City of Ashtabula

Ashtabula City Council Public Hearing
Monday, May 19, 2025 at 6:00 PM
Council Chambers
4230 Lake Avenue, Ashtabula, OH 44004

Agenda

1. **Opening of Public Hearing**
   a. Call to Order
   b. Roll Call
   c. Sunshine Law Certification
2. **Purpose of Public Hearing**
   a. Public Hearing Notice
   b. Designated Outdoor Refreshment Area (DORA) Application
3. **Welcome and Acknowledgement of Visitors**
4. **Discussion**
5. **Questions/Comments**
6. **Closing Remarks**
7. **Adjournment**

CITY OF ASHTABULA
OFFICE OF THE CLERK OF COUNCIL

4230 Lake Avenue
Ashtabula, Ohio 44004

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Clerk of Council

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NOTICE OF PUBLIC HEARING

Notice of Public Hearing, May 19, 2025 at 6 p.m.
Application of City Manager for Designated Outdoor Refreshment Area (DORA)

Notice is hereby given that the Ashtabula City Council will conduct a **PUBLIC HEARING, Monday, May 19, 2025 at 6 p.m.**, in Council Chambers located at 4230 Lake Avenue, Ashtabula, Ohio, 44004. The purpose and intent for the public hearing is to take public comment on the application of the City Manager to enact a Designated Outdoor Refreshment Area (DORA). The application is on file in the office of the Clerk of Council, 4250 Lake Avenue, Ashtabula, Ohio, 44004, and is available for inspection by the public during regular business hours (8:00 a.m. to 4:00 p.m.). All interested residents are encouraged to attend this meeting.

Stacy L. Millberg
Clerk of Council

Email Copy to: Council, Administration, Department Heads: Tuesday, April 29, 2025
Email Copy to: Media & "Community Matters" Email Roster: Tuesday, April 29, 2025
Posted on: Municipal Building Bulletin Board: Tuesday, April 29, 2025
Star Beacon Legals: PLEASE PUBLISH: Friday, May 2, 2025

Application to the Ashtabula City Council
For the establishment of a

Designated Outdoor Refreshment Area (DORA)

The City Manager of the City of Ashtabula, Ohio respectfully submits the following application to the Ashtabula City Council to approve and enact the Historic Ashtabula Harbor Designated Outdoor Refreshment Area, in accordance with O.R.C. 4301.82.

James M. Timonere, City Manager

April 21, 2025
Date

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Introduction & Submittal of Application

Section 4301.82 of the Ohio Revised Code (O.R.C.) authorizes municipalities to create Designated Outdoor Refreshment Areas ("DORA"). To begin the process of creating a DORA, the municipality's Executive Officer may submit an application to the City Council which meets certain statutory requirements. The application must be advertised for two consecutive weeks in a newspaper of general circulation within 45 days of the application submission to the 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, disapprove, or modify the application.

City Manager Timonere has submitted a request the City Council adopt legislation to create a DORA in the Historic Ashtabula Harbor. Members of the Lift Bridge Community Association and other business owners met with the Administration on April 16, 2025 to discuss the desirability of such a project as well as the requirements for establishing a DORA.

The creation of a DORA is meant to serve as an economic tool to attract patrons to the Historic Ashtabula Harbor and improve on the experience so many guests have when visiting our community. The purpose of this application is to request that the City Council create and approve a Designated Outdoor Refreshment Area (DORA) in the Historic Ashtabula Harbor.

Map of Proposed Historic Ashtabula Harbor DORA

In accordance with O.R.C. 4301.82(B)(1)(b), Exhibit A is a map of the proposed outdoor refreshment area in sufficient detail to identify the boundaries of the area, which shall not exceed three hundred twenty contiguous acres. The suggested DORA area for the Historic Ashtabula Harbor is approximately 44 acres.

Types of Establishments Within the DORA

In accordance with O.R.C. 4301.82(B)(2), the types of establishments located within the proposed DORA are primarily businesses in the retail, dining, lodging and personal and professional services sectors.

