

**Application to Barberton City Council
Designated Outdoor Refreshment Area**

Downtown Barberton

O.R.C. 4301.82



City of Barberton

Mayor William B. Judge

The office of the Mayor and Director of Planning and Community Development for the City of Barberton, Ohio respectfully submits the following application to Barberton City Council to approve a Designated Outdoor Refreshment Area (DORA) in downtown Barberton in accordance with O.R.C. 4301.82

Submitted: July 1, 2022



Introduction and Submittal of Application:

On April 30, 2015 Substitute House Bill 47 became effective to create a Designated Outdoor Refreshment Area. Effective April 30, 2017 Section 4301.82 of the Ohio Revised Code authorizes municipalities under 35,000 in population to create Designated Outdoor Refreshment Areas or "DORAs." In order to consider the creation of a DORA, the City Mayor must file an application with City Council which meets certain statutory requirements outlined below. The application filing must be advertised for two consecutive weeks in a newspaper of general circulation. Not earlier than 30 days, but not later than 60 days, after initial publication of the notice, City Council may approve or disapprove of the application by ordinance or resolution. The Division of Liquor Control is responsible for issuing permits with the "Outdoor Refreshment Area" designation on it to all A-1, A-1-A, A-1c, A-2, A2f, or D liquor permit holders.

Steps Toward DORA Creation:

- City Mayor submits Application to City Council
- Public Notice is provided to the community (newspaper, posted agenda, e-newsletter, social media, and website)
- Public Hearing at City Council meeting Monday July 11, Planning Commission Thursday July 14, and Board of Health Wednesday July 27.
- City Council votes at a legislative City Council meeting. First Reading July 11, second reading July 25, and third reading August 1, 2022.
- Notice to and approval from Ohio Department of Liquor Control.

The creation of a Designated Outdoor Refreshment Area will serve as an economic tool to attract patrons to downtown Barberton and highlight the area as a destination for dining and entertainment. During the creation of this application the Downtown Merchants Association, South Summit Chamber of Commerce, and various businesses have provided input and expressed general support for the concept and indicated by discussion to pursue the application process for consideration by Council.



The purpose of this application is to request that City Council approve the creation of a Designated Outdoor Refreshment Area (DORA) in the City of Barberton. The application includes the following sections:

- A map of the proposed Designated Outdoor Refreshment Area (150 acres or less)
- A statement of the nature and type of establishments in the proposed area
- A statement verifying that not less than four liquor permit holders are included in the area
- Evidence that the land use in the Designated Outdoor Refreshment Area is in accord with the City of Barberton's Master Plan
- The proposed DORA area is zoned as CD Commercial Downtown
- Proposed requirements that ensure the public health and safety in the Designated Outdoor Refreshment Area
- Dates and hours of operations

Section 1. Map of Proposed DORA, not exceeding 150 contiguous acres:

Please refer to **Exhibit A** attached. Exhibit A includes a map of the proposed Designated Outdoor Refreshment Area as well as the list of establishments that have the necessary allowable liquor permits within the area. Eleven (11) establishments have been identified that qualify to be included in the Designated Outdoor Refreshment Area. The proposed Designated Outdoor Refreshment Area is 31.88 acres in size which is well below the requirements of the area being 150 acres or less.

Section 2. Nature and Types of Establishments located within the DORA:

Please refer to **Exhibit B** below & attached. Exhibit B outlines the establishments and types located within the Designated Outdoor Refreshment Area. The proposed DORA consists primarily of businesses in the form of boutiques, retail, restaurants and office establishments with some residential housing and apartments.

Section 3. List of Qualified Permit Holders: Please refer to **Exhibit A** attached.

Exhibit A outlines a map of the establishments within the Designated Outdoor Refreshment Area that currently have a D liquor permit which is the necessary permit required to participate in a Designated Outdoor Refreshment Area. In accordance with O.R.C. 4301.82(B)(3) the DORA will encompass not fewer than four qualified permit holders. The City of Barberton has identified eleven (11) qualified permit holders that are included in the DORA.



