

**APPLICATION TO THE CITY COUNCIL OF LIMA, OHIO FOR THE ESTABLISHMENT OF A  
DESIGNATED OUTDOOR REFRESHMENT AREA (DORA), WITH SPECIFIC BOUNDARIES IN THE  
DOWNTOWN CENTRAL BUSINESS DISTRICT, MAIN STREET COORIDOR,  
AND WEST MARKET STREET COORIDOR**

**I. INTRODUCTION AND PROCEDURAL INFORMATION**

Section 4301.82 of the Ohio Revised Code (ORC) authorizes, effective April 30, 2015, municipalities to create Designated Outdoor Refreshment Areas or "DORAs." In order to consider creation of a DORA, the Mayor must file an application with the Lima City Council (City Council) which meets certain statutory requirements. Within forty-five days after the date the application is filed with City Council, City Council shall publish public notice of the application in one newspaper of general interest as provided in section 7.16 of the Ohio Revised Code. City Council shall ensure that the notice states that the application is on file in the office of the City Council Clerk and is available for inspection by the public during regular business hours. City Council also shall indicate in the notice the date and time of any public hearing to be held regarding the application by City Council.

Not earlier than 30 days, but not later than 60 days, after the initial publication of the notice, the City Council may approve or disapprove of the application by ordinance or resolution. Approval of an application requires an affirmative vote of a majority of City Council. Upon approval of the application by City Council, the territory described in the application constitutes an outdoor refreshment area. City Council shall provide to the division of liquor control and the investigative unit of the department of public safety notice of the approval of the application and a description of the area specified in the application. If City Council disapproves the application, the Mayor may make changes in the application to secure its approval by the legislative authority.

**II. BACKGROUND INFORMATION**

On September 19, 2018, Downtown Lima, Inc. (DTL) held a meeting with various stakeholders to present information about establishing a DORA. Susan Crotty again presented a power point presentation on Ohio Revised Code Section 4301.82 outlining the mechanisms to create an Outdoor Refreshment Area.

On September 21, 2018, Chief of Staff Sharetta Smith and Community Development Director Susan Crotty presented information on the DORA to the DTL Board of Directors. After a lengthy discussion, Aubree Kaye, DTL Executive Director, suggested the group take a fact-finding trip to a city that has established a DORA.

On May 9, 2019, Chief of Staff Sharetta Smith, Community Development Director Susan Crotty, Chief of Police Kevin Martin, and Downtown Lima Executive Director Aubree Kaye visited Hamilton, Ohio on a fact-finding mission to gather information about Hamilton's DORA. Lima officials met with Aaron Hufford, City of Hamilton Chief of Staff; Mallory Greenham, City of Hamilton Small Business Development Specialist, and a patrol officer from the Hamilton Police Department. All three individuals had been intimately involved with the establishment and management of Hamilton's DORA. It should also be noted that Ms. Greenham was also part of the team that established a DORA in Middletown, Ohio – the first in the state. At the conclusion of the visit, Lima officials decided to continue to explore the issue before making any recommendations to the Mayor.

On February 26, 2020 Downtown Lima, Inc. (DTL) held a 2<sup>nd</sup> meeting with various stakeholders to present information about establishing a DORA. Susan Crotty again presented a power point presentation on Ohio Revised Code Section 4301.82 outlining the mechanisms to create an Outdoor Refreshment Area, as well as, the proposed boundaries, hours of operation, and permissible alcoholic beverages. Chad Stearns, DTL Board President, presented a taped interview with Aaron Holtz owner of Municipal Brew Works in Hamilton, Ohio about his experiences with Hamilton's DORA. Sharetta Smith facilitated a discussion with stakeholders about the DORA where there was an opportunity to ask questions and express concerns. At the conclusion of the meeting, it was decided to solicit a letter of support from stakeholders interested in creating a DORA and recommend that the Mayor submit an application to Council.

On March 9, 2020, the Governor Declared a State of Emergency in Executive Order 2020-01D, due to the COVID-19 pandemic. Due to the prohibitions against mass gatherings further discussions and planning for the DORA continued, with the expressed intent to submit an application to City Council no later than Q1 2021.

On January 26, 2021 – January 29, 2021, the Mayor's office requested and received from Downtown Lima, Inc. (DTL) a letter of support signed by various stakeholders requesting that the Mayor submit an application to Council.

