

City of Montgomery
City Council Public Hearing Minutes
July 22, 2020

Present

Brian Riblet, City Manager
Terry Donnellon, Law Director
John Crowell, Police Chief
Gary Heitkamp, Public Works Director
Tracy Roblero, Asst. City Manager/Acting Comm. Dev. Dir.
Matthew Vanderhorst, Community and Information Services Director
Paul Wright, Fire Chief
Connie Gaylor, Clerk of Council

City Council Members Present

Chris Dobrozsi, Mayor
Craig Margolis, Vice Mayor
Lee Ann Bissmeyer - teleconference
Mike Cappel - teleconference
Gerri Harbison
Lynda Roesch - teleconference
Ken Suer

City Council convened its Public Hearing for July 22, 2020 at 6:30 p.m. in a hybrid meeting at City Hall and by telephone conference with Mayor Dobrozsi presiding. This remote access meeting was allowed by emergency legislation adopted by the Ohio General Assembly and approved by the Governor. The emergency legislation added language to RC Section 121.22 allowing public meetings by telephone conference during the current pandemic and declared State of Emergency. As required by the statute, notice of the telephonic meeting was publicized more than 24 hours in advance to allow public access through the same conference call in service. The public was also given a backup number to call in the event there were technical difficulties. This Notice was posted on the City's website and a similar Notice was sent to The Cincinnati Enquirer.

ROLL CALL

Mayor Dobrozsi conveyed that Vice Mayor Margolis previously notified City Council he would be unable to attend.

The roll was called and showed the following vote:

AYE: Cappel, Bissmeyer, Harbison, Dobrozsi, Roesch, Suer	(6)
NAY:	(0)
ABSENT: Margolis	(1)

Mayor Dobrozsi stated that he would recuse himself from the discussion of the agenda item and asked for a motion by Council to appoint a Mayor pro tem as Vice Mayor Margolis was not present. He stated that although he has no ownership interest in Neyer Properties, Inc. nor any in the limited liability companies in partnership to develop the Montgomery Quarter, he will continue to recuse himself from discussion and abstain from voting upon legislation related to the Montgomery Quarter project.

Mr. Cappel made a motion to appoint Mrs. Harbison as Mayor pro tem during the discussion of the agenda item. Mr. Suer seconded. City Council unanimously agreed. Mayor Dobrozsi exited the dais and Mrs. Harbison took over the meeting.

NEW BUSINESS

Designated Outdoor Refreshment Area (DORA)

Mr. Riblet and Ms. Roblero presented the following information on the DORA.

What is a DORA?

- A specifically designated area that allows patrons over the age of 21 to purchase alcoholic beverages from an establishment and carry them within a clearly defined area within the City

- It was established in April 2017 by Section 4301.82 of the O.R.C.; it creates an exemption from the Open Container Law; under the statute, a person who purchases beer or intoxicating liquor from the holder of a permit with a DORA designation is permitted to have that beverage in an open container at any outdoor location within the DORA.

Why a DORA?

- Economic draw for the businesses and the City
- Building on the lively, pedestrian friendly environment of the areas
- Provide an additional incentive for restaurants to locate in the area and potentially drive redevelopment of under-utilized properties
- The Comprehensive Community Plan calls for the City to work with developers and property owners to ensure that redevelopment in the Old Montgomery Gateway District includes pedestrian friendly features and connects to the Heritage District
- The Comprehensive Community Plan states that the City will define a vision for the future of the Heritage District which will expand entertainment and restaurant opportunities
- Goal 3, Strategy 3 of the Strategic Plan calls for the creation of an environment in the Heritage District and Old Montgomery Gateway District that attracts a sustainable mix of retail and restaurants that caters to employees and residents

Map of the DORA

Mr. Riblet explained that the proposed DORA reached the following areas– Market Place, Old Montgomery Gateway, and Heritage District. He explained that is encompassed a total of 63.8 acres. He added that we could have up to 150 contiguous acres so there was room to expand it in the future.

