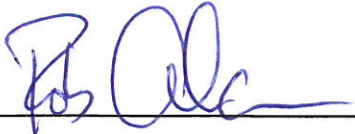


Application to the Fairborn City Council
For the establishment of a
Designated Outdoor Refreshment Area



The office of the City Manager respectfully submits the following application to the Fairborn City Council to approve and enact the Designated Outdoor Refreshment Area in accordance with ORC 4301.82

Submitted April 15, 2019

By: 
Rob Anderson, City Manager

Contents of Document:

Section Number	Section Title	Page Number
1.0	Overview	3
2.0	Specific Boundaries of the DORA	4
3.0	Land Use and Zoning	13
4.0	The Hours of Operation for the DORA	14
5.0	Public Safety Plan	14
6.0	Sanitation and Public Health Plan	15
7.0	Rules of the DORA	16
8.0	Letters of Support and Citizen Comments	18
Exhibit A	Map of DORA Boundary	25
Exhibit B	Engineer Certification of Acreage	26



1.0 Overview

1.1 Summary of Purpose

The Office of the City Manager of the City of Fairborn is submitting this application to the Fairborn City Council to approve and enact a Designated Outdoor Refreshment Area (DORA), in accordance with Section 4301.82 of the Ohio Revised Code. This allows municipalities with a population under 35,000 residents to create a Designated Outdoor Refreshment Area that is no larger than 150 contiguous acres in size. Fairborn City Council approval would create a Designated Outdoor Refreshment Area within the downtown commercial district and neighborhood commercial district in Fairborn, meeting or exceeding all of the requirements of ORC 4301.82, for the cultural and economic betterment of the businesses, residents, and property owners within the DORA, as well as the whole of Fairborn by further establishing Fairborn's Downtown as a destination for entertainment, culture, and activity.

For the purposes of marketing and branding, the City of Fairborn will be changing the name from DORA to Fairborn Outdoor Refreshment Area (FORA).

The application filing must be advertised once a week for two consecutive weeks in a newspaper of general circulation. Council may approve of the establishment of the Designated Outdoor Refreshment Area between 30 and 60 days after the application notice is first published.

The City has strong experience in providing adequate security, public health measures and leadership for large and small events held in Fairborn's Downtown and would use the experience to manage and enforce the rules and administration of the DORA; an example includes the Bluegrass and Brew event and Halloween Festival and related activities. The Chamber of Commerce and many downtown stakeholders are very confident that this experience and the commitment to the overall advancement of Fairborn's Downtown is the perfect foundation of skills to administer the DORA.

As outlined in this Application, the Assistant City Manager has been working with the Fairborn Downtown stakeholders, Fairborn City Council, Safety, Sanitation, and Chamber of Commerce officials to ensure a safe, professional implementation of the DORA. Through regular communication with all affected city departments and downtown stakeholders, the Assistant City Manager will precisely tailor the DORA safety and sanitation needs as time and experience progress, as permitted in ORC 4301.82.

Thank you to the many business owners of Fairborn's Downtown Business District, the Fairborn City Solicitor, the Fairborn Police Department, Fire Department, the Buildings and Lands Division, the Street Division and Fairborn City Council for their support and involvement in developing this Application.

2.0 Specific Boundaries of the DORA

2.1 See Exhibit A: Map of Boundaries

2.2 Boundary Description

Specific boundaries of the DORA shall begin and end at the property line of the following addresses:

- The property located at 710 Ash Drive.
- All even and odd numbered addresses along Broad Street beginning with 230 N Broad and ending with 100 S Broad.
- The properties located at 509 and 713 Cedar Drive.
- All even and odd numbered addresses along Central Avenue beginning with 50 N Central and ending with 77 S Central.
- All even and odd numbered addresses along Clover Street beginning with 500 and ending with 719.
- The property located at 719 Cypress.
- All even and odd numbered addresses along Dayton Drive beginning with 2 E Dayton and ending with 10 W Dayton and beginning again with 304 E Dayton and ending with 350 E Dayton and beginning again with 412 W Dayton through 500 W Dayton.
- The property located at 720 Elder Drive.
- All even and odd numbered addresses along First Street beginning with 703 N First and ending with 25 S First.
- The property located at 11 N Grand Avenue.
- All even and odd numbered addresses along Koogler Street beginning with 708 and ending with 722.
- The property located at 526 Legion Lane.
- All even and odd numbered addresses along Main Street beginning with 235 E Main and ending with 728 W Main.
- The properties located at 7 S and 10 S Maple Avenue.
- All even and odd numbered addresses along Middle Street beginning with 502 and ending with 620.
- All even and odd numbered addresses along Miller Avenue beginning with 25 and ending with 33.

- All even and odd numbered addresses along Second Street beginning with 231 N Second and ending with 21 S Second.
- All even and odd numbered addresses along Spruce Drive beginning with 301 and ending with 717.
- All even and odd numbered addresses along Third Street beginning with 11 N Third and ending with 27 N Third.
- All even and odd numbered addresses along West Street beginning with 18 and ending with 210.
- The properties located at 13 N and 14 S Wright Avenue.
- The property located at 334 E Xenia Drive and all even and odd numbered addresses along Xenia Drive beginning with 501 W Xenia and ending with 717 W Xenia.