On February 8, 2021, the Mayor's office submitted a Communication and Request for Legislation authorizing the establishment of a DORA. The request included the immediate draft application which includes the following provisions:

- Creation of a DORA in Lima mostly within the Downtown Central Business District, Main Street Corridor, and West Market Street Corridor (see Section III Boundaries for more detail).
- The DORA would ease or make more accessible outdoor dining in front of liquor permit holding establishments. It would allow such establishments to serve alcoholic beverages in a plastic cup pursuant to the law within a designated area in front of their establishment during certain hours. Creation of the DORA would relieve these establishments of current requirements for fencing around a dining area. Signage, sanitation and safety requirements are further discussed in the application.
- In addition to the established DORA hours, the Lima DORA would provide the ability during permitted Special Events held outside the established DORA hours of operation for individuals to walk around the DORA boundaries with an alcoholic beverage purchased from a liquor permit holding establishment. This authority - subject to issuance of individual permits - would be limited, initially, to the following events: Toast of the City, Rally in the Square, Square Fair, Chocolate Walk, and Holiday Walk. Signage, sanitation and safety requirements would be established by permit for each Special Event.

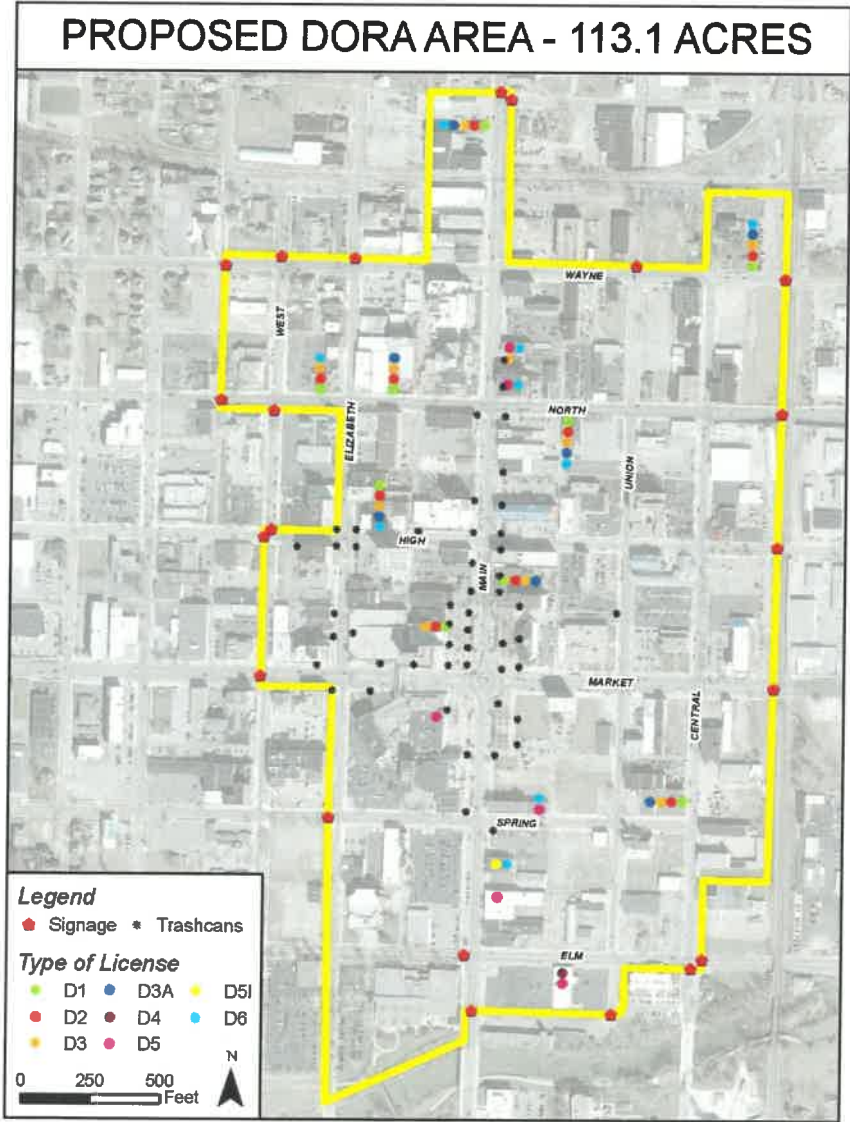
### **III. APPLICATION SUBMITTAL**

The Office of the Mayor of Lima, Ohio submits the following application to Lima City Council to approve and establish a Designated Outdoor Refreshment Area (hereinafter "DORA"), pursuant to Ohio Revised Code ("ORC") § 4301.82. The proposed application meets all the state requirements. A DORA is an area