Qualified Businesses within the District

Ms. Roblero explained that a “Qualified Business” is one that has a current “D” liquor license. Following are a list of those businesses:

- Montgomery Inn
- Forno Osteria & Bar
- Montgomery Public House
- Board and Brush
- Artemis Mediterranean Bistro
- The Corner Pub
- The Village Tavern
- Napa Kitchen and Bar
- Z Place
- Tandoors
- MEI Japanese Restaurant
- Go Bananas Comedy Club
- Sukhothai
- Pacific Kitchen
- The Corner Pub
- The Belle and the Bear

Ms. Roblero stated that she has received emails in support of the DORA from Z’s Place, Montgomery Inn, and the Corner Pub. She stated that the Montgomery Chamber of Commerce also issued a motion of support for the DORA.

Steps Toward the DORA Creation

- City Manager submits Application to City Council
- Public Notice is provided to the Community (newspaper, posted agenda and website)
- Public Hearing on July 22, 6:30 p.m. prior to a City Council meeting
- If City Council chooses to move forward the item would be added to the August 5 City Council Business Session for consideration
- Notice to and approval from Ohio Department of Liquor Control

FAQ'S

Q: Can I walk anywhere with my DORA cup?

A: Patrons can only carry DORA beverages in the defined area. Retail and private establishments may allow DORA beverages in their establishment or they may opt to not allow them. Each establishment within the DORA will have their own policy and will have signage on their establishment door defining their DORA policy.

Q: Are the hours of the DORA limited?

A: Yes, the DORA hours are Monday through Thursday from 5:00 p.m. to 11:00 p.m.; Friday from 5:00 p.m. to midnight; Saturday from noon to midnight; and Sunday from noon to 9:00 p.m. Special hours of DORA operation will be allowed as designated in advance by the City Manager for the occasion of holidays or special events, with the consent of City Council.

Q: What is a DORA cup?

A: A plastic, reusable, designated cup for all establishments. The cup is purchased at restaurants for a nominal fee. The cup will be branded for the City of Montgomery.

Q: Can I take my DORA beverage into another restaurant?

A: No, once a DORA beverage has left a restaurant, it must be consumed before entering another restaurant. Empty cups may be taken into a different restaurant for another beverage.

Q: How will patrons know the DORA limits?

A: Each patron purchasing a DORA cup will receive a card with the map and DORA rules. Restaurants will have large laminated maps on hand to show patrons the DORA limits. Signs at key egress areas of the DORA will be installed.

Q: Can I pour my own alcoholic drink into a DORA cup and carry it?

A: No. Beverages must be purchased from participating restaurants. No cans, glass bottles, or outside alcoholic beverages are allowed within the DORA boundaries. Alcoholic beverages may not be carried outside of the boundary area or patrons are subject to legal consequences.

Q: Will the area become littered, unruly, or noisy due to the DORA?

A. Mason, Milford, Hamilton, Loveland, and Wyoming all have DORAs. City Administration has made inquiries to those communities and none have negative experiences to report.

- The City has numerous garbage cans in the DORA area; however, cups are intended to be kept and reused.
- The Police Department will conduct routine patrols and will enforce responsible behavior.
- The boundaries of the DORA will be strictly enforced.
- Special events may require additional Police and Public Works staffing, as is already the practice.

Mr. Riblet reminded City Council that except as provided in the DORA statute, all State of Ohio and City of Montgomery laws regarding public intoxication, impaired driving, and open containers apply to areas both inside and outside of the DORA boundaries. He stated that failure to comply with the rules as stated is a crime.

Mr. Donnellon added that the City is also required to do a periodic review of the DORA, that once it is created it is not left unsupervised.

Mrs. Harbison asked for City Council comments.

Mr. Suer stated that he agreed the DORA would be a benefit to the businesses and would stimulate pedestrian traffic to create a thriving downtown area. He added that he felt new businesses coming to the Montgomery Quarter would also energize the downtown area. Mr. Suer stated that the downside would be the few individuals who may disregard the rules. He stated he felt the businesses would have to be active partners to help the DORA succeed. He closed by stating that if the City can create it, they can also dissolve it if it becomes a real problem.

Ms. Roesch stated she thought this was a great economic development tool. She is pleased that businesses are supportive of the DORA. She stated she felt that the public is generally responsible and does not anticipate significant issues.

