

Council met in a **PUBLIC HEARING** on Monday, July 11, 2022 at 6:40 P.M. in Council Chambers with President Greer presiding.

The Public Hearing was requested by Mayor William Judge. The purpose of the Public Hearing was to discuss the Designated Outdoor Refreshment Area (DORA)

The Clerk called the roll: Members present: President Greer, Mr. Heitic, Mrs. Thompson, Mrs. Bailey, Mrs. Angeloff, Mr. Griffin, Mr. Jaber, Mrs. Coburn, Mrs. Frey.

The Mayor took the floor and explained the following

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. 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: Barberton Herald, posted at the Barberton Public Library, posted at the Barberton U.S. Post Office, posted on the front door of the Barberton Municipal Building, posted on the city’s social media, posted on the city’s 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.

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.

There are 6 sections that must be answered in the application:

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

Please refer to **Exhibit A** attached.

The proposed area is W Tuscarawas Ave from the West side of Fehr's Corner Café to Wooster Rd N, north on Wooster RD N to W Lake Ave to 3rd St NW down to W Tuscarawas Ave. This includes the city parking lot on Wooster Rd W, the grey lot. Eleven (11) establishments have been identified that qualify to be included in the Designated Outdoor Refreshment Area. The proposed Designated Outdoor Refreshment Area is 38 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:

Exhibit B outlines 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:

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.

Section 4. Evidence that Use of Land within DORA are in accord with Barberton's Comprehensive Plan:

The 2006 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, which 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.

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. 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.

A. SIGNAGE & SANITATION PLAN

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 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.

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:

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. (This is the norm currently for special events).

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:

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!

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.

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.

This finished the Mayor's presentation and the floor was opened for Questions or Comments from Council members. Hearing none the floor was opened to the public.

Paul Risley of Barberton Ohio stated that he was all for the DORA but that it should be opened up to more areas so that different places that are not within the boundaries can participate. This would bring more businesses downtown. Mr. Risley also suggested that the hours should be extended so that the police could be more available. In closing Mr. Risley stated "Make it Bigger and make it more hours". The Mayor responded that through research of other communities that have initiated DORAs most started smaller and adjusted their size and hours after seeing how best to make it fit to their communities. Most expanded and some lessened the areas. Mr. Heitic asked Mr. Risley if he had a copy of the maps and areas in question and when he stated he did not, Mr. Heitic gave him his copy.

Mr. Andrews of Grandview Avenue inquired if the expense of the safety forces, police, fire, sanitation, would come from the city budget or if those expenses were paid for by the vendors and participating business owners. The Mayor stated that if it was a special event sponsored by a particular group then those costs would be the responsibility of the sponsor. In the normal day to day operation the costs are with the city but it is required that trash receptacles be placed at the doors of businesses participating in the DORA and those receptacles would be the responsibility of the participating business.

Mrs. Angeloff stated that she wanted to thank fellow Council members and the Mayor for explaining DORA to her now that she's had time to read through the information. The Mayor

also stated that he would be repeating all of this information at the Planning Commission and Health Board meetings this week.

President Greer asked three (3) times if there were any more questions or comments. There were none.

President Greer, hearing no further questions or comments, adjourned the public hearing at 6:55 P.M.

Justin Greer
President of Council

Laura Ries-Price
Clerk of Council