



Council Minutes – Regular Meeting

May 19, 2020

CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of February 18, 2020 at 6:35 pm at the New Albany Village Hall, 99 West Main Street, New Albany, Ohio. Staff attending were City Manager Joseph Stefanov, Administrative Services Director Adrienne Joly, Police Chief Greg Jones, Deputy Development Director Mike Barker, and Clerk of Council Jennifer Mason. Staff tele-present were Law Director Mitch Banchefsky, Finance Director Bethany Staats, Engineers Ed Ferris and Jay Herskowitz, Community Development Director Jennifer Chrysler, Public Service Director Mark Nemec, and Chief Communications and Marketing Officer Scott McAfee.

Mayor Spalding led the assemblage in the Pledge of Allegiance.

ROLL CALL:

The following Mayor/Council Members answered Roll Call:

Mayor Sloan Spalding	P
CM Colleen Briscoe	P – tele-present
CM Marlene Brisk	P – tele-present
CM Michael Durik	P – tele-present
CM Chip Fellows	P
CM Kasey Kist	P
CM Matt Shull	P

ACTION ON MINUTES:

Mayor Spalding asked if council had reviewed the proposed May 5, 2020 regular meeting minutes and asked if there were any additions or corrections. Hearing no changes, Council Member Shull moved to adopt the May 5, 2020 regular meeting minutes. Mayor Spalding seconded and council voted with seven yes votes to approve the May 5, 2020 regular meeting minutes.

ADDITIONS OR CORRECTIONS TO THE AGENDA:

NONE.

HEARING OF VISITORS:

Mayor Spalding solicited comment from any public participating electronically. No questions or comments were forthcoming.

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: Mayor Spalding stated he missed the PC meeting and would follow up with a report at the next council meeting.

PARKS AND TRAILS ADVISORY BOARD: No meeting

ACHITECHTURAL REVIEW BOARD: Council Member Shull reported that ARB approved a Certificate of Appropriateness and Waiver for a new sign at 130 E. Main Street. The ARB approved

May 19, 2020

a Certificate of Appropriateness and Waiver for six modifications to the amphitheater at 140 W. Granville Street. The approximate savings was \$1.2 million.

Council Member Durik asked and City Manager Stefanov replied that the new cost of the project was around \$5.8 million. Council Member Fellows asked and City Manager Stefanov replied the ticket booth had been incorporated into the main building.

BOARD OF ZONING APPEALS: No meeting.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.

PUBLIC RECORDS COMMISSION: Mayor Spalding reported that the next PRC would be held in the fall.

CEMETERY RESTORATION ADVISORY BOARD: No meeting.

CORRESPONDENCE AND COMMUNICATION:

NONE.

SECOND READING AND PUBLIC HEARING OF ORDINANCES:

ORDINANCE O-06-2020

Mayor Spalding read by title AN ORDINANCE TO ACCEPT A 0.316 ACRE TRACT OF LAND FROM THE NEW ALBANY COMPANY LLC FOR THE PURPOSE OF PUBLIC RIGHT OF WAY.

Director Joly told council that this right-of-way dedication consisted of two pieces. The first portion was a very small section of land at the corner of Main Street and Dublin-Granville Road. This dedication allowed staff was able to extend the Velo Loop and separated brick sidewalk all the way to Main Street. The second portion dedicated a highway easement that extended to the center of Dublin-Granville Road.

Council Member Fellows asked and Director Joly answered the aerial photograph came from a drone flown by the construction team.

Mayor Spalding opened the Public Hearing. Hearing no comments or questions from the public, he closed the Public Hearing.

Mayor Spalding moved to adopt the ordinance. Council Member Shull seconded and council voted with seven yes votes to approve Ordinance O-06-2020.

