**, the State and its Local Governments, subject to completing formal documents effectuating the parties' agreements, have drafted and the City has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding (“OneOhio MOU”) relating to the allocation and the use of the proceeds of any potential settlements described; and

**WHEREAS**, new national opioid settlements were recently reached with Alvogen, Inc., Apotex Corp., Amneal Pharmaceuticals LLC, Hikma Pharmaceuticals USA Inc, Indivior Inc., Viatris Inc., Sun Pharmaceutical Industries, Inc. and Zydus Pharmaceuticals (USA) Inc. (collectively, “Secondary Opioid Manufacturers' Settlements”) to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU; and

**WHEREAS**, the City wishes to participate in the Secondary Opioid Manufacturers' Settlements; and

**WHEREAS**, City Council understands that proceeds from the Secondary Opioid Manufacturers' Settlements will be allocated and distributed using the structure set forth in the OneOhio MOU; and

**WHEREAS**, the deadline for Ohio subdivisions to agree to and participate in the Secondary Opioid Manufacturers' Settlements is October 8, 2025.

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

**SECTION 1.** The City Manager is hereby authorized to accept the Secondary Opioid Manufacturers' Settlements on behalf of the City by executing any and all necessary documents, including the attached Combined Participation Form, for the City to agree to and participate in the Secondary Opioid Manufacturers' Settlements.

**SECTION 2.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including the City's Charter and Codified Ordinances and Section 121.22 of the Ohio Revised Code.

**SECTION 3.** This ordinance is hereby determined to be an emergency measure necessary for the immediate preservation of the life, health, property and public peace of the residents of the City and for the further reason that it is needed to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio, and this ordinance shall be deemed effective immediately upon the affirmative vote of at least six (6) City Council members.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Bill Cook, MAYOR

Christine Stapleton, CLERK

APPROVED AS TO FORM:

Jake Jeffries, Director of Law

_____ Wright	Y	N
_____ Bahun	Y	N
_____ Lindsey	Y	N
_____ Mayor Cook	Y	N
_____ V. Mayor Eggleston	Y	N
_____ Shamy	Y	N
_____ Grow	Y	N
Totals:		
	Pass	Fail

Introduction, First Reading and Action: 10/06/2025

Effective Date of Legislation: 10/06/2025

## **EXHIBIT K**

### **Secondary Manufacturers' Combined Subdivision Participation and Release Form** **("Combined Participation Form")**

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to each of the settlements which are listed in paragraph 1 below (each a "Secondary Manufacturer's Settlement" and collectively, "the Secondary Manufacturers' Settlements"), and acting through the undersigned authorized official, hereby elects to participate in each of the Secondary Manufacturers' Settlements, release all Released Claims against all Released Entities in each of the Secondary Manufacturers' Settlements, and agrees as follows.

1. The Participating Entity hereby elects to participate in each of the following Secondary Manufacturers' Settlements as a Participating Entity:
  - a. Settlement Agreement for Alvogen, Inc. dated April 4, 2025.
  - b. Settlement Agreement for Apotex Corp. dated April 4, 2025.
  - c. Settlement Agreement for Amneal Pharmaceuticals LLC dated April 4, 2025.
  - d. Settlement Agreement for Hikma Pharmaceuticals USA Inc. dated April 4, 2025.
  - e. Settlement Agreement for Indivior Inc. dated April 4, 2025.
  - f. Settlement Agreement for Viatris Inc. ("Mylan") dated April 4, 2025.
  - g. Settlement Agreement for Sun Pharmaceutical Industries, Inc. dated April 4, 2025.
  - h. Settlement Agreement for Zydus Pharmaceuticals (USA) Inc. dated April 4, 2025.
2. The Governmental Entity is aware of and has reviewed each of the Secondary Manufacturers' Settlements, understands that all capitalized terms not defined in this Combined Participation Form have the meanings defined in each of the Secondary Manufacturers' Settlements, and agrees that by executing this Combined Participation Form, the Governmental Entity elects to participate in each of the Secondary Manufacturers' Settlements and become a Participating Subdivision as provided in each of the Secondary Manufacturers' Settlements.
3. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed against any Released Entity in each of the Secondary Manufacturers' Settlements. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity

authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice for each of the manufacturers listed in paragraph 1 above substantially in the form found at <https://nationalopioidsettlement.com/additional-settlements/>.

