

RESOLUTION NO. 40-24
CITY OF CENTERVILLE, OHIO

15th SPONSORED BY COUNCIL MEMBER Bill Serr ON THE
DAY OF April, 2024.

**A RESOLUTION CREATING A DESIGNATED OUTDOOR
REFRESHMENT AREA (DORA) IN THE UPTOWN
CENTERVILLE AREA WITHIN THE CITY OF
CENTERVILLE AND ESTABLISHING REGULATIONS AS
REQUIRED BY LAW.**

WHEREAS, pursuant to Ohio Revised Code (ORC) §4301.82, a municipality with a population of fifty thousand or less may designate certain property as an outdoor refreshment area (“Designated Outdoor Refreshment Area” or “DORA”); and

WHEREAS, on March 1, 2024, pursuant to ORC §4301.82(B), the City Manager for the City of Centerville submitted an application to City Council to establish a Designated Outdoor Refreshment Area in a specific area in Uptown Centerville; and

WHEREAS, pursuant to ORC §4301.82(C) and §4301.82(F)(2), both notice of the filing of the DORA Application, and, pursuant to §4301.82(F)(1), notice of the proposed action that establishes requirements necessary to ensure public health and safety within the DORA area, was published in a newspaper of general circulation once a week for two consecutive weeks on March 8, 2024 and March 22, 2024; and

WHEREAS, the DORA Application as submitted, meets the requirements of ORC §4301.82(B)(1-5), it is further clarified that the boundary of the DORA includes the premises of the permit holders located at the street addresses listed in the Application attached hereto as Exhibit “A”; and

WHEREAS, the City Council for the City of Centerville find that creating the DORA district is in the best interest of the City and will serve to enhance the experiences of the patrons of the business establishments and special events within the Uptown Centerville area.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. That City Council hereby approves the DORA Application as having met the requirements of Ohio Revised Code §4301.82(B)(1-5) and approves the establishment of a Uptown Centerville Designated

Outdoor Refreshment Area (DORA) comprised of the area as depicted in Exhibit “B”, attached hereto and incorporated herein, such area to include and encompass the premises of the permit holders located at the street addresses, as is required to be included pursuant to Ohio Revised Code §4301.82(F)(1)(a).

Section 2. That the DORA will encompass no fewer than five (5) qualified permit holders, as identified in Exhibit “A”, attached hereto and incorporated herein, by business name, address, liquor permit type and liquor permit number.

Section 3. That in order to ensure public health and safety in accordance with ORC §4301.82(F)(1)(b-f), the following shall be included: the number of spacing, and type of signage designating the DORA boundary; the hours of operation, which will apply to all activities within the DORA; the number of personnel needed to ensure public safety; the sanitation plan required to maintain the appearance and public health of the designated area; and the number of personnel needed to execute the sanitation plan shall be set forth in Exhibit “A”, attached hereto and incorporated herein.

Section 4. That the City Council finds that all beer and intoxicating liquor served in the area shall be served solely in plastic bottles or other non-glass containers, which shall be provided by the qualified permit holders in the designated cup as permitted in the DORA.

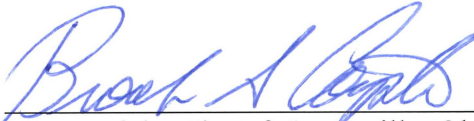
Section 5. That pursuant to ORC §4301.82(I)(1), City Council shall conduct a review of this Resolution in five years, to determine whether to approve the continued operation of the Uptown Centerville area, or dissolve the area.

Section 6. That at any time, City Council may amend or dissolve all or part of the Uptown Centerville DORA.

Section 7. That the Clerk of Council is hereby instructed to forward a certified copy of this Resolution, along with all exhibits, to the Ohio Division of Liquor Control and the Investigative Unit of the Ohio Department of Public Safety.


Section 8. This Resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS 15th day of April, 2024.