ORDINANCE O-07-2020

Mayor Spalding read by title AN ORDINANCE TO DECLARE THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, EXEMPT 100% OF THAT IMPROVEMENT FROM REAL PROPERTY TAXATION, REQUIRE THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, PROVIDE FOR THE

May 19, 2020

DISTRIBUTION OF THE APPLICABLE PORTION OF THOSE SERVICE PAYMENTS TO THE JOHNSTOWN-MONROE LOCAL SCHOOL DISTRICT, THE NEW ALBANY PLAIN LOCAL SCHOOL DISTRICT, THE CAREER AND TECHNOLOGY EDUCATION CENTERS OF LICKING COUNTY, AND EASTLAND FAIRFIELD CAREER & TECHNICAL SCHOOL, ESTABLISH A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE REMAINDER OF THOSE SERVICE PAYMENTS, SPECIFY THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT DIRECTLY BENEFIT THOSE PARCELS, AND APPROVE AND AUTHORIZE THE EXECUTION OF ONE OR MORE TAX INCREMENT FINANCING AGREEMENTS.

Deputy Development Director Mike Barker explained that would expand a TIF district to include the described area. These properties had recently been acquired and would be added into the non-school TIF. The purpose of the TIF was to capture the incremental increase in the value of the land and improvements, and contribute that value towards qualified public infrastructure projects listed in the ordinance.

Council Member Fellows asked and Deputy Director Barker answered that the TIF district included both Franklin and Licking Counties. The incremental value increase would come from development of the land. There were three separate parcels. Two were owned by PowerGrid. One was owned by The New Albany Company.

Mayor Spalding opened the Public Hearing. Hearing no comments or questions from the public, he closed the Public Hearing.

Council Member Kist moved to adopt the ordinance. Council Member Fellows seconded and council voted with seven yes votes to approve Ordinance O-07-2020.

INTRODUCTION AND FIRST READING OF ORDINANCES

ORDINANCE O-08-2020

Mayor Spalding read by title AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 63.5+/- ACRES FROM PLAIN TOWNSHIP, FRANKLIN COUNTY TO THE CITY OF NEW ALBANY.

City Manager Stefanov told council that the annexation petition had been approved by Franklin County under the Expedited Type I procedure. Council approved the Road Maintenance Agreement in May of 2019. The property was subject to an Annexation Agreement signed in 2008. City Manager Stefanov described the location of the property. New Albany Schools Superintendent Michael Sawyers did not express any concerns regarding the city's management of residential development in the community. If approved, the property would come into the city under agricultural zoning. If the property owner chose to develop, it would have to go through the rezoning process subject to the Rocky Fork Blacklick Accord, Planning Commission, and council, giving significant opportunity for public comment. City Manager Stefanov expected some type of residential development.

May 19, 2020

This land would eventually be serviced by an extension from the Blacklick Trunk Sewer Line which currently terminated on the south side of State Route 161. Council authorized an extension up to Innovation Campus Way which cost around \$12 million. Extending further to Jug Street would cost roughly \$10 million. The city could potentially fund this through the commercial development of 480+ acres on the northeast corner of Beech Road and Jug Street. Without a project there, the city did not foresee a further extension of the Blacklick Trunk Sewer. A water main was being installed from the water tower going north on Beech Road, east on Jug Street, and south on Harrison Road. That waterline could be extended further west to this property. At that point, the city would also want to look to connect it further west to the Central College Road water main.

Council Member Fellows asked and City Manager Stefanov answered that he did not anticipate the 63.5 acres to be added to the nearby TIF district. Council Member Briscoe asked if development on this property would share in the cost of the improvement of Jug Street. City Manager Stefanov replied that he would strongly suggest including road improvements as part of a development plan. The city was interested in correcting the Central College Road/Jug Street connection. This land would fall into the New Albany Community Authority district unless the owner agreed to change districts.