where the open carry restrictions do not apply at particular hours, and adults are permitted to possess and consume alcohol in public, with certain restrictions. A DORA established within the City of Lima would be the first DORA in Allen County. The purpose of the City's DORA would be to stimulate economic development for businesses, residents, and property owners within the DORA, as well as the City of Lima as a whole.

**IV. BOUNDARIES**

In accordance with O.R.C. 4301.82(B)(1)(b), the boundaries of the DORA are depicted below:



Starting at the intersection of Central St. and the east/west railroad north of Wayne St and traveling down the north/south railroad until the river. Moving west along the river over to Elizabeth St. and up to Market St. Then over one block to West St. and up one block and then back over to Elizabeth St. Then north up to North St. and over to the alley west of West St. Follow the alley up to Wayne St and over to the alley west of Main St. Then up to the alley north of the railroad and back down Main St. to Wayne St. and over to Central St. meeting back at the intersection of Central St. and the railroad. Said description contains approximately 113 acres.

**V. NATURE OF ESTABLISHMENTS**

In accordance with O.R.C. 4301.82(B )(2), the nature and types of establishments that will be located within the DORA are listed below. The types of establishments located within or adjacent to the DORA are primarily businesses in the retail, dining or services sectors. Examples include:

**RETAIL**

<b>ESTABLISHMENT NAME</b>	<b>ADDRESS</b>
Alter Ego	226-30 N Main St, Lima, OH, 45801
Hofeller, Hiatt & Clark	237 N Main St, Lima, OH 45801
Jean & Lilly’s Fashion Boutique	220 N Main St, Lima, OH 45801
For the Love of Quilts	115 N Elizabeth St, Lima, OH 45801
Pointe of Joy	119 N Elizabeth St, Lima, OH 45801
Family Dollar	236 S Main St, Lima, OH 45801
Don Jenkins Jeweler	117 N Elizabeth St, Lima, OH 45801

**DINING**

<b>ESTABLISHMENT NAME</b>	<b>ADDRESS</b>
The MET	306 N Main St, Lima, OH 45801
Joey’s Subs	124 N Main St, Lima, OH 45801
Lombardo’s Cafe	447 N Main St, Lima, OH 45801
Zinum 12	134 W High St, Lima, OH 45801
The 318	318 N Main St, Lima, OH 45805
Kewpee Hamburgers	111 N Elizabeth St, Lima, OH 45801

Old City Prime	215 S Main St, Lima, OH 45801
Vibe Coffeehouse and Cafe	311 E Market St, Lima, OH 45801

**SERVICES**

<b>ESTABLISHMENT NAME</b>	<b>ADDRESS</b>
Beauty by Jill	233 S Main St, Lima, OH 45801
Fresh N Faded	227 S Main St, Lima, OH 45804
Level IV Salon Suites	209 N Main St 4th Floor, Lima, OH 45801
Perennial Glow Spa	147 N Main St, Lima, OH 45801
Citizens National Bank	201 N Main St, Lima, OH 45801
Chase Bank	121 W High St, Lima, OH 45801

**OTHER**

<b>ESTABLISHMENT NAME</b>	<b>ADDRESS</b>
Civic & Convention Center	7 Town Square, Lima, OH 45801
Art Space Lima	65 Town Square, Lima, OH 45801
Wingate by Wyndham Hotel	175 W Market St, Lima, OH 45801
Allen County Regional Transportation Authority Bus Hub	218 E High St, Lima, OH 45801
Allen County Court House	301 N Main St, Lima, OH 45801
43 Town Sq. Apartments	43 Town Square, Lima, OH 45801

**VI. QUALIFYING PERMIT HOLDERS**

In accordance with O.R.C. 4301.82(B)(3), the DORA will encompass not fewer than four qualified permit holders. Lima has identified many qualified permit holders that will likely be included in the DORA:

