

Application to Bexley City Council
for the establishment of the



“Bexley Patio”
Designated Outdoor Refreshment Area
in accordance with Ohio Rev. Code §4301.82

The Office of the Mayor of the City of Bexley respectfully submits the following application to Bexley City Council to approve and enact a Designated Outdoor Refreshment Area, in accordance with Ohio Rev. Code §4301 .82.

Submitted February 23, 2021

by:
Mayor Ben Kessler

with editorial support by:
Councilman Matt Klingler

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Introduction and Submittal of Application

On May 14, 2020, the Mayor presented to the Bexley City Council the concept of establishing a Designated Outdoor Refreshment Area (commonly referred to as a "DORA") in the Main Street District of Bexley, in an effort to encourage adequate social distancing and to provide an economic benefit to Bexley restaurants. Since that date, the Mayor has been working with Councilman Klingler to advance the concept of the Bexley DORA. The administration maintains that the enactment of such legislation would serve the cultural and economic betterment of the businesses, residents and property owners in the Main Street District, as well as the whole of Bexley, by enhancing outdoor dining and special events, and by further establishing the Main Street District as a vibrant destination for entertainment, culture and activity.

This application is filed with Bexley City Council as a proposal to establish a Designated Outdoor Refreshment Area (DORA) as outlined in Ohio Rev. Code §4301.82, which would allow open containers of alcohol in the public areas in the Main Street district.

Ohio Rev. Code §4301.82 provides regulations for: establishing the boundaries of a DORA, the signage required to identify the district boundaries, the DORA days/hours of operation, requirements for sanitation and safety plans, and consideration of the impact on the area.

Approval of City Council is required to establish a DORA within the City of Bexley. Pursuant to Ohio Rev. Code §4301.82, I therefore respectfully submit the attached petition to Bexley City Council for review, consideration and adoption.

The City of Bexley is guided by state law in consideration and adoption of a DORA. Specifically, the City must comply with the following requirements:

- The City must publish a public notice of the application for a DORA, which must run for two consecutive weeks. The application also must be made available for review by the public. Per these state requirements, notice of this DORA application will be published on _____ and _____ in ThisWeek Bexley, as well as on the City's website. The application will be posted and available for review on the home page of the City's website, Bexley.org, and will also be available at City Hall.
- A public hearing must be held within 45 days of receiving the petition. A public hearing will be scheduled for March 30, 2021.
- Not earlier than 30 days, but no more than 60 days, after initial publication of the Notice, City Council must approve or disapprove the application by ordinance or resolution.
- If approved, the City must notify the State Division of Liquor Control and the Department of Public Safety of the approved application.
- The Ordinance adopting the DORA must include the boundaries, signage, hours of operation, a public safety plan, sanitation plan, and requirement for participating vendors to serve in a compostable cup.
- City Council shall review the DORA every five years from the date the DORA is created.
- City Council has the authority to dissolve all or part of the DORA upon proper notice.
- The City Administration and the CDA may agree to change the plan, within the terms set in the petition, as needed.

Section 4301.82 of the Ohio Revised Code authorizes municipalities to create a Designated Outdoor Refreshment Area. In order to consider the creation of a DORA, the Executive Officer of the municipal corporation must file an application with the legislative body that identifies operational details of the DORA and meets specified 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 the initial publication of the

Notice, Council may approve or disapprove of the application by ordinance or resolution. Upon approval by Council, the DORA is created. The Ohio Division of Liquor Control then is responsible for issuing permits to all A-1, A-1-A, A-1c, A-2, A-2f, or D liquor permit holders (except a D8 class that holds a C class permit) located within the DORA boundaries.