Mayor of the City of Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 40-24, passed by the Council of the City of Centerville, Ohio on the 15th day of April, 2024.



Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions
Department of Law
Scott A. Liberman
Municipal Attorney

Exhibit "A"

Application to the City of Centerville City Council for the Establishment
of a Designated Outdoor Refreshment Area in Accordance with O.R.C.
Section 4301.82



The City Manager of the City of Centerville, Ohio respectfully submits the following application to the City of Centerville City Council to approve and establish a Designated Outdoor Refreshment Area in accordance with O.R.C. Section 4301.82.

Wayne Davis

Wayne Davis, City Manager

3/1/2024

Date

RECEIVED

MAR 01 2024

CITY OF CENTERVILLE

Dora Application

Introduction

The City Manager of the City of Centerville respectfully submits the following application to the City Council of Centerville, Ohio, to approve and establish a Designated Outdoor Refreshment Area (hereinafter “DORA”) pursuant to Ohio Revised Code (“ORC”) Section 4301.82. The proposed application meets all state requirements.

A DORA is an area where the open carry restrictions do not apply at particular hours, and adults are permitted to possess and consume alcohol in public, with certain restrictions. The purpose of the City’s DORA would be for the economic benefit of businesses and property owners within the DORA, and to improve the quality of life for Centerville residents as a whole.

Section 1 – Boundaries

In accordance with ORC Sections 4301.82(B)(1)(a) and F(1)(a), addresses within the DORA are shown on Exhibit A, and the boundaries of the DORA are shown on Exhibit B. The DORA is approximately 16.4 acres. The attached letter from James Brinegar, City Engineer, authorizes the acreage amount in his professional opinion.

Section 2 – Nature and types of establishments located within the proposed DORA

In accordance with ORC Section 4301.82(B)(2), the nature and types of establishments located within the DORA are as follows:

The DORA is within Uptown Centerville, in the heart of the City’s historic mixed-use district. This area of the development generally includes restaurant, retail, and service property uses. Existing businesses with alcohol sales within the DORA include Manna, Meridien, Brunch Pub, Agave & Rye, City BBQ, MacDiggers, and Crabshire’s Tavern. All businesses within the DORA are listed in the following table:

Establishment	Address
<i>Retail</i>	
Loralei's Boutique	43 W Franklin St, Centerville, OH 45459
Burgundy Chic Boutique	28 S Main St, Centerville, OH 45458
Afman Jewelry	43 S Main St, Centerville, OH 45458
Pieces of Style	18 W Franklin St, Centerville, OH 45459
Pi/Style937 Boutique	38 W Franklin St, Centerville, OH 45459
Centerville Coin & Jewelry Connection	38 W Franklin St, Centerville, OH 45459
K&G Bike Center	116 W Franklin St, Centerville, OH 45459
<i>Dining</i>	
Brunch Pub	101 W Franklin St Centerville, OH 45459
Manna	61 W Franklin St, Centerville, OH 45459
Agave & Rye	11 N Main St, Centerville, OH 45459

