

**RESOLUTION NO. 26 , 2020**

**A RESOLUTION CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA WITHIN THE OLD MONTGOMERY GATEWAY DISTRICT NOW KNOWN AS THE MONTGOMERY QUARTER AND PORTIONS OF BOTH THE OLD MONTGOMERY/HERITAGE DISTRICT AND MONTGOMERY CORRIDOR**

**WHEREAS**, in 2017 the Ohio Revised Code was amended to allow for the establishment of Designated Outdoor Refreshment Areas (“DORA”) under R.C. § 4301.82; and

**WHEREAS**, on June 17, 2020, the City Manager submitted an application to City Council for approval of a DORA within the Old Montgomery Gateway District, now known as the Montgomery Quarter, and portions of both the Old Montgomery/Heritage District and the Montgomery Corridor; and

**WHEREAS**, pursuant to R.C. § 4301.02(C), notice of the filing of the DORA application and the date of a public hearing thereon was published within the *Cincinnati Enquirer* on June 29, 2020 and July 6, 2020; and

**WHEREAS**, a public hearing, upon such application, was held July 22, 2020; and

**WHEREAS**, Council did recommend establishing a DORA after receiving comment at the public hearing in an area depicted upon Exhibit B attached hereto and including the addresses depicted upon Exhibit C attached hereto; and

**WHEREAS**, the application submitted by the City Manager and reviewed at the public hearing did outline the nature and types of business establishments that are located within and are proposed to be located within the DORA, identified sixteen currently active qualified permit holders under the authority of the Division of Liquor Control located

within the DORA, did verify that the proposed DORA is consistent with the Comprehensive Community Plan for the City as it will support redevelopment within the designated area as well as enhance already in place pedestrian friendly features connecting the Old Montgomery Heritage District to the District area now known as the Montgomery Quarter, and did outline proposed requirements to insure appropriate public health and safety in the operation of the DORA; and

**WHEREAS**, Council does believe the approval of the DORA will serve to enhance the experience of patrons in the business establishments within the DORA area, and such special events as may be scheduled now and in the future within such DORA area.

**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Montgomery, Hamilton County, Ohio, that:

**SECTION 1.** City Council determines that all public notice requirements of R.C. § 4301.82 prior to the passage of this Resolution have been met.

**SECTION 2.** City Council hereby accepts the DORA application as submitted by the City Manager as having met the requirements of R.C. § 4301.82(B)(1-5).

**SECTION 3.** Council finds that the DORA encompasses no fewer than four qualified permit holders, all of which are identified on Exhibit A attached hereto and made a part hereof by business name, address, liquor permit type, and liquor permit number. Council further finds that the DORA depicted on Exhibit B comprises an area of less than One Hundred Fifty (150) acres as more specifically certified in the survey provided by CT Consultants.

**SECTION 4.** Council hereby approves the establishment of a DORA

comprised of the area depicted on Exhibit B attached hereto and made a part hereof. Such area shall include and encompass the premises and current qualified permit holders located on the street addresses as listed on Exhibit C, and it shall encompass the street addresses of those sections of the public streets located within the DORA to allow future permit holders to receive properly coded permits to be incorporated in the DORA.

**SECTION 5.** To ensure public health and safety, and in accordance with R.C. § 4301.82(F)(1)(b), the number, spacing and type of signage designating the DORA boundaries as set forth in Exhibit D attached hereto and made a part hereof are hereby approved.

**SECTION 6.** As recommended by the City Manager, the hours of operation for the DORA shall be Monday through Thursday from 5:00 PM to 11:00 PM, Friday from 5:00 PM to Midnight, Saturday from Noon to Midnight, and Sunday from Noon to 9:00 PM. Additionally, special hours of DORA operation may be allowed as designated in advance by the City Manager for the occasion of holidays or special events to be held within the DORA sponsored by F Class permit holders.