Council Member Durik noted that the owner would expect the city to provide sewer and water to the property. City Manager Stefanov replied that council's policy - relative to extending utilities for residential usage - that expense was borne by the developer. City Manager Stefanov had been working on a memorandum with potential cost-sharing formulas for the utilities. Additionally, City Manager Stefanov would recommend charging back to the developer for a percentage of the infrastructure cost both for the water main coming from the tower and going north and for a portion of the sanitary sewer that was coming from Morse Road and extending north to Jug Street.

Council Member Durik asked and City Manager Stefanov responded that city was under no obligation to extend sewer from Innovation Campus Way further north. Counsel for the developer had been advised that there were no immediate plans to extend sewer to that area. The land was originally purchased by Homewood in the early 2000s. They had approached the City of Columbus about connecting into the Sugar Run subtrunk, but were told that there was no available capacity to serve them. Homewood had held onto the property since that time. When Homewood became aware that New Albany was working on the Blacklick Trunk line heading north, they became interested in annexing. They were aware there was no immediate plan to build utilities to Jug Street, that there would be a Community Authority charge, there would be a fee for utility extensions, and there was no sewer available at this time. Homewood still wanted to proceed. Aaron Underhill, attorney for owner, agreed that the property owner was well aware of these considerations, there was no expectation on their part, and they understood the city's position on residential development, making sure it was done the right way. The land was in a rural area – in the township – there really wasn't access to any utilities anyway. With some development coming out that way later – there was becoming, more and more, development – at this time, the owner thought it would be a good position. * Clerk's note - comment unintelligible due to interfering sound. * Mr. Underhill, did not believe, at this point, given that the utilities were not going to be there, that that rezoning needed to be pursued at any particular point in a time very soon. It was just a matter of getting the property into the city boundaries so, if and when, it did happen, the owner would be ready to proceed with finding that * unintelligible * with the city.

May 19, 2020

Council Member Durik asked and Mr. Underhill replied that the property was already in the city's service area. There was no additional expense to allow the parcel - which was in the way of the jog in the road - to be part of the community, so that if the city would want to make that improvement, it would be in the city's jurisdiction. City Manager Stefanov added that annexing gave the city the ability to manage the type of growth that occurred there. The property owner was willing to annex to the city and, at some future date, if sewer became available, the city could guide that development in a manner that would benefit the school district, township, and city.

Council Member Kist asked and City Manager Stefanov speculated that - it was a stretch - but if a developer chose to develop some of the parcels to the east of the subject property and, if that developer was able to jump some hurdles and extend utilities from, for example, Johnstown, it was conceivable that the 63.5 acres could be developed with higher density. This was not probable in the near future, but was possible.

Council Member Kist asked and City Manager Stefanov answered that the Strategic Plan called for this property to be residential. The old Plan had a density of one unit to ten acres, anticipating no utilities. When utilities were close, City Manager Stefanov could see the area becoming one unit to an acre - single-family development or an empty nester project. City Manager Stefanov talked about open space and set-backs, density, shared infrastructure costs, road alignment, and additional potential north-south roads.

Mr. Underhill understood this to be an empty-nester project. They would see what the market was saying. For all of the reasons that had been discussed, more density could be the only way that made sense. Council Member Fellows stated so long as it took into account the schools, in terms of density. Mr. Underhill said there would be an age restriction placed to minimize that. Council Member Briscoe observed that the land was in the school district, whether it was annexed or not, and the city didn't want someone else putting in double or triple the density that the city would normally give. Particularly for that reason, she thought it was a good idea to annex.

Mayor Spalding asked and City Manager Stefanov responded that the city had not recently verified that extending the Sugar Creek Sewer Trunkline was not an option but, based on the city's conversations with Columbus regarding the Blacklick Trunkline, he expected that Sugar Creek was out. Columbus was pushing New Albany to finish work on the Blacklick Trunkline because of their capacity limitations.