In accordance with Ohio Rev. Code §4301.82, the Mayor respectfully submits the following application to Bexley City Council to approve and enact a DORA to be known as the "Bexley Patio Designated Outdoor Refreshment Area". In summary, this application proposes the following:

- The creation of a DORA in the Main Street District of Bexley, between Alum Creek to the west and Cassingham Road to the east, bounded on the north and south by the Main Street service alleys, and including the commercial properties on Drexel Avenue, just north of Main Street. (See, Section II, "Boundaries," for more detail.)
- The DORA would increase accessibility to outdoor dining in front of liquor permit holding establishments, as such establishments would be permitted to serve alcoholic beverages in a specified compostable cup pursuant to the law within the designated DORA area, during designated DORA hours. Creation of the DORA would relieve these establishments of current requirements for fencing around a dining area. Signage, sanitation and safety requirements would be established by permit.
- The DORA would provide the ability for individuals to walk within the DORA boundaries with an alcoholic beverage purchased from a liquor permit holding establishment.
- Compostable cups will be used to serve alcohol that is carried out of the establishment and will be printed with a "Bexley Patio Designated Outdoor Refreshment Area" logo and the rules for participating in the DORA.
- The DORA will be in effect year-round. Proposed hours and days of operation are:
 - Monday - Friday 4 pm to 12 am
 - Saturday - Sunday 11 am to 12 am

This application is submitted in the belief that a DORA will enhance the ability of Bexley businesses to serve the Bexley and greater Columbus community, and will additionally provide crucial support to businesses during the continuing COVID-19 pandemic. I thank Council in advance for reviewing and considering approval of the application for the Bexley Patio DORA.