Compliance With Population Requirements

In accordance with O.R.C. 4301.82(B)(3), the City of Ashtabula meets the requirements set forth in O.R.C. 4301.82(D)(2) which states "*A municipal corporation or township with a population of fifty thousand or less shall not create more than three outdoor refreshment areas. Any such outdoor refreshment area shall include at least two qualified permit holders.*"

Per O.R.C. 4301.82(A)(1) and 4301.82(A)(2), "*Qualified permit holder" means the holder of an A-1, A-1-A, A-1c, A-2, A-2f, or D class permit issued under Chapter 4303 of the Revised Code. "D class permit" does not include a D-6 or D-8 permit.*

Per 4301.82(D)(2) "*…the population of a municipal corporation or township is deemed to be the population shown by the most recent regular federal decennial census.*"

As of the 2020 Census, the city's population is listed as 17,975. As of the date of this application, no DORA's exist in the City of Ashtabula. There are more than two qualified permit holders in the Historic Harbor District proposed DORA area. As specified in 4301.82(D)(2), the city shall not create more than three outdoor refreshment areas, and those areas shall consist of at least two qualified permit holders.

Land Use and Zoning

In accordance with O.R.C. 4301.82(B)(4), Exhibit B shows a map of the City of Ashtabula's zoning for the DORA which describes the uses of land within the DORA. The land within the proposed DORA is a mixture of the City's zoning code, and the uses of such land within the DORA would be consistent with the City of Ashtabula's master zoning map and zoning code.

Public Health & Safety Plan

In accordance with O.R.C. 4301.82(B)(5), the proposed requirements for ensuring public health and safety are included below.

Law Enforcement Duties within the DORA:

The Ashtabula Police Department will be responsible for providing law enforcement services within the DORA.

For special events in the DORA drawing large attendance, additional officers and other agency personnel may be required as determined by the City Manager, Police Chief and/or their designee. Cost for the additional services may be passed on to the event organizer.

Fire/EMS Duties within the DORA:

The Ashtabula Fire Department along with Community Care Ambulance (CCAN) are responsible for providing Fire, Rescue and EMS services within the DORA.

For planned events in the DORA drawing large attendance, the City Manager, Fire Chief, Police Chief and representatives from CCAN may stage personnel and/or equipment in a location to allow for an immediate response. Cost for the additional services may be passed on to the event organizer.

Sanitation within the DORA:

The Sanitation Department is responsible for trash pickup within the DORA area. Trash receptacles owned by the City are staged in the DORA area and will be emptied on a routine basis to ensure the area remains clean.

For planned events in the DORA drawing large attendance, event organizers may be responsible for providing additional receptacles as well as staff to collect rubbish and transport it to a central location in order for the Sanitation Department to remove the rubbish. Cost for the additional services may be passed on to the event organizer.

Steps for Approval of Application

Per O.R.C. 4301.82(C),

"*Within forty-five days after the date the application is filed with the legislative authority of a municipal corporation or township, the legislative authority shall publish public notice of the application in one newspaper of general circulation in the municipal corporation or township or as provided in section 7.16 of the Revised Code. The legislative authority shall ensure that the notice states that the application is on file in the office of the clerk of the municipal corporation or township and is available for inspection by the public during regular business hours. The legislative authority also shall indicate in the notice the date and time of any public hearing to be held regarding the application by the legislative authority.*

Not earlier than thirty but not later than sixty days after the initial publication of notice, the legislative authority shall approve or disapprove the application by either ordinance or resolution, as applicable. Approval of an application requires an affirmative vote of a majority of the legislative authority. Upon approval of the application by the legislative authority, the territory described in the application constitutes an outdoor refreshment area. The legislative authority 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 the legislative authority disapproves the application, the executive officer of a municipal corporation or fiscal officer of a township may make changes in the application to secure its approval by the legislative authority."

Legislative Requirements

Per O.R.C. 4301.82(F):

(1) At the time of the creation of an outdoor refreshment area, the legislative authority of a municipal corporation or township in which such an area is located shall adopt an ordinance or resolution, as applicable, that establishes requirements the legislative authority determines necessary to ensure public health and safety within the area. The legislative authority shall include in the ordinance or resolution all of the following:

(a) The specific boundaries of the area, including street addresses;
(b) The number, spacing, and type of signage designating the area;
(c) The hours of operation for the area;
(d) The number of personnel needed to ensure public safety in the area;
(e) A sanitation plan that will help maintain the appearance and public health of the area;
(f) The number of personnel needed to execute the sanitation plan;
(g) A requirement that beer and intoxicating liquor be served solely in plastic bottles or other non-glass containers in the area.