A. List of Qualified Permit Holders

Al's Quality Market
Barberton Liedertafel
Barberton VFW Post 1066
Block 7 Bar & Grill
El Tule Mexican Bar & Grill
Fehr's Corner Café
First Hungarian Benefit Society
Green Diamond Grille & Pub
Ignite Brewery
M&M Tap House
The Pregame Tavern

Section 4. Evidence that Use of Land within DORA are in accord with Barberton's Comprehensive Plan: The City of Barberton updated its Comprehensive Plan in 2006. The Comprehensive Plan states that one of the top public priorities is to revitalize Downtown Barberton as a destination with a vibrant restaurant, arts, retail and entertainment scene. A majority of the property located in Barberton's Downtown is zoned for mixed use development & commercial downtown and is called out in the Comprehensive Plan as community core-mixed use. This zoning allows restaurants, bars, and liquor establishments. This designation's objective is to maintain, enhance, and grow the Community Core as a vibrant, mixed use gathering place and cultural center with an emphasis on retail, arts and entertainment uses. The Community Core maintains a highly urban, pedestrian focused environment through building and streetscape.

The creation of a Designated Outdoor Refreshment Area in downtown Barberton aligns with the City's Comprehensive Plan and objective to make this area a popular destination for dining and entertainment within the City.

Section 5. Proposed Requirements for Ensuring Public Health and Safety within the DORA: City of Barberton's Service Department or Beautification Department will be responsible for maintaining the appearance and public health within the DORA. Please see attached Sanitation Plan in **Exhibit A**. Exhibit A shows that there are currently twenty-two (22) permanent trash receptacles placed within the boundary of the DORA that are serviced once per week (shown in light blue). The City is



proposing the installation of, up to ten (10) new trash receptacles within the Designated Outdoor Refreshment Area to fill gaps in coverage.

The trash receptacles will be serviced by the City's waste and recycling contractor once per week. Additional collections will be done on an as needed basis. The City's Service Department or Beautification Dept. will monitor the receptacles and coordinate additional collections if needed.

For planned events in the DORA that may draw larger than normal attendance, portable restroom facilities will be provided at a central location within the DORA. Businesses with liquor permits within the DORA that are participating in the DORA will be encouraged to allow general public access to their restroom facilities during the hours DORA is in effect.

Please see attached Boundary Signage Plan and design in **Exhibit C**. The City is proposing twenty two (22) areas where installation of boundary signage will be necessary to preserve public safety.

A. SIGNAGE & SANITATION PLAN

City of Barberton Service Department or Beautification personnel will be responsible for maintaining the appearance and public health within the DORA through trash collection, street sweeping, routine maintenance and signage placement.

Exhibit A shows that there are currently twenty-two (22) permanent trash receptacles placed throughout and along the DORA boundary serviced at a minimum twice per week, or as needed. The City is proposing the installation of up to ten (10) additional trash receptacles throughout the DORA district. In addition, the City is proposing the installation of twenty-two (22) signs throughout the DORA to mark the boundaries, Exhibit C. The City's Service Department or Beautification Department will monitor and empty full litter receptacles, at a minimum, on the following days: Fridays in the mornings in addition to the regular pick up schedule by the city's contracted sanitation provider. The Service Department or Beautification Department will coordinate the installation of additional signage if needed.



Each participating bar/restaurant is also required to place a trash receptacle next to one of their entrances. This receptacle must be placed near one of the entrances during hours the DORA is in effect and must be removed from the public sidewalk during off hours when the DORA is not in effect. It is the responsibility of each participating bar/restaurant to empty their trash receptacle in their business trash dumpster, not the city's trash receptacle located on the street.

In accordance with ORC 4301.82(B)(5), the proposed requirements for the purpose of ensuring public safety within the Designated Outdoor Refreshment Area (DORA) are as follows:

B. PUBLIC SAFETY PLAN

City of Barberton Police Department and Fire Department will be responsible for providing public safety within the DORA through law enforcement and fire/EMS services.