Respectfully Submitted,

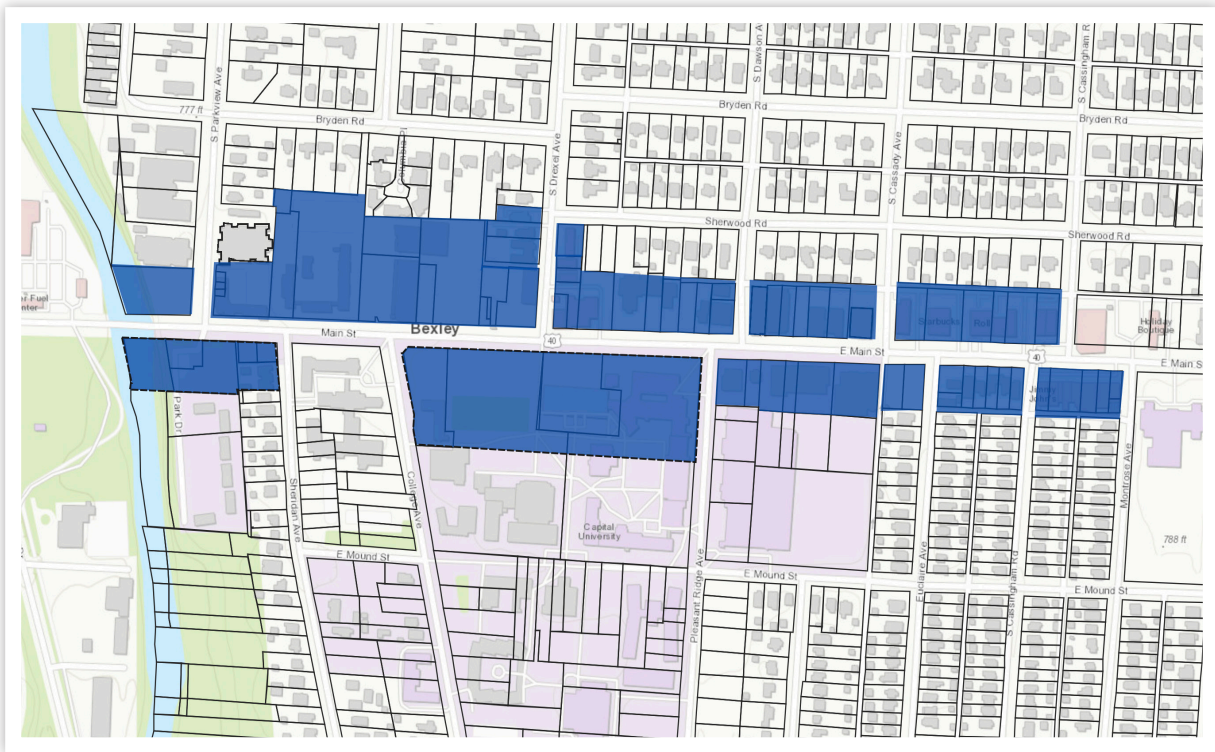
Mayor Ben Kessler

Boundaries of Proposed DORA

The City of Bexley is a municipal corporation with a population of less than thirty-five thousand, which allows the creation of an outdoor refreshment area as outlined in Ohio Rev. Code §4301.82(D). In accordance with Ohio Rev. Code §4301.82(B)(1), the boundaries of the proposed DORA are depicted below:

Description of Boundary

Between Alum Creek to the west and Cassingham Road to the east, bounded on the north and south by the Main Street service alleys, and including the commercial properties on Drexel Avenue, just north of Main Street. Said description contains approximately thirty-five (35) acres.



Parcels

Pursuant to Ohio Rev. Code §4301.82(F)(1)(a), the parcels in the attached "Exhibit A" are included within the proposed DORA boundary.

Nature and Type of Establishments

Pursuant to Ohio Rev. Code §4301.82(B)(2), the following lists examples of the nature and types of establishments located within the proposed DORA. These businesses, which primarily are in the retail, dining, and services sectors, include:

Restaurants

Establishment Name	Address
Moshi Sushi	2152 East Main Street
Rusty Bucket	2158 East Main Street
Brassica	2212 East Main Street
Giant Eagle Market District	2250 East Main Street
Newfangled Kitchen	2258 East Main Street
Giuseppe's	2268 East Main Street
Cherbourg Bakery	541 South Drexel Avenue
Graeter's Ice Cream	2282 East Main Street
Anthony's Pizza	602 Pleasant Ridge
Harvest Pizza	2376 East Main Street
Zen Cha	2396 East Main Street
Aab India	2400 East Main Street
Kittie's Cafe	2414 East Main Street
Cafe Istanbul	2455 East Main Street
Starbucks	2450 East Main Street
Jersey Mike's	2480 East Main Street
Chipotle	2484 East Main Street
Penn Station	2500 East Main Street

Retail

Establishment Name	Address
Giant Eagle Market District	2250 East Main Street
Urban Emporium	2260 East Main Street
Gregg Frame Studio	537 South Drexel Avenue
The Avante Garden	539 South Drexel Avenue
Art Access	540 South Drexel Avenue
Gramercy Books	2412 East Main Street
roll: Bicycle Shop	2468 East Main Street
Macelleria	2474 East Main Street

Services

Establishment Name	Address
Ohio State Bank	2106 East Main Street
Bespoke Salon Studio	2154 East Main Street
Clean Title	2154 East Main Street
Raymond James	2154 East Main Street
USRC	2154 East Main Street
Bexley Urgent Care	2216 East Main Street
VIP Nails	2220 East Main Street
Orange Theory Fitness	2222 East Main Street
The Pilates Studio	2226 East Main Street
Bexley City Hall	2242 East Main Street
Drexel Theatre	2254 East Main Street
Bexley Yoga	2264 East Main Street
Drexel Barber Shop	545 South Drexel Avenue
Bexley Bed & Breakfast	519 South Drexel Avenue
Gledhill Robbins & Talis HER	2256 East Main Street
Coldwell Banker King Thompson Bexley	2288 East Main Street
Bexley Optical Boutique	2286 East Main Street
Theresa Bush State Farm	2284 East Main Street
Carroll Family Dental	2284 East Main Street
Bexley Area Chamber of Commerce	542 South Drexel Avenue
Bexley Community Foundation	552 South Drexel Avenue
Breslow Eye Care	2354 East Main Street
Bexley Dermatology	2356 East Main Street
Salon Therapy	2353 East Main Street
Michael Garcia's Salon	2440 East Main Street
Perfect Balance CPAs	2460 East Main Street
Dean Wentz Architect	2463 East Main Street