Graeter's Ice Cream	2 N Main St, Centerville, OH 45459
City Barbeque	5 E Franklin St, Centerville, OH 45459
MacDiggers Pub	29 E Franklin St, Centerville, OH 45459
Nelly's	79 S Main St, Centerville, OH 45458
Meridien	28 W Franklin St, Centerville, OH 45459
Crabshire's Tavern	68 W Franklin St, Centerville, OH 45459
<i>Service</i>	
Scratching Post Cat Hospital & Retreat	133 W Franklin St, Centerville, OH 45459
iHeart Cleaning	93 W Franklin St Centerville, OH 45459
Elevated Roofing & Siding	93 W Franklin St Centerville, OH 45459
The Walton House	89 W Franklin St Centerville, OH 45459
Dr. Angy Mounir-Toufils DMD	81 W Franklin St, Centerville, OH 45459
Century 21 – The Gene Group	65 W Franklin St, Centerville, OH 45459
Centerville Insurance LLC	55 W Franklin St, Centerville, OH 45459
DT Design Inc	49 W Franklin St, Centerville, OH 45459
Wise Guy's Tattoo Society	39 W Franklin St, Centerville, OH 45459
Beckel's Humidor	33 W Franklin St, Centerville, OH 45459
Wilson Advertising	21 W Franklin St, Centerville, OH 45459
Square One Salon & Spa	1 N Main St, Centerville, OH 45459
Town Hall Theatre	15 N Main St, Centerville, OH 45459
Asahel Wright Museum	26 N Main St, Centerville, OH 45459
Dayton Dental Solutions	2 E Franklin St, Centerville, OH 45459
Visiting Angel's	4 W Franklin St, Centerville, OH 45459
Scott Bauer Roofing & Siding	4 W Franklin St, Centerville, OH 45459
Sparkle Society	4 W Franklin St, Centerville, OH 45459
Pure Barre	62 W Franklin St, Centerville, OH 45459
Flack Productions - Creative Video, LLC	70 W Franklin St Suite C, Centerville, OH 45459
Edward Jones	70 W Franklin St, Centerville, OH 45458

Section 3 – Qualified Permit Holders

In accordance with ORC Section 4301.82(B)(3), the DORA complies with ORC Section 4301.82(D) in that based upon the City's population as determined by the most recent regular federal decennial census, the DORA does not create more than three outdoor refreshment areas and includes at least two qualified permit holders. The DORA will encompass no fewer than two (2) qualified permit holders as defined by ORC Section 4301.82(A), which are as follows:

Permit Holder	Address	Classes	Permit Number
ALI BAS LLC	101 W Franklin St Centerville, OH 45459	D5 & D6	0118505 0005

CITY BARBEQUE LLC	5 E Franklin St Unit 5 & Patio Centerville, OH 45459	D1	1508781 0025
CRABSHIRES LLC	68 W Franklin St & Patio Centerville, OH 45459	D5J	1792411
JARKSCS LLC	24-28 W Franklin St Centerville, OH 45459	D1, D2, D3, D6	4242428
MI ANGEL LLC	61 W Franklin St Centerville, OH 45459	D5J, D6	5985759
TRES AMIGOS INC	29 E Franklin St Centerville, OH 45459	D2, D2X, D3, D3A, D6	9043958 0010
A&R CENTERVILLE LLC	11 N Main St Centerville, OH 45459	D5J, D6	0006346
NELLYS LLC	79 S Main St Centerville, OH 45458	D1, D2, D3	6341335

Section 4 – Area Impact

In accordance with ORC Section 4301.82(B)(4), the following information shows that land within the DORA is in accordance with the master zoning map of the City of Centerville.

The proposed DORA location is primarily located within the original village boundary of Centerville which was incorporated in 1830. At that time the site was an undeveloped farm and forested area. The proposed DORA location is within the Architectural Preservation District mixed-use zoning district. In alignment with its Strategic Plan, the City completed a comprehensive visioning process for Uptown Centerville in 2019 with a focus group of more than a dozen stakeholders representing businesses, residents, government partners, and community groups. To enhance the City’s historic business district surrounding Main Street and Franklin Street, this focus group created the Uptown Action Plan which highlights six focus areas: improving walkability and reducing traffic congestion, improving parking, scheduling and organizing new events, focusing on business development, developing branding and increasing greenspace. City Council approved the Uptown Action Plan in August 2019 as an amendment to the City’s Create the Vision comprehensive plan. As such, all existing land uses within the site are in accordance with the City’s master zoning plan or map.

Section 5 – Requirements to Ensure Public Health and Safety

In accordance with ORC Section 4301.82(B)(5), the proposed requirements for the purpose of ensuring public health and safety within the proposed DORA are set forth below.