**SECTION 7.** To ensure public health and safety, and in accordance with R.C. § 4301.82(F)(1), the Public Health and Safety Plan (“Plan”) as outlined in Exhibit E attached hereto and made a part hereof is hereby approved. The Plan properly confirms the number, spacing and type of signage designating the DORA boundaries, the hours of operation for the DORA, the number of personnel needed to ensure public safety in the DORA, a sanitation plan to maintain the appearance and appropriate public safety in the DORA, and the number of personnel needed to execute the sanitation plan.

**SECTION 8.** As is required by R.C. § 4301.82(F)(1)(g), beer and intoxicating

liquor shall only be served in plastic bottles or other plastic containers, which shall be provided by the qualified permit holders in a readily identified container as approved by the office of the City Manager.

**SECTION 9.** City Council shall continue to review the requirements of the DORA as established herein, and the Administration is asked to report to City Council on or before August 31, 2021 concerning the operations of the DORA, the success of the DORA, and any recommended modification to the terms or conditions of the DORA. Further, on or before August 31, 2026, Council shall review the operation of the DORA and shall by Resolution either approve the continuing operation of the DORA or dissolve the DORA. Council shall give appropriate public notice as required by Ohio law at that time before considering an extension or dissolution of the DORA. Such DORA may be dissolved earlier as provided by law.

**SECTION 10.** The Clerk of Council is hereby authorized to forward a copy of this Resolution to the Ohio Division of Liquor Control and to the Investigative Unit of the Ohio Department of Public Safety, all in accordance with R.C. § 4301.82(C) and R.C. § 4301.82(F)(3).

**SECTION 11.** This Resolution shall be in full force and effect from and after its passage.

PASSED: August 5 2020

ATTEST: Connie M. Gaylor  
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi  
Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon  
Terrence M. Donnellon, Law Director



### Exhibit A

In accordance with ORC 4301(B)(3) the DORA will encompass not fewer than four (4) qualified permit holders. These include:

- Forno Osteria & Bar (D1, D2, D3, and D6) Permit #2822293
- Montgomery Inn (D1, D2, D3, D3A and D6) Permit #61142930005
- Montgomery Public House (D6) Permit #6113785
- Board and Brush (D1) Permit #6379395
- Artemis Mediterranean Bistro (D51, and D6) Permit #8429785
- The Corner Pub (D1, D2, D3, D3A, D6) Permit #8828005
- The Village Tavern (D5 and D6) Permit #92755760002
- Napa Kitchen and Bar (D51 and D6) Permit #9690548
- Z Place (D8) Permit #9962491
- Tandoors (D2, D3A, D6) Permit #6744060
- MEI Japanese Restaurant (D5 and D6) Permit #5808502
- Go Bananas Comedy Club (D1, D2, D3, D3A and D6) Permit #6050384
- Sukhothai Thai Cuisine (D5 and D6) Permit #6481707
- Pacific Kitchen (D5 and D6) Permit #6619951
- The Belle and the Bear (D2, D2X, D3, D3A, and D6) Permit #65482430005