Qualifying Permit Holders

In accordance with Ohio Rev. Code §4301.82(B)(3), the DORA will encompass not fewer than four (4) qualified permit holders. The following establishments are qualified permit holders under Ohio Rev. Code §4303 and have committed to participating in the DORA:

(Note as of February 23, 2021 - restaurant outreach is still underway and this list is not finalized):

Moshi Sushi

Rusty Bucket

Brassica

Market District Restaurant

Giuseppe's Ritrovo

Harvest Pizza

Khaab India

Kittie's Cafe

Cafe Istanbul

Chipotle

Land Use & Zoning

In accordance with Ohio Rev. Code §4301.82(B)(4), the uses of the land within the DORA are zoned Mixed Use Commercial or Campus Planning District and are in accord with Bexley's Land Use Strategy.

Public Safety & Health

In accordance with Ohio Rev. Code §§4301.82(B)(5), 4301.82(F)(1)(d), 4301.82(F)(1)(e) and 4301.82(F)(1)(f), the requirements for ensuring public safety and maintaining the appearance and public health of the area within the DORA are outlined below.

Safety Plan

The Safety Plan will help to ensure public safety within the DORA and will designate the number of personnel needed to execute the Safety Plan as follows:

- The Bexley Police Department ("BPD") has multiple resources to maintain public safety within the DORA to include the downtown core business district. BPD has flexibility when deploying resources and has strong experience in dealing with large crowds in the Main Street District.
- Given the potential for increased pedestrian traffic within the DORA during the times it is in effect, directed staffing shall be applied by the BPD to ensure public safety. This will consist of a minimum of one police officer who will patrol the DORA district as a part of his/her assigned patrol responsibility.
- The on-duty BPD supervisor will ensure that appropriate measures are taken for adequate staffing and supervision of activities occurring during DORA operational hours, based upon attendance and nature of events.
- The Chief of Police may assign additional officers to events occurring within the DORA or establish other staffing mandates based upon activities that are expected to occur. To help supplement the regularly-scheduled BPD officer(s) on peak weekdays and/or weekends, extra dedicated officers may be assigned to the DORA either by the BPD, or may be contracted for service through the City of Bexley by liquor permit businesses within the DORA who shall pay to the City the special duty cost for providing the extra officer(s). The primary responsibility of the contracted officer(s) will be the DORA district. If extra dedicated officers are required to be assigned to the DORA due to a special event that is being presented by an organization, the presenting organization also will be required to share equally in the special duty cost of the extra duty officer(s).
- Beginning with the commencement of the DORA and continuing for a period of twelve (12) consecutive months, the Chief of Police and other members of the City of Bexley's staff, as directed by the Mayor, shall meet monthly to review the Safety Plan herein to determine whether updates, modifications, or supplementation may be advisable or required. The Chief of Police and/or Mayor may invite other City department staff members or DORA stakeholders to the meetings to determine if the Safety Plan should be changed. In the event it is determined that the safety plan should be changed, such changes shall be presented to City Council for consideration and implementation. The Chief of Police 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 Bexley.

Sanitation Plan

Initially, the City intends to use existing code enforcement tools and refuse collection practice to maintain the appearance and health of the Main Street area and to ensure that the area is not adversely impacted by the DORA.

Trash Receptacles:

Each qualified liquor permit holder will be required to provide and maintain a trash receptacle and a compost receptacle at all entrance/exit points at their individual establishments. The permit holders shall each be responsible for collecting litter near or around each of their occupied premises. The permit holders shall each be responsible for ensuring that compost receptacles are not contaminated with non-compostable waste, and that compostable waste be brought to a centralized collection point, provided by the City of Bexley Service Department. At a bare minimum, the compost receptacle shall feature signage indicating that DORA cups shall be disposed of in compost receptacles.

Trash and recycling receptacles will be distributed and serviced throughout the DORA area by the City of Bexley Service Department. The Department will regularly empty the receptacles, dispose of trash, and install heavy duty trash bags into the trash receptacles on a weekly basis, or as needed based upon activities and events occurring in the area.