Mayor Spalding noted the tree line on the subject parcel. There appeared to be residential lots around this property. Mayor Spalding asked if the city could require the preservation of the tree line. Mr. Underhill said his client hadn't gotten very far with laying out the site except for a capacity study. The owner recognized the environmental attributes. Those tree lines were an amenity for the community. This would have to be investigated in some detail before they would feel comfortable moving forward with a full plan. Mayor Spalding anticipated the adjacent parcels and owners having an interest in the preservation of the trees.

Council Member Shull asked how many lots had been sold in the Pulte and Epcon senior housing developments. City Manager Stefanov didn't know the exact numbers.. He would check the Development Department monthly report and email the totals of what had been developed and what was left. Council

May 19, 2020

Member Shull was in favor of annexing, but wanted to know what kind of project would be a good fit. Mr. Underhill stated, normally, he brought annexation and zoning to council at the same time, but this was an unique opportunity for everyone on council and staff to think about what they'd like to see at this site. There was the luxury of time to accept that input.

Mayor Spalding set the ordinance for second reading at the June 2, 2020 council meeting.

ORDINANCE O-09-2020

Mayor Spalding read by title AN ORDINANCE TO AUTHORIZE THE CITY MANAGER OR DESIGNEE TO ACCEPT SPECIFIED EASEMENTS.

Law Director Mitch Banchefsky told council that New Albany accepted a lot of easements of various kinds. Acceptance could happen by common law dedication, wherein the city started using the land, or by a statutory dedication. This legislation served as the ordinance that would allow the city manager to accept certain easements administratively. Right-of-way, conservation easements, and plats would all still require acceptance by council. Temporary or permanent easements, such as those for construction, drainage, fiber optics, leisure trails, sidewalks, and related maintenance, could be accepted administratively pursuant to the city's home rule authority.

Many easements carried no cost to the city. This legislation limited administrative acceptance to situations where the purchase price had been previously approved in the budget and/or was below \$50,000. The amount was chosen based on council's threshold for other matters. This legislation also provided that the city manager would provide council with a report annually listing of the easements acquired pursuant to this ordinance.

Mayor Spalding asked and Law Director Banchefsky replied that other municipalities' methods were all over the map. New Albany accepted a lot of easements. This legislation would help when a developer needed to move quickly to install infrastructure. Council Member Briscoe didn't recall easement legislation being burdensome. Law Director Banchefsky stated that a number of easements came in through the platting process. He didn't know if the city had been doing this uniformly, but many had been accepted administratively in the past. Staff were seeing an increasing number and wanted to formalize the process.

Mayor Spalding set the ordinance for second reading at the June 2, 2020 council meeting.

ORDINANCE-10-2020

Mayor Spalding read by title AN ORDINANCE TO AMEND A CONSERVATION EASEMENT GENERALLY LOCATED SOUTH OF WORTHINGTON ROAD AND WEST OF BEECH ROAD TO PERMIT THE INSTALLATION OF UNDERGROUND FIBER AND ELECTRIC LINES AND DECLARING AN EMERGENCY TO WAIVE BOTH THE SECOND READING AND THE THIRTY DAY REFERENDUM PERIOD.

Deputy Development Director Mike Barker described the location of the conservation easement. When Beech Road was constructed in 2017, there was an accompanying plat which designated a utility easement

May 19, 2020

along the west side of Beech Road for the entire length. That utility easement was utilized for both public and private utilities as part of the roadway construction. In 2018, in anticipation of the data center project, there was a conservation easement granted within a wooded area on the west side of Beech Road that overlapped with the utility easement. The purpose of this legislation was to amend the conservation easement to allow for the construction of underground electric and fiber. All of this was reviewed and approved by an Ohio EPA permit. While the Ohio EPA worked diligently to review and approve this request, it was delayed several weeks due to members of their team working remotely. New Albany staff worked with The New Albany Company to ensure all of the permits had been issued, received, and finalized by the Ohio EPA and agreed to bring this legislation to council as an emergency in order to support the necessary construction time frame for the adjacent development project.