4. The Governmental Entity agrees to the terms of each of the Secondary Manufacturers' Settlements pertaining to Participating Subdivisions as defined therein.
5. By agreeing to the terms of each of the Secondary Manufacturers' Settlements and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through each of the Secondary Manufacturers' Settlements solely for the purposes provided therein.
7. The Governmental Entity submits to the jurisdiction of the court and agrees to follow the process for resolving any disputes related to each Secondary Manufacturer's Settlement as described in each of the Secondary Manufacturers' Settlements.<sup>1</sup>
8. The Governmental Entity has the right to enforce each of the Secondary Manufacturers' Settlements as provided therein.
9. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in each of the Secondary Manufacturers' Settlements, including without limitation all provisions related to release of any claims,<sup>2</sup> and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in his or her official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in each of the Secondary Manufacturers' Settlements in any forum whatsoever. The releases provided for in each of the Secondary Manufacturers' Settlements are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities in each of the Secondary Manufacturers' Settlements the broadest possible bar against any liability relating in any

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<sup>1</sup> See Settlement Agreement for Alvogen, Inc. Section VII.F.2; Settlement Agreement for Apotex Corp. Section VII.F.2; Settlement Agreement for Amneal Pharmaceuticals LLC Section VII.F.2; Settlement Agreement for Hikma Pharmaceuticals USA Inc. Section VII.F.2; Settlement Agreement for Indivior Section VI.F.2; Settlement Agreement for Mylan Section VI.F.2; Settlement Agreement for Sun Pharmaceutical Industries, Inc. Section VII.F.2; Settlement Agreement for Zydus Pharmaceuticals (USA) Inc. Section VII.F.2.

<sup>2</sup> See Settlement Agreement for Alvogen, Inc. Section XI; Settlement Agreement for Amneal Pharmaceuticals LLC Section X; Settlement Agreement for Apotex Corp. Section XI; Settlement Agreement for Hikma Pharmaceuticals USA Inc. Section XI; Settlement Agreement for Indivior Section X; Settlement Agreement for Mylan Section X; Settlement Agreement for Sun Pharmaceutical Industries, Inc. Section XI; Settlement Agreement for Zydus Pharmaceuticals (USA) Inc. Section XI.

way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. Each of the Secondary Manufacturers' Settlements shall be a complete bar to any Released Claim against that manufacturer's Released Entities.

10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in each of the Secondary Manufacturers' Settlements.
11. In connection with the releases provided for in each of the Secondary Manufacturers' Settlements, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims in each of the Secondary Manufacturers' Settlements, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in each of the Secondary Manufacturers' Settlements.

12. The Governmental Entity understands and acknowledges that each of the Secondary Manufacturers' Settlements is an independent agreement with its own terms and conditions. Nothing herein is intended to modify in any way the terms of any of the Secondary Manufacturers' Settlements, to which Governmental Entity hereby agrees, aside from the exceptions in paragraph 13 below. To the extent this Combined Participation Form is interpreted differently from any of the Secondary Manufacturers' Settlements in any respect, the individual Secondary Manufacturer's Settlement controls.
13. For the avoidance of doubt, in the event that some but not all of the Secondary Manufacturers' Settlements proceed past their respective Reference Dates, all releases and other commitments or obligations shall become void **only as to** those Secondary Manufacturers' Settlements that fail to proceed past their Reference Dates. All releases and other commitments or obligations (including those contained in this Combined Participation Form) shall remain in full effect as to each Secondary Manufacturer's Settlement that proceeds past its Reference Date, and this Combined Participation Form need not be modified, returned, or destroyed as long as any Secondary Manufacturer's Settlement proceeds past its Reference Date.



I have all necessary power and authorization to execute this Combined Participation Form on behalf of the Governmental Entity.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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