<b>BUSINESS NAME</b>	<b>DBA</b>	<b>BUSINESS ADDRESS</b>	<b>PERMIT TYPES</b>	<b>PERMIT #</b>
Vivace Cuisine LLC	Vivace*	59 Town Square, Lima, OH 45801	D1, D2 & D3	9289456
DEREK SOLOMON	Beantown Saloon*	122 E North St, Lima, OH 45801	D1, D2, D3, D3A & D6	8374851
BOARD OF TRUSTEES OF THE MEMORIAL CIVIC CENTER	(The Civic Center)	7 Town Square, Lima, OH 45801	D5	0771027
MAIN CATERING OF LIMA LIMITED	(The Met)	304-306 N Main St, Lima, OH 45801	D5 & D6	5458500
M & M INVESTING LLC	(The 318)	318 N Main St, Lima, OH 45805	D5 & D6	5383070
DIANNA L LUCKE	Teasers Diner*	312 N Main St, Lima, OH 45801	D3	5338477
ANGELO LOMBARDO EST ANGELO LOMBARDO JR EXTR	Lombardos**	447 N Main St, Lima, OH 45801	D1, D2, D3 & D3A	5265644 – Transferred**
MIKES WAITING ROOM INC	Mikes Waiting Room	309 E Wayne St, Lima, OH 45801	D1, D2, D3, D3A & D6	5942298
MIRAGE PROPERTIES LLC	Ohio Theatre	122 W North St, Lima, OH 45801	D1, D2, D3 & D3A	6046094
3 LEEZ LLC	Zinum 12	134 W High St, Lima, OH 45801	D1, D2, D3, D3A & D6	89171650015
BPOE LODGE0054 LIMA	(Elks Lodge)	302 W North St, Lima, OH 45801	D1, D2, D3 & D6	08984010054
HOLLANDER ON MAIN LLC	(The Hollander)*	134 N Main St, Lima, OH 45801	D1, D2, D3 & D3A	3936727
OLD CITY STEAKHOUSE LLC	Old City Prime	215 S Main St, Lima, OH 45801	D5I & D6	6528622
VFW POST1275 EDWARD J VEASEY	(VFW)	124 E Elm St, Lima, OH 45801	D4	92623551275
SACIK LLC	(Fresh N Faded)	225-227 S Main St, Lima, OH 45801	D5	76771340010
TIMOTHY L CALLAHAN	(The Callahan)	113 E Spring St, Lima, OH 45801	D5 & D6	11954720005
LELAH ROSE JOHNSON	Boilermaker	132 S Central Ave, Lima, OH 45801	D1, D2, D3 & D3A	43269710010

\* Business is closed

\*\* Permit Not Found Under Issued Permit

**VII. LAND USE & ZONING**

In accordance with O.R.C. §4301.82(B)(4), evidence that the uses of land within the DORA are zoned in accord with the master zoning map of the City of Lima, are as follows:

The uses of land within the proposed DORA are in accord with the City’s current mater zoning map. The parcels within the DORA are zoned one of the following: Business I, Business II or First Industrial. Restaurants that serve alcohol and bars (uses that would typically utilize a DORA license) are permitted uses in all of these zoning districts.

**VIII. SAFETY PLAN**

In accordance with O.R.C. 4301.82(B)(5) and (F)(1)(d), a safety plan has been developed to ensure public safety in the DORA. A uniformed LPD officer shall be available for patrol of the DORA during all designated hours of operation for the DORA.

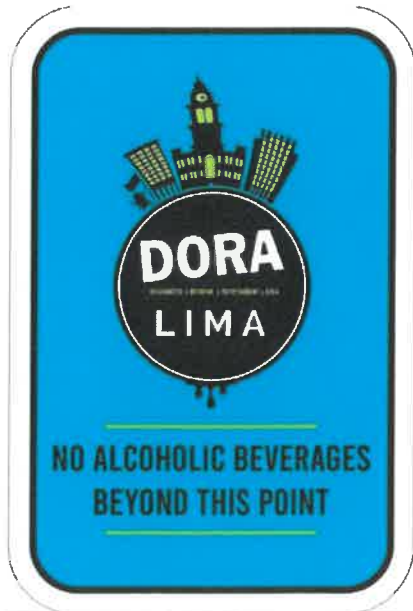
**IX. SANITATION PLAN**

In accordance with O.R.C. 4301.82(B)(5), (F)(1)(e), and (F)(1)(f), a Sanitation Plan has been developed that will help maintain the appearance and public health of the area within the DORA. The Sanitation Plan can be executed with existing staff. The Sanitation Plan shall require business owners to keep their premises clear of litter and debris, and shall designate where trashcans are to be located as indicated in the map on page 2.