The legislative authority may, but is not required to, include in the ordinance or resolution any public health and safety requirements proposed in an application under division (B) of this section to designate or expand the outdoor refreshment area. The legislative authority may subsequently modify the public health and safety requirements as determined necessary by the legislative authority.

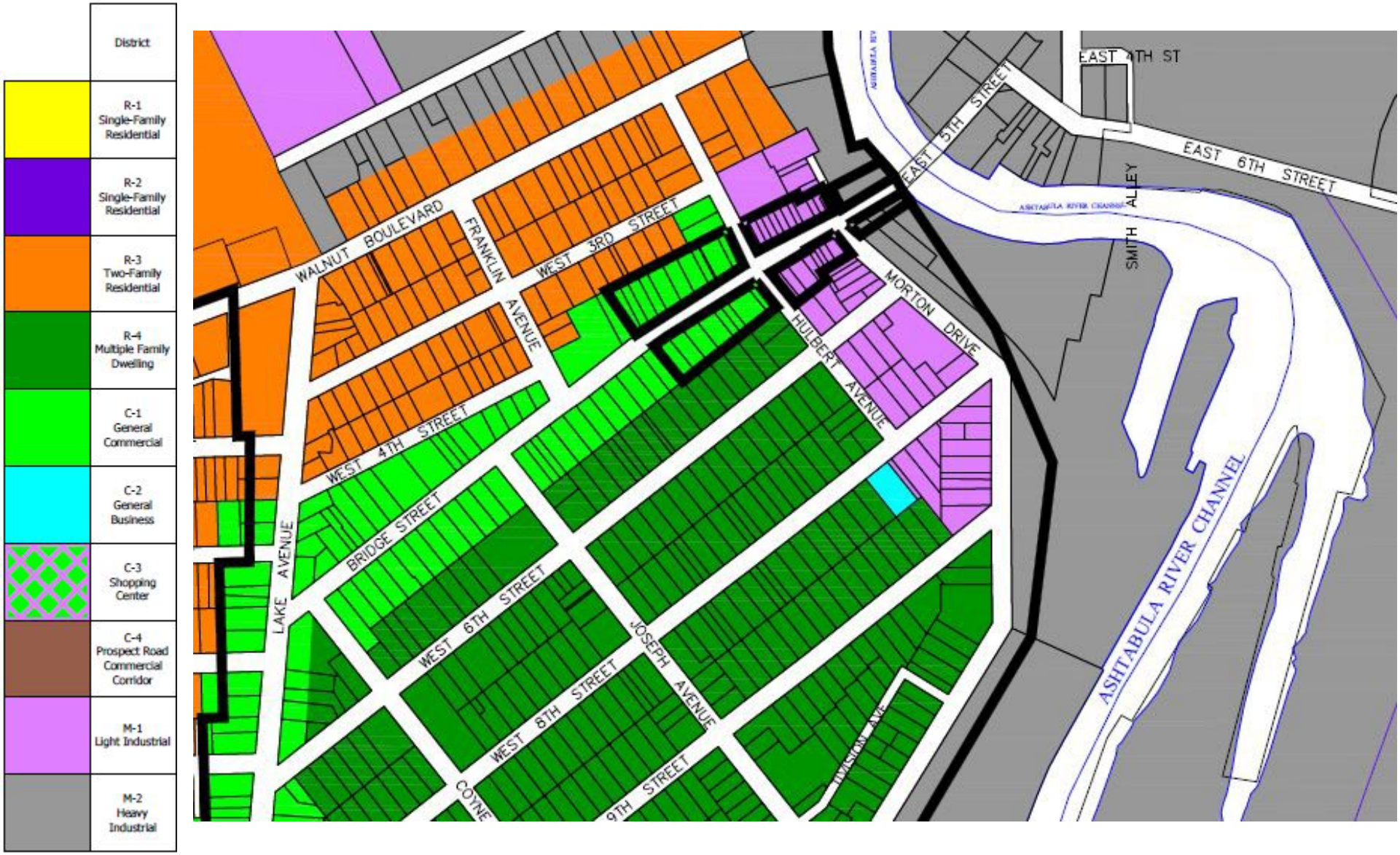
(2) Prior to adopting an ordinance or resolution under this division, the legislative authority shall give notice of its proposed action by publication in one newspaper of general circulation in the municipal corporation or township or as provided in section 7.16 of the Revised Code.