Signage

In accordance with ORC Section 4301.82(F)(1)(b), there will be at minimum fifteen (15) signs designating the boundary of the DORA. The location of these signs is depicted in Exhibit B. The signs will be located at all street and sidewalk locations intersecting with the boundary of the DORA. The content and style of the signage shall, in sum or substance, consist of the following:



Hours of Operation

In accordance with ORC Section 4301.82(F)(1)(c), the hours of operation for the DORA shall be Monday through Sunday, 11:00am to 10:00pm.

The applicant requests that Centerville City Council reserve the right to temporarily suspend DORA operation for a period of up to fourteen (14) days to accommodate for the permitting of special events that may occur within the boundaries of the DORA.

Safety Plan

In accordance with ORC Sections 4301.82(B)(5) and (F)(1)(d), a Safety Plan, as shown in Exhibit C, had been developed to ensure public safety within the DORA. The Safety Plan can be executed with existing staff.

Sanitation Plan

In accordance with ORC Sections 301.82(B)(5), (F)(1)(e), and (F)(1)(f), a Sanitation Plan, as shown in Exhibit D, has been developed to ensure that appearance and public health are maintained within the DORA. The Sanitation Plan can be executed with existing staff.

Official DORA Cup

In accordance with ORC Section 4301.82(F)(1)(g), beer, wine, and intoxicating liquor shall only be consumed within the DORA as follows:

Beer, wine, and intoxicating liquor shall only be served and consumed in the DORA in the specifically designated plastic bottles or other plastic containers produced and provided by the City of Centerville. The “Official Cup”, as shown below, will be distinctly marked as a DORA cup. No other container will be permitted. Used cups must be disposed of before entering any establishment of a qualified permit holder.

The City Manager requests authority from City Council to approve the design of an official plastic container to be used by all qualified permit holders within the DORA. The City Manager anticipates that the content and style of the Official Cup shall, in sum or substance, consist of the following:



If changes are made, qualified permit holders will be given a ninety (90) day notice of the change.

Official Cups will be produced and provided by the City. Each qualified permit holder must order and purchase cups through the City in lots of 500. The price per cup shall be one dollar (\$1.00). The City Manager may withhold the sale of cups to any establishment found to be in non-compliance with local, state, or federal law.

Official Cups charges collected will only be used to fund the direct costs incurred by the City in the administration of the DORA, or to otherwise benefit the operations within the DORA.

Section 6 – Additional Rules and Requirements

In accordance with ORC Section 4301.82(B)(5), and in conjunction with other rules, standards, and requirements set forth in this application, additional rules and requirements to ensure public safety and health within the DORA are as follows:

1. A person may have in the person’s possession an open container of beer, wine, or intoxicating liquor at an outdoor location within the DORA if the open container of beer, wine, or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:
 - a. The permit holder’s premises is located within the DORA; and
 - b. The permit held by the permit holder has an outdoor refreshment area designation.
2. No person shall do any of the following:
 - a. Enter the premises of a fully qualified permit holder’s establishment within the DORA while possessing an open container of beer, wine, or intoxicating liquor acquired elsewhere; or
 - b. Possess an open container of beer, wine, or intoxicating liquor while being in or on a motor vehicle within the DORA, unless the possession is otherwise authorized under division (D) or (E) of ORC Section 4301.62

In accordance with ORC Section 4301.82(D)(2), the City of Centerville’s population as of the 2020 census is 24,240, which meets the requirements of creating the DORA.

Exhibit A

Street Boundary Listing

Street Name	Range	Even/Odd
West Franklin Street	1-43 & 61-133	Odd
West Franklin Street	4-70 & 110-116	Even
South Main Street	2-28	Even
South Main Street	43 & 79	Odd
East Franklin Street	1-35	Odd
North Main Street	1-45	Odd
North Main Street	2-30	Even

Exhibit B

Exhibit B is the Street Map with DORA boundaries, signage, and receptacle locations. See attached.