Upon approval of the Service Director for the City, additional receptacles may be added by the City or any qualified permit holder, and the servicing of such receptacles shall remain the responsibility of the installing entity.

Street Sweeping:

The Service Director shall evaluate the need for, and frequency of, street sweeping and servicing of trash receptacles, and, if needed or advisable, shall implement changes or modifications to the Sanitation Plan from the commencement of the DORA until its dissolution.

The Directors of the Service Department has determined that the Sanitation Plan described herein is sufficient to help maintain the appearance and public health within the DORA. This Sanitation Plan can be executed with the existing personnel of the City of Bexley.

Additional Information

The following sections provide additional information regarding the proposed operations and logistical arrangements for the proposed DORA in the Main Street District.

Proposed Signage

In accordance with the Ohio Rev. Code §4301.82 F(1)(b), signage will be placed to designate the boundaries of the DORA. The location and spacing of the signs are shown on attached Exhibit B. The signs will be mounted and located at street intersections, streets, and exit points along the boundary of the DORA. The content and style of this artwork shall, in sum or substance, consist of the following:



Additional Information (Continued)

Rules of the Area

1. Proposed Hours of Operation of the DORA

The DORA will be in operation from 4pm to 12 am Monday through Friday, and 11 am to 12am Saturday and Sunday. Extended times for special events may be established by the Mayor with the concurrence by a vote of City Council. Such concurrence would be made by motion.

2. Official DORA Cup & Wristband

Pursuant to Ohio Rev. Code §4301.82(F)(1)(g), all beer, wine, or intoxicating liquor that leaves an establishment under the DORA must be served solely in a reusable or compostable container and used within the DORA. In compliance with this provision, all DORA beverages must be served in a new, unused Official DORA Cup. No other container will be permitted.

Used official cups from one liquor permit holder establishment shall not be carried into the establishment of another liquor permit holder and must be disposed of before entering that establishment. Other businesses within the DORA that are not a liquor permit holder have the option to determine whether to permit a DORA beverage within their establishment. In that event, the business shall post a sign at its entrance, specifying that DORA beverages are/are not permitted to be carried inside.

The participating qualified liquor permit holders will include a “to go” charge on every DORA beverage sold with the Official DORA Cup. The “to go” charges will be used to fund the costs associated with the enforcement and implementation of the DORA, including costs of cups and wristbands, and any additional costs incurred as a result of the Safety and/or Sanitation Plans outlined herein.

The CIC will supply each of the qualified liquor permit holders who are participating in the DORA with an initial supply of the Official DORA Cups. The Official DORA Cup will be able to hold no more than sixteen (16) fluid ounces and will be composed of compostable material. (A sample copy of the proposed Official DORA Cup for the Bexlev Patio DORA is below.)



3. Official DORA Wristband

The CDA also will provide the qualified liquor permit holders within the DORA with customized wristbands to distribute to DORA participants upon leaving their establishments, identifying them as being legally of age and a DORA participant. DORA participants who carry a beverage within the DORA boundary must wear the wristband at all times while within the DORA area.

Public Enjoyment of DORA

A member of the public who elects to participate in the DORA can expect to enjoy the DORA without legal restrictions as long as that DORA participant correctly follows all of the rules of the DORA area and maintains a decorum of good behavior, free of public drunkenness, property destruction, or any action that disrupts the enjoyment of another DORA participant, or disrupts any establishment, property owner, resident, or patron within the DORA.

Violation of any of these Rules of the DORA shall be considered a minor misdemeanor and violators face warnings and/or fines up to \$150.00 in accordance with O.R.C. §4301.62.

Positive Economic Impacts

The DORA is presented and supported by the Bexley Area Chamber of Commerce, business establishments, and residents within the defined district.

The Bexley Patio Designated Outdoor Refreshment Area (DORA) is the name of the proposed DORA in the Main Street District. DORA is an economic attraction to draw shoppers, diners and other foot traffic to the Main Street District.