Conclusion

Many municipalities have embraced DORA's and the amenity has been an attractive addition to business districts across Ohio. Permitting a designated outdoor refreshment area in the Historic Ashtabula Harbor will enhance the experience for our visitors and residents alike who enjoy our restaurants, businesses, festivals and lodging opportunities. The suggested boundaries of the DORA allow for expansion of the business district and for future development of the area. We are confident a DORA in the Historic Ashtabula Harbor will be a success for the area.

Exhibit A – Map of Proposed DORA

Exhibit B – Zoning Map of area within the DORA



Ohio Revised Code

Section 4301.82 Designated outdoor refreshment areas.

Effective: March 23, 2022
Legislation: Senate Bill 102

(A) As used in this section:

(1) "Qualified permit holder" means the holder of an A-1, A-1-A, A-1c, A-2, A-2f, or D class permit issued under Chapter 4303. of the Revised Code.

(2) "D class permit" does not include a D-6 or D-8 permit.

(B) The executive officer of a municipal corporation or the fiscal officer of a township may file an application with the legislative authority of the municipal corporation or township to have property within the municipal corporation or township designated as an outdoor refreshment area or to expand an existing outdoor refreshment area to include additional property within the municipal corporation or township. The executive officer or fiscal officer shall ensure that the application contains all of the following:

(1) A map or survey of the proposed outdoor refreshment area in sufficient detail to identify the boundaries of the area, which shall not exceed either of the following, as applicable:

(a) Six hundred forty contiguous acres if the municipal corporation or township has a population of more than fifty thousand as specified in division (D) of this section;

(b) Three hundred twenty contiguous acres if the municipal corporation or township has a population of fifty thousand or less as specified in division (D) of this section.

(2) A general statement of the nature and types of establishments that will be located within the proposed outdoor refreshment area;

(3) A statement that the proposed outdoor refreshment area complies with division (D) of this section;

(4) Evidence that the uses of land within the proposed outdoor refreshment area are in accord with the master zoning plan or map of the municipal corporation or township;

(5) Proposed requirements for the purpose of ensuring public health and safety within the proposed outdoor refreshment area.

(C) Within forty-five days after the date the application is filed with the legislative authority of a municipal corporation or township, the legislative authority shall publish public notice of the application in one newspaper of general circulation in the municipal corporation or township or as provided in section 7.16 of the Revised Code. The legislative authority shall ensure that the notice states that the application is on file in the office of the clerk of the municipal corporation or township and is available for inspection by the public during regular business hours. The legislative authority also shall indicate in the notice the date and time of any public hearing to be held regarding the application by the legislative authority.

Not earlier than thirty but not later than sixty days after the initial publication of notice, the legislative authority shall approve or disapprove the application by either ordinance or resolution, as applicable. Approval of an application requires an affirmative vote of a majority of the legislative authority. Upon approval of the application by the legislative authority, the territory described in the application constitutes an outdoor refreshment area. The legislative authority 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 the legislative authority disapproves the application, the executive officer of a municipal corporation or fiscal officer of a township may make changes in the application to secure its approval by the legislative authority.

(D) The creation of outdoor refreshment areas is limited as follows:

(1) A municipal corporation or township with a population of more than fifty thousand shall not create more than six outdoor refreshment areas. Any such outdoor refreshment area shall include at least four qualified permit holders.

(2) A municipal corporation or township with a population of fifty thousand or less shall not create more than three outdoor refreshment areas. Any such outdoor refreshment area shall include at least two qualified permit holders.

For purposes of this section, the population of a municipal corporation or township is deemed to be the population shown by the most recent regular federal decennial census.

(E) As soon as possible after receiving notice that an outdoor refreshment area has been approved, the division of liquor control, for purposes of section 4301.62 of the Revised Code, shall issue an outdoor refreshment area designation to each qualified permit holder located within the refreshment area that is in compliance with all applicable requirements under Chapters 4301. and 4303. of the Revised Code. The division shall not charge any fee for the issuance of the designation. Any permit holder that receives such a designation shall comply with all laws, rules, and regulations that govern its license type, and the applicable public health and safety requirements established for the area under division (F) of this section.