Within the limits of the conservation easement, the utilities would be installed by way of directional boring. Even though the area had been disturbed before the creation of the conservation easement, the direction boring had been approved as a method that would not cause any further disturbance at the surface.

Council Member Briscoe asked and Deputy Director Barker confirmed the double emergency was to get fiber extended. Council Member Durik was in favor so long as the ground was maintained as a conservation area. Deputy Director Barker stated that surface area would see no impact as all of the work would be sub-surface.

Mayor Spalding opened the Public Hearing. Hearing no comments or questions from the public, he closed the Public Hearing.

Council Member Briscoe moved to waive second reading and declare an emergency. Council Member Fellows seconded and council voted with seven yes votes to waive second reading and declare an emergency.

Council Member Fellows moved to adopt the ordinance. Council Member Kist seconded and council voted with six yes votes to approve Ordinance O-10-2020.

READING AND PUBLIC HEARING OF RESOLUTIONS

NONE.

STANDING COMMITTEE REPORTS:

- A. Finance Committee: No report
- B. Safety Committee: No report.
- C. Public Utilities: No report.
- D. Service and Public Facilities Committee: No report.

May 19, 2020

E. Planning and Economic Development Committee: No report.

F. Administration Committee: No report.

G. Grants and Non-Profit Funding: No report.

REPORTS OF REPRESENTATIVES:

- A. Council Representative to MORPC: City Manager Stefanov reported that MORPC had been hearing concerns that there wouldn't be a state capital budget this year. Existing grant programs may not have available funds after July 1st included the Clean Ohio and OPWC programs. The city utilized the former for the purchase of the Taylor property and the latter for State Route 62/State Route 161 interchange improvements. MORPC would continue to reimburse for projects through the end of June 30th. There was no guarantee of funding after that.

New Albany staff was working with MORPC on its Active Transportation Plan which would include an update of the bike-way network. MORPC received a \$45,000 grant from the Columbus Foundation for the Central Ohio Greenways Improvement Study. MORPC was forming its own Complete Count Committee to encourage a good turnout for the 2020 Census. Census workers would likely begin direct contact in August. Congress pushed the entire census project back around 120 days. The MORPC Smart Region Taskforce was finalizing its work, and the Smart Region Resource Guide should be ready for distribution to local governments in the coming months. MORPC received Paycheck Protection Funds to maintain its employees.

MORPC and COMMA continued joint, weekly meetings. Topics included whether pools would open or remain closed. Communities were all over the board. Plain Township Trustee Ben Collins would join the next meeting.

- B. Council Representative to Joint Parks and Recreation: No report.
- C. Council Representative to New Albany Plain Local Schools: Council Member Brisk reported that the schools were working on giving seniors a graduation without crowds. Virtual graduation was Saturday, May 23rd. At 4 pm, the schools were asking everyone in the community to stand outside on their lawns. Graduates would drive by in decorated cars for 20 minutes and 20 seconds. Residents were encouraged to wave and clap.

This week was the last for non-seniors and other virtual rituals were taking place. The school was hosting "Lost Belongings" drive-thru.

May 19, 2020

The schools did not know whether they would be reopening in August due to the state-wide emergency. They were putting together focus groups to get feedback about the virtual learning thus far. State budget cuts appeared to result in an approximately \$1 million a year loss for New Albany Plain Local Schools (NAPLS) which received the second highest cut. The NAPLS was appealing that through an alliance with other schools. A “wealth factor” was used to decide how much that state cut. The school board was collecting more information on how much the NAPLS would be hurt by the Alternative Tax income tax recovery.

New Albany Schools Superintendent Michael Sawyers and Treasurer Becky Jenkins contracts were renewed for two years with a flat salary because of anticipated budget issues.

Mayor Spalding noted that the federal government was providing federal aid to local school districts. New Albany would lose out due to the “wealth factor.” Council Member Brisk added that there was discussion that some of the schools receiving funds from the CARES Act were seeing a net increase, even after state cuts.