The DORA will distinguish the Main Street District and enhance the experiences of patrons of business establishments as well as attendees of events held in the Main Street District. It will increase the economic impact, value, and visibility for restaurants and merchants. The DORA will encourage full-service outdoor dining and therefore reduce the need for restrictive fencing.

Exhibit "A" - Parcels within the DORA

PARCEL ID	ADDRESS	OWNER
020-001882-00	2106 E MAIN ST	2106 BEXLEY LAND LLC
020-004740-00	2152-2158 E MAIN ST	BEXLEY GATEWAY PLAZA LTD
020-004741-00	510 PARKVIEW AV SOU...	HANSEN CECILIA G
020-004742-00	520 E PARKVIEW ST	GULLETT WILLIAM C
020-000217-00	2160 E MAIN ST	CAPITAL UNIVERSITY
020-000350-00	2160-2184 E MAIN ST	CAPITAL UNIVERSITY
020-001825-00	2242 E MAIN ST	CITY OF BEXLEY
020-004862-00	2210-2230 MAIN ST ...	BCIC BEXLEY SQUARE LLC
020-004197-00	2250 E MAIN ST	BEXLEY COMMUNITY
020-004381-00	2250 E MAIN ST	BEXLEY COMMUNITY
020-000570-00	2248 E MAIN ST	BEXLEY COMMUNITY
020-004860-00	2248 E MAIN ST	COLUMBUS ASSOCIATION FOR THE ...
020-000571-00	2254-2270 E MAIN ST	GAY STREET REALTY CO
020-004847-00	2256-2270 E MAIN ST	COLUMBUS ASSOCIATION FOR
020-000574-00	529 S DREXEL AV	GAY STREET REALTY CO
020-000572-00	525 S DREXEL AV	525 SOUTH DREXEL AVE LLC
020-003622-00	519 S DREXEL AV	MAUTZ MICHAEL A
020-003625-00	513-515 S DREXEL AV	FHH LLC
020-000175-00	E MAIN ST	CHRIST LUTHERAN CHURCH
020-000123-00	524-534 S DREXEL AV	BLOCK STEVEN TR
020-001050-00	540 S DREXEL AV	UNVERFERTH BARBARA
020-000105-00	542-544 S DREXEL AV	DREXEL PROPERTIES LLC
020-000173-00	2282 E MAIN ST	HAMMERHEAD-BEXLEY LLC
020-000124-00	2284-2294 E MAIN ST	ALICE GAVIN
020-000125-00	2284-2294 E MAIN ST	ALICE GAVIN
020-000079-00	E MAIN ST	CHRIST LUTHERAN CHURCH
020-000002-00	2314 E MAIN ST	CHRIST LUTHERAN CHURCH
020-000086-00	2338 E MAIN ST	CHRIST LUTHERAN CHURCH
020-003457-00	2344 E MAIN ST	PVL INC
020-003746-00	2352-2358 E MAIN ST	GIANNOPOULOS PROPERTIES LTD
020-003056-00	563-565 DAWSON AV	JJM OF COLUMBUS LLC
020-001537-00	2376-2392 E MAIN ST	2700 PARTNERSHIP LLC
020-001991-00	E MAIN ST	2700 PARTNERSHIP LLC
020-001536-00	E MAIN ST	2700 PARTNERSHIP LLC
020-001534-00	2392-2400 MAIN ST	MRMJ LLC
020-001533-00	2404-2408 MAIN ST	MRMJ LLC
020-001531-00	2440 E MAIN ST	EAST MAIN PROPERTY
020-001530-00	2450 E MAIN ST	EAST MAIN PROPERTY
020-003705-00	2468-2474 E MAIN ST	EAST MAIN PROPERTY
020-001527-00	2476-2480 E MAIN ST	OXFORD CAMPUS II LLC
020-001524-00	2484 E MAIN ST	TI 2484 E MAIN LLC
020-001523-00	2500-2510 E MAIN ST	BEXLEY CAPITAL
020-003482-00	565-571 SHERIDAN AV	BEXLEY GATEWAY PLAZA II
020-003769-00	2153 E MAIN ST	BEXLEY GATEWAY PLAZA II
020-002856-00	2143 E MAIN ST	BEXLEY GATEWAY PLAZA II
020-000933-00	2111 E MAIN ST	BEXLEY GATEWAY PLAZA II
020-000932-00	E MAIN ST	BEXLEY GATEWAY PLAZA II
020-001482-00	PARK DR	CITY OF BEXLEY
020-000575-00	2199 E MAIN ST	CAPITAL UNIVERSITY
020-004490-00	2199 E MAIN ST	CAPITAL UNIVERSITY
020-001373-00	2199 E MAIN ST	CAPITAL UNIVERSITY
020-000405-00	E MAIN ST	CAPITAL UNIVERSITY
020-000790-00	E MAIN ST	CAPITAL UNIVERSITY
020-002177-00	2353-2359 E MAIN ST	GIANNOPOULOS PROPERTIES
020-000840-00	2369 E MAIN ST	MECKLER MARCIA L TR
020-002858-00	2375 E MAIN ST	CONGREGATION TORAT EMET
020-000856-00	2387 E MAIN ST	CONGREGATION TORAT EMET
020-002086-00	2387 E MAIN ST	CONGREGATION TORAT EMET
020-004488-00	2411 E MAIN ST	BEXLEY CITY SCHOOL DIST
020-002763-00	MAIN ST	BEXLEY CITY SCHOOL
020-002025-00	MAIN ST	BEXLEY PUBLIC LIBRARY
020-004731-00	1000 DAWSON AV	ONE DAWSON PLACE LLC
020-004732-00	1000 DAWSON PL	GELMAN JACOB CO-TR
020-004733-00	1000 DAWSON PL	HAIRE DEBBIE TR
020-004734-00	1000 DAWSON PL	ROGERS DOUGLAS L
020-004735-00	1000 DAWSON PL	SCHOTTENSTEIN LENORE G TR
020-004736-00	1000 DAWSON PL	ONE DAWSON PLACE LLC
020-004737-00	1000 DAWSON PL	COOPERSMITH MARJORIE M
020-004738-00	1000 DAWSON PL	MEYER NANCY S
020-004865-00	2412 E MAIN ST	GRAMERCY PARTNERS LLC
020-004866-00	2412 E MAIN ST	KASS FRANKLIN E
020-004867-00	2412 E MAIN ST	GRAMERCY NO. 3E LLC
020-004868-00	2412 E MAIN ST	KOON SHARON R
020-004869-00	2412 E MAIN ST	LEVINE IRENE JOYCE TR