**X. SIGNAGE**

In accordance with the ORC § 4301.82 F(1)(b), the Director of Public Works states there will be a minimum of 21 signs and anticipates there will be approximately 42 signs designating the boundary of the DORA. The location and spacing of the signs is shown on page 2. The signs will be mounted and located at all street intersections along the boundary of the DORA. The content and style of this signage shall, in sum or substance, consist of the following:

Front Side of Street Signs



Back of Street Signs



## XI. HOURS OF OPERATION

In accordance with ORC § 4301.82 (F)(1)(c), the hours of operation for the DORA will be: Monday through Sunday, 12:00 p.m. (noon) to 12:00 a.m. (midnight). The Mayor reserve the right to temporarily suspend DORA operations at his/her discretion.

## XII. OFFICIAL DORA CUP

In accordance with ORC § 4301.82 (F)(1)(g), beer, wine, and intoxicating liquor shall only be consumed within the DORA as follows: Beer, wine, and intoxicating liquor shall only be served and consumed in the DORA in the specifically designated plastic bottles or other plastic containers produced and provided by Downtown Lima, Inc. (the "Official Cup"). The Official Cup will be distinctly marked to indicate the seller. No other container will be permitted. Used cups must be disposed of before entering any establishment of a qualified permit holder. The Mayor requests authority from City Council to approve the design of an official plastic container to be used by all qualified permit holders within the DORA. The Mayor anticipates that the content and style of the Official Cup shall, in sum or substance, consist of the following:



However, if changes are made, qualified permit holders will be given a 90 day notice of the change.

Official Cups will be produced and provided by the City. Each qualified permit holder must order and purchase cups through Downtown Lima, Inc. in lots of 1000. The price per cup will be \$0.90. Downtown Lima, Inc. may withhold the sale of cups to any establishment found to be in noncompliance with local, state, or federal law as advised by the City of Lima Law Director. Official Cup charges collected will only be used to fund the direct costs incurred by the City or Downtown Lima, Inc in the administration of the DORA, or to otherwise benefit the operations of the DORA.




**XIII. ADDITIONAL RULES AND REQUIREMENTS**

In accordance with ORC § 4301.82 (B)(5), and in conjunction with other rules, standards and requirements set forth in this application, additional rules and requirements for the purpose of ensuring public safety and health within the DORA are as follows:

- A. A person may have in the person’s possession an open container of beer, wine, or intoxicating liquor at an outdoor location within the DORA if the open container of beer, wine, or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:
  - a. The permit holder’s premises is located within the DORA; and
  - b. The permit held by the permit holder has an outdoor refreshment area designation.
- B. No person shall do any of the following:
  - a. Enter the premises of an establishment of a qualified permit holder within the DORA while possessing an open container of beer, wine, or intoxicating liquor acquired elsewhere, or
  - b. Possess an open container of beer, wine, or intoxicating liquor while being in or on a motor vehicle within the DORA, unless the possession is otherwise authorized under division (D) or (E) of ORC § 4301.62.
- C. **Special Events:** The City of Lima requires that each special event receive a permit. As is the City's practice, each event will be reviewed by the City's Departments/Divisions. Permit requirements may differ between events depending on their size, layout, use of right of way, and program. Further, facilitators of special events shall be required to apply to the division of liquor control for an outdoor refreshment area designation as described in ORC 4301.82(G). However, each event will be reviewed to ensure that adequate sanitation, signage and public safety requirements are established. The necessity for portable bathrooms, handicap accessibility, pedestrian mobility, police, fire and emergency medical ingress and egress, crowd control, DORA boundary management and trash management (dumpsters, cans, pick-up, etc.) will be addressed. Event organizers may be required to pay for special duty officers or overtime for public service or safety workers if necessary to ensure adequate health, public and safety requirements.

Respectfully submitted,

  
David J. Berger  
Mayor, City of Lima

3/4/2021  
Date