- D. Council Representative to Plain Township: Council Member Durik reported that the township fire chief selection process continued. The township had stopped sales of pool memberships until a decision about opening was made.

REPORTS OF CITY OFFICIALS:

- A. Mayor: Mayor Spalding reported receiving numerous emails from the U.S. Conference of Mayors and their respected partners on COVID-19 issues and various congressional acts. One email discussed the federal HEROES Act which, if passed by both the U.S. House of Representatives and Senate, could result in a lot of funds for New Albany. They would continue watch the bill and keep an eye on any funding conditions.
- B. Clerk of Council: No report.
- C. Finance Director: Finance Director Bethany Staats reported sending an email to council with April's report. Revenues were at 33% of the budget, adding \$2.7 million to the General Fund. The last page of the report reflected investment. Director Staats was in communication with the schools. *Clerk's note: audio became unintelligible due to echo on Director Staats' line. Eventually, her feed froze and cut out.* City Manager Stefanov stated that the city was expecting to see more of a downturn in the upcoming months. The city would try to figure out how much of the decline would be due to extension of the income tax filing deadline versus how much was due to the economic downturn.

Council Member Fellows asked and City Manager Stefanov answered that city projects and equipment purchases were currently proceeding as normal. The city was taking a “go-slow approach,” expecting projects to go forward as scheduled, but seeing what happened in the next

May 19, 2020

few months. A severe drop in revenue could mean reevaluating some expenses. Director Staats was bringing a mid-year adjustment to council in June, at which point the city would know more.

Council Member Fellows asked and City Manager Stefanov replied that the Harlem Road Leisure Trail went out for bid a few weeks prior. An update should come at the next council meeting.

- D. City Manager: City Manager Stefanov reported that he had been discussing with Council Member Briscoe how the city could do support local restaurants by providing outdoor seating in public spaces. Staff would be reaching out to business owners to find out what their needs were and try to identify ways to help. Council Member Briscoe noted that the biggest issue was the restaurant's liquor licenses.
- E. City Attorney: Law Director Banchefsky presented on Designated Outdoor Refreshment Areas (DORAs). See the attached slides.

Council Member Brisk asked and Law Director Banchefsky confirmed that restaurants which got permission to extend their own licenses had to stay within their boundaries. DORA allowed patrons to move between establishments. Council Member Brisk thought both were needed. DORA implementation would take longer. The city would need to hire a surveyor for the DORA boundary. Council Member Briscoe wasn't sure a DORA would be practical in New Albany. She was interested in opening up the parking lot behind Hudson 29 and Mellow Mushroom for addition seating, but that could be too complicated for their liquor licenses. Council discussed other cities with DORAs.

Council Member Kist asked and Law Director Banchefsky replied that the DORA had to be reviewed and renewed by council every five years, but council could dissolve or extend a DORA at any time. He supported helping restaurants now and having a long term solution. He could see a DORA helping with Taste of New Albany. There were a lot of variables with state restrictions and weather. He agreed that DORA wasn't an immediate solution.

Council Member Durik asked and Law Director Banchefsky confirmed that city could only have one DORA, but the boundaries of that DORA could be drawn however the city saw fit. Council Member Durik expressed concern about some city establishments being unhappy about being left out. Council Member Brisk felt that, with the coming amphitheater, the Village Center comprised a district. Council Member Brisk agreed that the DORA could be a goal for next summer and the city could support businesses in modifying their liquor licenses for this summer. Director Joly stated city staff was exploring granting a temporary license or easement for adjacent city owned property. The New Albany Company was researching what it would take for businesses to expand their liquor license to include city areas. Council Member Kist recommended reaching out directly to business owners. He didn't know which ones were planning to open and when. Director Joly told council staff was going through a mapping exercise looking for possible locations for additional seating. Once staff had figured out state liquor license requirements, they were planning to arrange a call to gauge needs and explain to owners what the city could do. Council Member

Council Minutes – Regular Meeting

May 19, 2020

Kist thought it a good idea to offer outdoor space to retailers, also, to drive traffic to them. Council Member Briscoe didn't know how much property the city had to offer. NACO may have more, and she didn't think the city would object to that. Council Member Brisk asked staff to bring DORA back.