Exhibit C

Safety Plan

Designated Outdoor Refreshment Area (DORA)

City of Centerville Police Department Safety Plan

The goal of this safety plan is to maintain public safety within the DORA by providing exceptional police services. This will be executed through strategies described within the safety plan.

The Centerville Police Department currently has adequate staffing levels to ensure public safety within the DORA at all times. During critical events, the Centerville Police Department is supported by outside agencies. These agencies will also be prepared to support any critical events within the DORA.

The Centerville Police Department has significant experience working and ensuring public safety at large outdoor events with diverse and fluid safety needs. This includes the Americana Parade and Merchant Festival which hosts over 85,000 people within Centerville's Uptown district. This experience will help ensure public safety within the DORA.

Deployment strategies include, but are not limited to, the following:

1. The Centerville Police Department maintains 24/7 staffing of uniform police resources within the City of Centerville municipal limits.
2. All patrol districts within the DORA will be authorized to provide police and first responder services within the DORA.
3. Depending on the nature of events within the DORA the businesses within will periodically supplement the assignment of Centerville Police Officers with extra duty officers. The extra duty officer's primary responsibility will be strictly to the boundaries of the DORA.
4. When the City of Centerville is participating in a special public event within the DORA additional police officers will be assigned to the area and provide service dedicated to the event area within the DORA.
5. The City of Centerville participates in mutual aid agreements for services within the City. All mutual aid agreements applicable to the DORA boundary will remain in function.

Once the DORA has been created City of Centerville staff will meet with businesses and property owners to ensure public safety is adequately protected and to determine if modifications to the safety plan are recommended.

The Police Chief of the Centerville Police Department has determined that the Safety Plan described herein is sufficient to maintain public safety within the DORA. This Safety Plan can be executed with the existing personnel of the City of Centerville.

Exhibit D

City of Centerville DORA Sanitation Plan

The goal of this sanitation plan is to help maintain the appearance and public health of the DORA, and Centerville Public Works has adequate personnel for proper execution.

As shown in Exhibit B, there are currently nine (9) trash receptacles located within the proposed DORA that are serviced by the Centerville Public Works department on a regular schedule. The Centerville Public Works Director and Code Enforcement Officer will monitor the receptacles to determine if additional collections are necessary.

Trash receptacles may be moved or added within the DORA at the discretion of the Centerville Public Works Director. With permission from the Centerville Public Works Director, additional receptacles may be added by qualified permit holders. The servicing of additional trash receptacles shall remain the responsibility of the installing entity.

The Centerville Public Works Department currently street sweeps public roadways within Uptown Centerville on a regular schedule. The Centerville Public Works Director shall evaluate the need for additional street sweeping as necessary.

Each qualified permit holder located within the DORA shall be responsible for the collection of litter near or around the premises occupied by that permit holder.

The Centerville Public Works Director has determined the Sanitation Plan described above is sufficient to help maintain the appearance and public health within the DORA. This sanitation plan can be executed with existing City of Centerville personnel.



*City of
Centerville*

Brooks A. Compton, Mayor | Wayne S. Davis, City Manager

February 28, 2024

Ohio Department of Commerce
Division of Liquor Control
6606 Tussing Road
Reynoldsburg, OH 43068

RE: City of Centerville Designated Outdoor Refreshment Area

To Whom it May Concern:

I have reviewed the Designated Outdoor Refreshment Area (DORA) boundary map attached to this application as Exhibit B hereto. The purpose of this review was to verify the acreage of the proposed DORA on Exhibit B, listed at 16.4 acres. This map was created using the City of Centerville's Geographic Information System software ArcGIS Desktop. In my professional experience, I have found that acreages calculated in this software are accurate and reliable. I believe the acreage of the proposed DORA calculated by ArcGIS Desktop is the most accurate and reliable data available, and that it is unnecessary to survey the area given the considerable resources required to perform that task.

If you have any additional questions, please contact me at 937-428-4782.

Sincerely,

James G. Brinegar

James G. Brinegar P.E.
City Engineer