Mr. Cappel stated that he just read the July 10 edition of the Cincinnati Enquirer about the increase of drug and alcohol consumption during the pandemic. He stated after reading that, and colored by his personal beliefs, he believes the creation of a DORA is a short-sighted public policy that will encourage and facilitate the use of drugs and alcohol in our community. He stated he was worried about that and believes the police when they think they can control it, but it shakes him up.

Mrs. Bissmeyer asked if the businesses within the DORA are determined by the map or by interest from the businesses themselves.

Mr. Riblet replied that the City designates the area but the businesses that fall within that area do not have to participate.

Mrs. Bissmeyer asked if there were businesses that were excluded.

Mr. Donnellon replied that all businesses are eligible within the district, but some may not have the appropriate liquor licensing to participate.

Mrs. Bissmeyer asked about Carlos and Johnny's.

Mr. Donnellon stated that the area currently does not stretch to Carlos and Johnny's, but the area can be amended.

Mrs. Bissmeyer stated she understood that Twin Lakes does not want to participate.

Mr. Donnellon stated that was correct. He explained that they do not feel they are a walkable entertainment area and did not feel it was appropriate at this time.

214 Mrs. Bissmeyer asked if the area could be expanded to Hopewell Road to incorporate the municipal pool.

215
216 Mrs. Harbison stated that City Council has always taken the position that there would not be alcohol at the pool.

217
218 Mr. Donnellon added that we do not have licensing for serving alcohol at the pool. He stated that there is an event
219 specific alcohol permit, permit "F" be required for limited pool events.

220
221 Mrs. Bissmeyer asked if the weekend hours could be expanded to an earlier time to include brunch hours as
222 designated by the businesses.

223
224 Mr. Riblet stated that we could amend the current hours.

225
226 Mrs. Bissmeyer stated that she would suggest 9:00 a.m. to match the opening hours of the businesses. She also
227 stated that while she appreciates the reusable cups, she feels using disposable cups would create new revenue.

228
229 Mr. Riblet stated that we could discuss that as we get closer to opening up the area.

230
231 Mr. Donnellon stated that we do not have to designate the type of cup now, only that it has to be designated as a
232 "DORA" cup.

233
234 Mrs. Harbison stated that she feels creating a DORA sets Montgomery up to be a destination area. She stated that
235 it would be an asset to the businesses who have taken a hit during the pandemic.

236
237 **GUESTS AND RESIDENTS**

238
239 Jim Christmann, 7880 Remington Road- Mr. Christmann addressed City Council as a partner of Montgomery
240 Public House microbrewery stating his support for the creation of the DORA. He stated that he felt it would
241 benefit all business and those business owners that he has spoken with were all in favor of it. He stated he thought
242 it would make Montgomery an exciting destination and was appreciative that City Council was considering it.

243
244 Mrs. Harbison thanked Mr. Christmann for his comments and asked if there were any guests or residents on the
245 phone line that would like to speak. Hearing no responses, Mrs. Harbison closed the floor to public comment.

246
247 Mrs. Harbison stated to City Council that a motion would now be needed to either, accept the recommendation of
248 staff, deny the recommendation, remand the recommendation back to staff for more information, or table the
249 recommendation to another meeting within 30 days.

250
251 Mr. Suer made a motion to accept the recommendation of staff to create a DORA in the City of Montgomery. Ms.
252 Roesch seconded the motion. Five Council members answered in favor, one Council member was opposed.

253
254 Mr. Suer made a motion to add the legislation to the August 5 Business Session Agenda. Ms. Roesch seconded.
255 Five Council members answered in favor, one Council member was opposed.

256
257 Mr. Donnellon asked for confirmation, based on discussion from the meeting, if the hours of the DORA should be
258 adjusted.

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260 Mrs. Harbison advised Mr. Donnellon to research what hours surrounding businesses were open and to adjust the
261 hours accordingly.

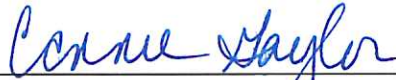
262
263 Mayor Dobrozsi reentered the dais and regained control of the meeting.

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265 Mayor Dobrozsi asked if there was any further business to be heard in the Public Hearing. There being none, he

asked for a motion to adjourn from the Public Hearing.

Mrs. Harbison made a motion to adjourn. Mr. Cappel seconded. City Council unanimously agreed.

The meeting was adjourned at 7:04 p.m.



Connie Gaylor, Clerk of Council