POLL FOR PUBLIC COMMENT:

NONE.

POLL FOR COUNCIL COMMENT:

Council Member Fellows asked and City Manager Stefanov replied that the Farmer's Market was planning on moving to the Church of the Resurrection lot to facilitate social distancing. Council Member Fellows asked if they could stay at Market Square and spread out to the lot west of the library. City Manager Stefanov said that was possible, but they may have already planned out the logistics for the other location.

Council Member Fellows asked and Director Nemec answered that he would look at the locations of the dead trees on Central College that were installed in conjunction with The Links' Home Owners Association. Responsibility for replacement would depend on whose property they were on.

Council Member Fellows proposed that council host a staff appreciation day sometime after COVID-19 was no long of concern. A delivered lunch or a grill-out in the city parking lot were options. Council discussed options, perhaps tied into Oktoberfest and/or the Rose Run opening.

OTHER BUSINESS:

NONE.

ADJOURNMENT:

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Shull seconded to adjourn the May 19, 2020 regular council meeting at 8:12 pm.

ATTEST:


Jennifer H. Mason, Clerk of Council

 
Sloan Spalding, Mayor Date

Designated Outdoor Refreshment Areas

May 19, 2020



Allows the executive officer of a Municipal Corporation to submit an application to the corresponding Legislative Authority of the Municipal Corporation to establish a

Designated Outdoor Refreshment Area (DORA).

Upon approval by the Legislative Authority, the DORA is created. The Division of Liquor Control is then responsible for issuing permits.

Within 45 days after the date the application is filed with the Legislative Authority,
the Legislative Authority shall publish
public notice of the application once a week for two consecutive weeks
in one newspaper of general circulation in the Municipal Corporation.

Ohio Department of Commerce DORA memo – Page 2

A p p l i c a t i o n P r o c e s s

The application from the executive officer to the Legislative Authority must contain:

- Proposed map with boundaries
- Population requirement
- The nature and types of businesses within
- The number of liquor permit holders
- Zoning compliance
- Health and safety requirements

Ohio Department of Commerce DORA memo – Page 1

Within 45 days after the date the application is filed with the Legislative Authority,
the Legislative Authority shall publish
public notice of the application once a week for two consecutive weeks
in one newspaper of general circulation in the Municipal Corporation.

Ohio Department of Commerce DORA memo – Page 2



Not earlier than 30 but not later than 60 days after initial public notice, the Legislative Authority must approve or disapprove the application.

To approve, it must pass an ordinance or resolution by majority vote.

Ohio Department of Commerce DORA memo – Page 2

Population Requirements and How Many DORAs Allowed:

Population of Municipal Corporation or Township	Maximum number of DORAs	Size of DORA
More than 50,000	2	Up to 320 contiguous acres or ½ square mile
35,001 – 50,000	1	Up to 320 contiguous acres or ½ square mile
35,000 or less	1	Up to 150 contiguous acres

Open Container Law – DORA exemption 4301.62

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 opened container at any outdoor location within the DORA. However, no person may:

- (1) Enter the premises of an establishment with an opened container of beer or intoxicating liquor purchased elsewhere
- (2) Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle in a DORA

At the time of the creation, the legislative authority shall adopt legislation that establishes requirements it determines necessary to ensure public health and safety within the area.



Ohio Department of Commerce DORA memo – Appendix B – Page 7

Expansion, Review, and Dissolution

- A Municipal Corporation may expand an existing DORA.
- The Legislative Authority is required to review the operation of the DORA every five years and must approve continued operation or dissolve it.
- At any time, the Legislative Authority may dissolve all or part of the DORA.

Questions

≡ NEW ALBANY ≡