Law Enforcement Responsibilities:

The Barberton Police Department will be responsible for providing law enforcement services within the DORA. The Police Department Headquarters is located within the DORA boundary. Police officers will monitor the DORA area during routine patrols. The safety plan will be analyzed and adjusted as needed. In the event that an above-average number of people are in the DORA, the on-duty supervisor may call in additional officers and/or assign an officer to specifically patrol the DORA. The use of foot patrol and bicycle patrol will be considered as alternate methods of patrolling in the DORA. For planned events in the DORA that may draw a larger than normal attendance, the Chief of Police may have additional officers and/or other agency personnel assigned specifically to the DORA. The expense of additional officers for the DORA due to an above average number of people getting out of control or for planned events, may be at the expense of the bars & restaurants participating in the DORA or other organization involved with the event; this will be at the discretion of the City of Barberton Director of Public Safety.



Fire/EMS Responsibilities:

The Barberton Fire Department will be responsible for providing Fire, Rescue, and EMS within the DORA. Station One is currently located on the periphery of the DORA boundary. For planned events in the DORA that may draw larger than normal attendance, the Fire Chief may stage personnel and/or equipment in a location within or near the DORA to allow for an immediate response.

Downtown Public Parking Map: Please see exhibit A

Section 6. Designated Hours of Operation The Designated Outdoor Refreshment Area will be in operation on Thursday, Friday and Saturday from noon till 10pm. Additional days and extended times for special events may be established by the Mayor, Chief of Police and the Director of Public Safety with the concurrence by a vote of City Council. Request for extended times for special events must be proposed at-least ninety (90) days prior to the event to ensure proper approval and planning.

A. Hours of Operation:

Thursday noon-10:00pm

Friday noon-10:00pm

Saturday noon-10:00pm

Except as provided in the DORA statute, all State of Ohio and City of Barberton laws regarding public intoxication, impaired driving, and open containers apply to areas both inside and outside of the DORA boundaries. Failure to comply with the rules as states is a crime! Please drink responsibly!



Street Boundary Listing

County of Summit

City of Barberton

Downtown Barberton DORA District

Street Boundary Listing

Street Name	Range	Even/Odd
W Tuscarawas Ave	459-659	Both
2nd St NW	103-219	Both
W Park Ave	451-505	Both
6th St NW	75	Odd
3rd ST NW	127-211	Odd
Wooster RD N	154-230	Even
1st ST NW	132-222	Both
W Paige Ave	460-467	Both
W Lake Ave	230-527	Both

Exhibit A: Map of proposed DORA, existing trash receptacles within the DORA (and just outside the DORA), existing establishments with liquor permits, and city owned parking lots within the DORA.

Exhibit B: Map of Downtown Historic/Design Review District

Exhibit C: Map of proposed DORA, proposed signage locations for DORA, and map of city owned parking lots within the DORA.