EXHIBIT "B" SIGNAGE LOCATION MAP





Designated Outdoor Refreshment Area

FACT SHEET FOR RESTAURANT PARTNERS

What is the "Bexley Patio" DORA?

- "The Bexley Patio" will be a Designated Outdoor Refreshment Area commonly referred to as a DORA.
- DORAs allow qualified liquor permit holding establishments to serve alcoholic beverages in a specified cup pursuant to the law within the designated DORA area during designated DORA hours.
- The proposed DORA would encompass Main Street between Parkview and Cassingham, allowing for customers of dining establishments to travel beyond conventional property lines with alcoholic beverages.

The Benefits of a DORA

- To help provide an economic benefit to Bexley restaurants
- Encourage social distancing
- Increase accessibility to outdoor dining in front of liquor permit holders
- Provide restaurants with options beyond current requirements for fencing around a dining area

Additional Details

- The proposed DORA would be in effect year-round
- Proposed hours and days of operation are:
 - Monday - Friday 4 pm to 12 am
 - Saturday - Sunday 11 am to 12 am
- Participation is free of charge for qualified liquor permit holders. However, participating restaurants will need to purchase DORA specified cups to be used by any customers wanting to consume alcohol off premises within the DORA.

We're looking to secure interest from participating restaurants by March 1, 2021.

For more information or to sign up as a participating restaurant, please contact:

Mayor Ben Kessler
bkessler@bexley.org

Councilman Matt Klingler
mklingler@bexley.org