**Exhibit B**  
 DORA Area - Market Place, Old Montgomery Gateway and Heritage District  
 Acreage - 62.6

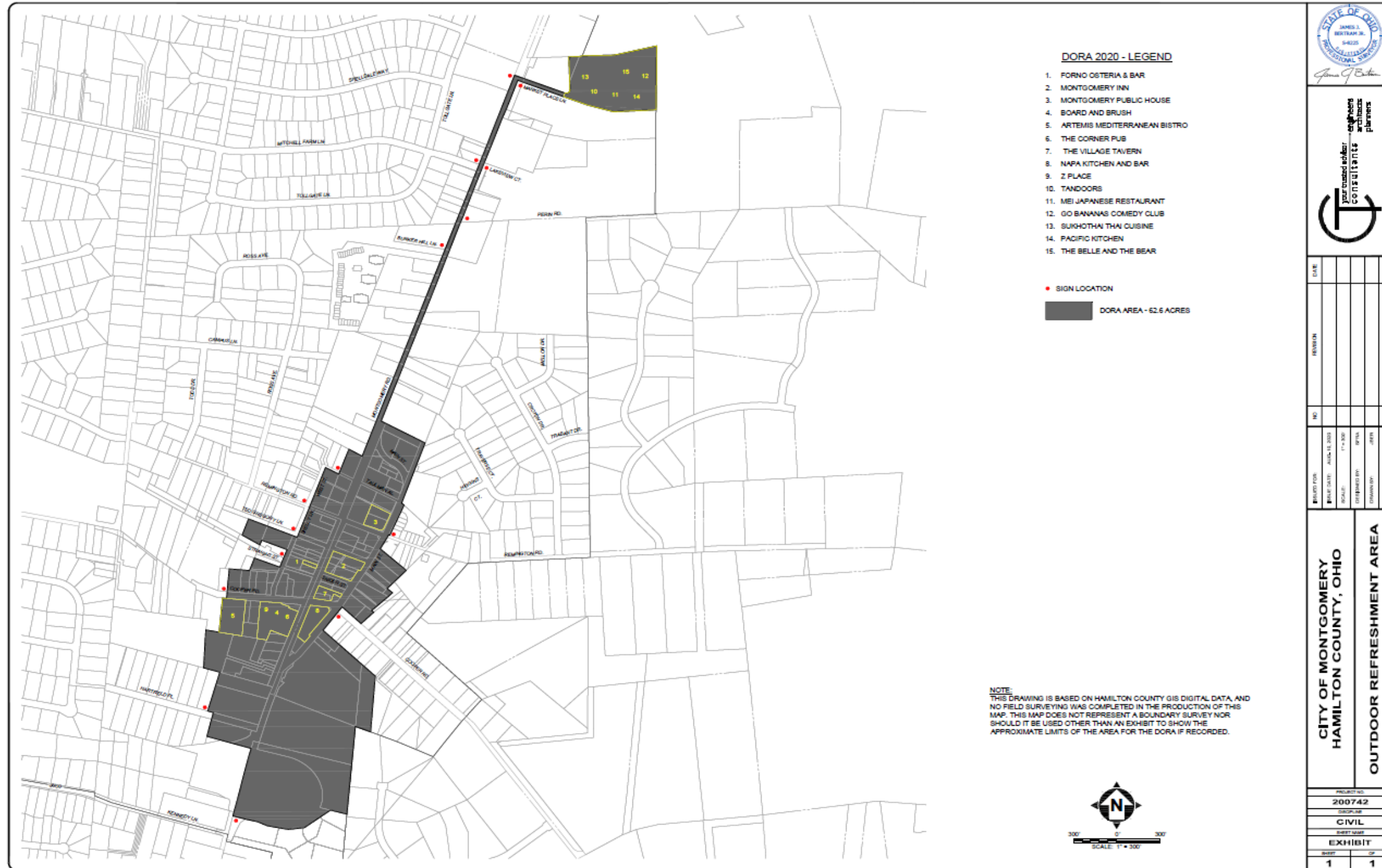




Exhibit C

DORA Area - Market Place, Old Montgomery Gateway and Heritage District

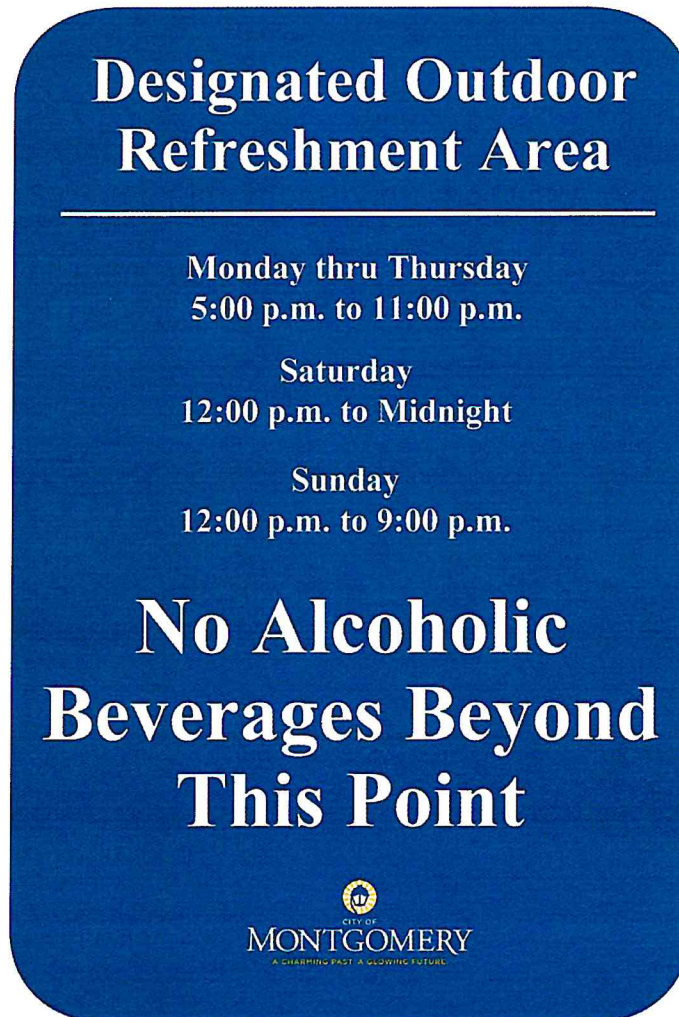
Address Ranges

Street Name	Low	High	Odd/Even
Market Place Lane	8100	8702	Even
Montgomery Road	9227	9521	Odd
Montgomery Road	9202	9560	Even
Remington Road	7844	7850	Even
Cooper Road	7790	7878	Even
Cooper Road	7789	7835	Odd
Main Street	9352		
Main Street	9383	9555	Odd
Main Street	9370	9424	Even
Shelly Lane	9431		
Shelly Lane	9393	9399	Odd
Shelly Lane	9424	9426	Even
Ted Gregory Lane	7813		
Roosa Street	7800	7950	Both
Ayer's Place	7700	7799	Both
Cameron Lane	9200	9350	Both

Exhibit D

**Signage Plan Identifying the DORA Area**

The following sign will be installed at the fifteen locations identified on Exhibit B to define the area of the DORA and the Hours of Operation of the DORA.







## Exhibit E

### **Requirements for Ensuring Public Health and Safety within the DORA**

The City of Montgomery Public Works Department will be responsible for ensuring that all trash receptacles in the DORA are emptied regularly and are ample to handle generated waste. Public restrooms are will be constructed in conjunction with Montgomery Quarter. Special events which are anticipated to draw additional crowds will be addressed by the placement of additional temporary trash receptacles and portable toilets. The Police Department will conduct routine patrols and will enforce responsible behavior. The boundaries of the DORA will be strictly enforced. Boundary signage will be installed on the perimeter of the DORA (**see identified locations on Exhibit B**). For planned events that may draw an additional crowd, the Police Chief may have additional officers assigned specifically to the DORA. In general, one safety and one sanitation personnel will be designated during operational hours of the DORA which have been establishes as:

- Monday thru Thursday 5:00 p.m. to 11:00 p.m.
- Saturday Noon to Midnight
- Sunday Noon to 9:00 p.m.

The DORA cups will be a 17-ounce reusable cup that will incorporate the City of Montgomery logo as well as the following information:

#### DORA GUIDELINES

In effect Mon. – Thursday 5:00 p.m. to 11:00 p.m.

Saturday Noon to Midnight

Sunday Noon to 9:00 p.m.

Patrons must only consume DORA beverages in designated cup

Patrons cannot take DORA beverage from one DORA serving establishment to another

Please drink responsibly

Please do not litter