City of Barberton

DORA

Exhibit A

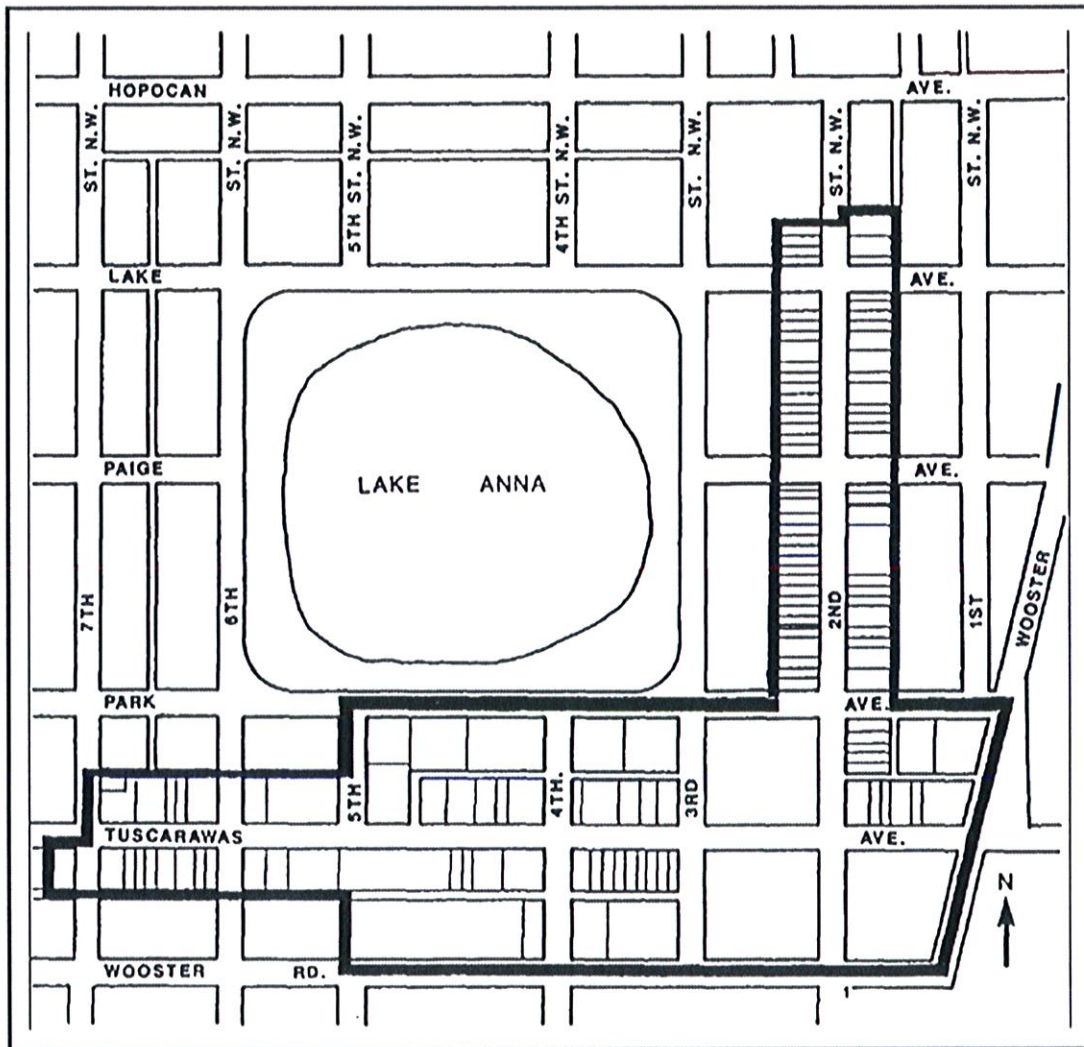




Exhibit B

The proposed DORA consists primarily of businesses in the form of boutiques, retail, restaurants and office establishments with some residential housing and apartments. This includes the historic district and Barberton Design Guidelines, which was published in 1994. Below is the Downtown Design Review/Historic District.