(F)(1) At the time of the creation of an outdoor refreshment area, the legislative authority of a municipal corporation or township in which such an area is located shall adopt an ordinance or resolution, as applicable, that establishes requirements the legislative authority determines necessary to ensure public health and safety within the area. The legislative authority shall include in the ordinance or resolution all of the following:

(a) The specific boundaries of the area, including street addresses;

(b) The number, spacing, and type of signage designating the area;

(c) The hours of operation for the area;

(d) The number of personnel needed to ensure public safety in the area;

(e) A sanitation plan that will help maintain the appearance and public health of the area;

(f) The number of personnel needed to execute the sanitation plan;

(g) A requirement that beer and intoxicating liquor be served solely in plastic bottles or other non-glass containers in the area.

The legislative authority may, but is not required to, include in the ordinance or resolution any public health and safety requirements proposed in an application under division (B) of this section to designate or expand the outdoor refreshment area. The legislative authority may subsequently modify the public health and safety requirements as determined necessary by the legislative authority.

(2) Prior to adopting an ordinance or resolution under this division, the legislative authority shall give notice of its proposed action by publication in one newspaper of general circulation in the municipal corporation or township or as provided in section 7.16 of the Revised Code.

(3) The legislative authority shall provide to the division of liquor control and the investigative unit of the department of public safety notice of the public health and safety requirements established or modified under this division.

(G) If an outdoor refreshment area has been created in accordance with this section, the holder of an F class permit that sponsors an event located in the outdoor refreshment area may apply to the division for issuance of an outdoor refreshment area designation. The division shall issue such a designation if the division determines that the permit holder is in compliance with all applicable requirements established under this chapter and Chapter 4303. of the Revised Code. An F class permit holder that receives a designation under this division shall do both of the following:

(1) Comply with all laws, rules, and regulations that govern its type of permit, and the applicable public health and safety requirements established for the outdoor refreshment area under division (F) of this section;

(2) Not block ingress or egress to the outdoor refreshment area or any other liquor permit premises located within the area.

(H) Section 4399.18 of the Revised Code applies to a liquor permit holder located within an outdoor

refreshment area in the same manner as if the liquor permit holder were not located in an outdoor refreshment area.

(I)(1) Five years after the date of creation of an outdoor refreshment area, the legislative authority of the municipal corporation or township that created the area under this section shall review the operation of the area and shall, by ordinance or resolution, either approve the continued operation of the area or dissolve the area. Prior to adopting the ordinance or resolution, the legislative authority shall give notice of its proposed action by publication in one newspaper of general circulation in the municipal corporation or township or as provided in section 7.16 of the Revised Code.

If the legislative authority dissolves the outdoor refreshment area, the outdoor refreshment area ceases to exist. The legislative authority then shall provide notice of its action to the division of liquor control and the investigative unit of the department of public safety. Upon receipt of the notice, the division shall revoke all outdoor refreshment area designations issued to qualified permit holders within the dissolved area. If the legislative authority approves the continued operation of the outdoor refreshment area, the area continues in operation.

(2) Five years after the approval of the continued operation of an outdoor refreshment area under division (I)(1) of this section, the legislative authority shall conduct a review in the same manner as provided in division (I)(1) of this section. The legislative authority also shall conduct such a review five years after any subsequent approval of continued operation under division (I)(2) of this section.

(J) At any time, the legislative authority of a municipal corporation or township in which an outdoor refreshment area is located may, by ordinance or resolution, dissolve all or a part of the outdoor refreshment area. Prior to adopting the resolution or ordinance, the legislative authority shall give notice of its proposed action by publication in one newspaper of general circulation in the municipal corporation or township or as provided in section 7.16 of the Revised Code. If the legislative authority dissolves all or part of an outdoor refreshment area, the area designated in the ordinance or resolution no longer constitutes an outdoor refreshment area. The legislative authority shall provide notice of its actions to the division of liquor control and the investigative unit of the department of public safety. Upon receipt of the notice, the division shall revoke all outdoor refreshment area designations issued to qualified permit holders or the holder of an F class permit within the dissolved area or portion of the area.