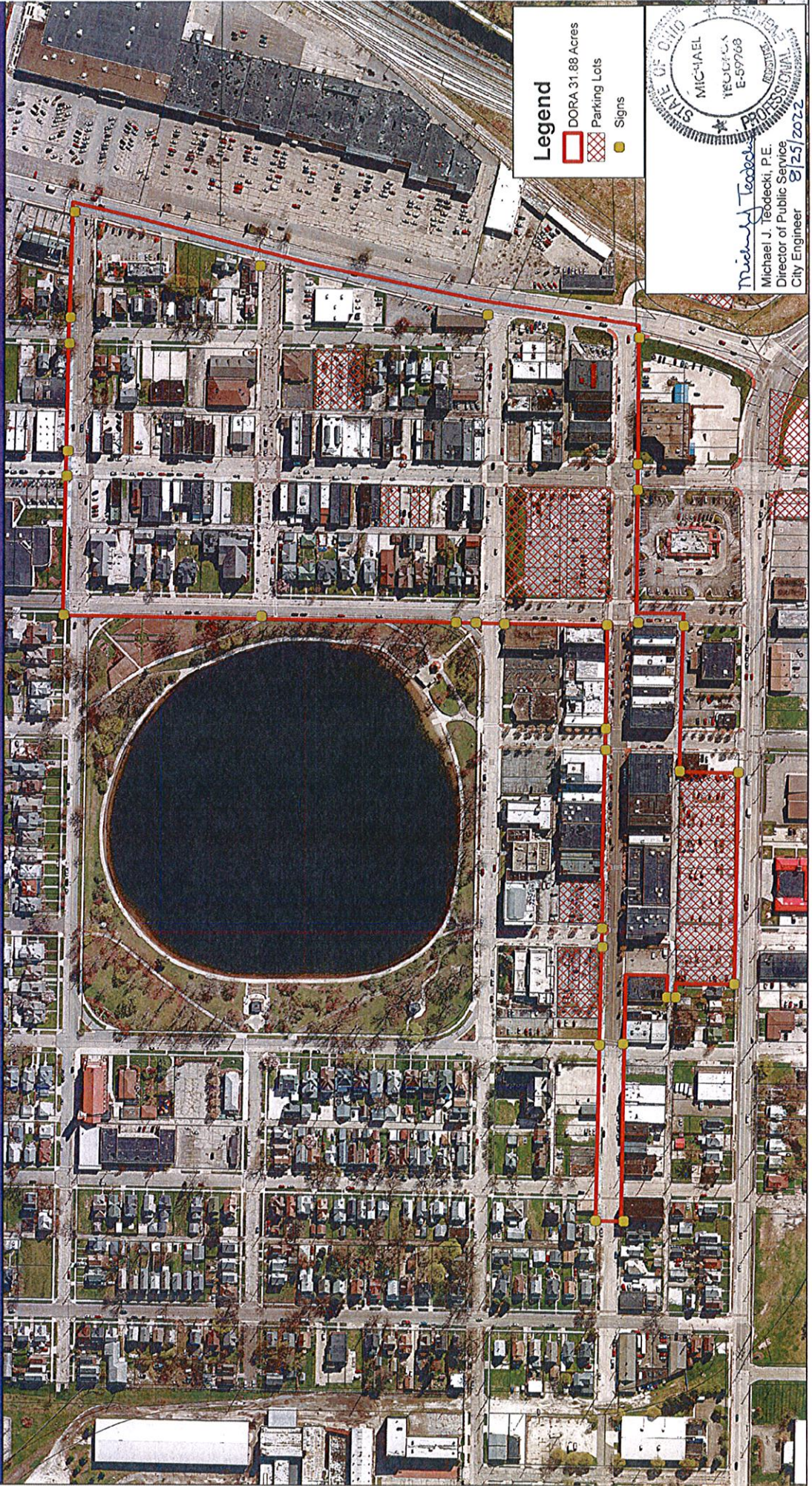
Please see attached Exhibit B Downtown Historic District.





City of Barberton

DORA



Al's Quality Market, 155 2nd St NW

Barborton Liedertafel, 191 2nd St NW

Barborton VFW Post 1066, 85 6th St NW

Block 7 Bar & Grill, 524 W Tuscarawas Ave

El Tule Mexican Bar & Grill, 562 W Tuscarawas Ave

Fehr's Corner Café, 659 W Tuscarawas Ave

First Hungarian Benefit Society, 451 W Park Ave

Green Diamond Grille & Pub, 125 2nd St NW

Ignite Brewery, 600 W Tuscarawas Ave

M&M Tap House, 523 W Tuscarawas Ave

The Pregame Tavern, 105 2nd St NW

LOM:raf
06/22/2022

Presented by: Mrs. Thompson

ORDINANCE NO. 98-2022

TITLE: DESIGNATED OUTDOOR REFRESHMENT AREA

AN ORDINANCE ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) PER ORC 4301.82, AND DECLARING AN EMERGENCY.

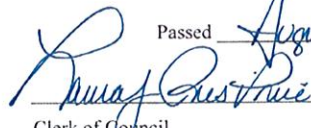


WHEREAS, this will be for the downtown area.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That the Council hereby establishes a Designated Outdoor Refreshment Area (DORA) per ORC 4301.82.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, for the reason that it is necessary to move forward with the State of Ohio, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed August 1, 2022 2022

Clerk of Council

President of Council
Approved August 1, 2022 2022

Mayor