2.3 Parcels Included Within the Boundary of the DORA

Parcel	Property Owner	Address	Dir	Street Name
A02000100030005100	DELAYNE OSBORNE ANGELA	710		ASH
A02000100020004400	COLONEL GLENN LTD III	109		BROAD
A02000100020004500	FAIRBORN UNITED METHODIST CHURCH	114		BROAD
A02000100020002500	FITZGERALD BILLIE J	125		BROAD
A02000100020001600	FITZGERALD BILLIE J	125		BROAD
A02000100020013900	CERTIFIED REAL ESTATE INC	8	N	BROAD
A02000100020011000	COMMUNITY IMPROVEMENT CORPORAT	21	N	BROAD
A02000100020010200	STRAUME MARKUS K	26	N	BROAD
A02000100020008600	GERLAUGH MICHAEL S	37	N	BROAD
A02000100020007300	MIDDLE STREET LLC	42	N	BROAD
A02000100020007200	GERLAUGH MICHAEL S	47	N	BROAD
A02000100020005800	FAIRBORN UNITED METHODIST CHURCH	100	N	BROAD
A02000100020005700	GOLSHAN NIMA	101	N	BROAD
A02000100020002900	GORBY DAVID W	118	N	BROAD
A02000100020002700	COLONEL GLENN LTD III	119	N	BROAD
A02000100020030800	FITZGERALD BILLIE J	127	N	BROAD
A02000100020001700	SINGULAR PROPERTIES LLC	130	N	BROAD
A02000100030010300	MURRAY VALERIE	133	N	BROAD
A02000100030010200	WOLFE CHARLES T	135	N	BROAD
A02000100030009900	GATES OF PRAISE MINISTRIES	137	N	BROAD
A02000100030010400	E CHILDERS ENTERPRISES II LTD	138	N	BROAD
A02000100030008800	FAIRBORN EMPIRE LLC	140	N	BROAD
A02000100030008600	FAIRBORN DEVELOPMENT CORPORATI	141	N	BROAD

A02000100030008500	BAKER JAMES	145	N	BROAD
A02000100030008700	FAIRBORN EMPIRE LLC	146	N	BROAD
A02000100030007200	NEFF ROBERT L	205	N	BROAD
A02000100030005400	WAGNER INVESTMENTS LLC	215	N	BROAD
A02000100030004400	WERTZ DANIEL W	216	N	BROAD
A02000100030004300	WAGNER INVESTMENTS LLC	217	N	BROAD
A02000100030003200	WAGNER INVESTMENTS LLC	229	N	BROAD
A02000100030003300	RYNINGER RON	230	N	BROAD
A02000100020016000	GEVEDON KENNETH L	1	S	BROAD
A02000100020017600	COMMUNITY IMPROVEMENT	15	S	BROAD
A02000100020017700	WILHELM HAROLD L JR	16	S	BROAD
A02000100020018600	HARLAN PROPERTIES LLC	19	S	BROAD
A02000100020019600	FAIRBORN TIRE & BATTERY CO INC	31	S	BROAD
A02000100020019800	YOUNG THOMAS	32	S	BROAD
A02000100010000700	COMMUNITY IMPROVEMENT	34	S	BROAD
A02000100010000200	EXECUTIVE SOUTH INC	35	S	BROAD
A02000100010000300	EXECUTIVE SOUTH INC	41	S	BROAD
A02000100010000400	LAUX CARLA	47	S	BROAD
A02000100010000500	ZIMMERMAN DESIRAE	55	S	BROAD
A02000100010001000	KNICKERBOCKER ASSETS LLC	60	S	BROAD
A02000100010000600	L L I J M A COMPANY	65	S	BROAD
A02000100010022300	EDDIES PARTY DEPOT INC	69	S	BROAD
A02000100010003900	SANDSER PROPERTIES LLC	100	S	BROAD
A02000100030010800	FAIRBORN DEVELOPMENT CORPORATI	509		CEDAR
A02000100030009700	CEDAR PROPERTY SOLUTIONS LLC	713		CEDAR
A02000100080001300	MOORE DAVID A	27	N	CENTRAL
A02000100080000400	MIAMI BANK NATIONAL	31	N	CENTRAL
A02000100080000500	VARNER JOHN A	34	N	CENTRAL
A02000100090017800	WENNEN DONALD L	42	N	CENTRAL
A02000100090005800	KOPP ROBERT W	49	N	CENTRAL
A02000100090017700	EVANS CAROLYN J HOLLON	50	N	CENTRAL
A02000100090005700	PITTMAN WILLIAM	55	N	CENTRAL
A02000100080010600	FILE WILLIAM H III ETAL	10	S	CENTRAL
A02000100080008600	MOLNAR ALLEN R	11	S	CENTRAL
A02000100080009600	CHERRY KEVIN L	15	S	CENTRAL
A02000100080011300	AUGENSTEIN JASON	18	S	CENTRAL
A02000100080009700	MOLNAR ALLEN R	19	S	CENTRAL
A02000100080009800	KELLER PAUL MORGAN	25	S	CENTRAL
A02000100080011400	NOWICKI PATRICIA L	26	S	CENTRAL
A02000100080009900	29 33 SOUTH CENTRAL LLC	31	S	CENTRAL

A02000100080011500	SFP REALTY LLC ETAL	34	S	CENTRAL
A02000100080011700	ARNOVITZ FAMILY LTD	44	S	CENTRAL
A02000100080011900	SOUTHERN OHIO SECTION OF THE	66	S	CENTRAL
A02000100080012000	HAMILTON STEPHEN D	74	S	CENTRAL
A02000100080010400	TERRAY LLC	77	S	CENTRAL
A02000100010001300	COMMUNITY IMPROVEMENT	500		CLOVER
A02000100020020200	WALTERS SAMMY LEE	501		CLOVER
A02000100020020100	DE LA VARS KAZUE N	511		CLOVER
A02000100020019900	MENTAL HEALTH & RECOVERY BOARD	513		CLOVER
A02000100020019300	RATLIFF CHRISTOPHER LEE	719		CLOVER
A02000100020008300	OSBORN RICHARD D	719		CYPRESS
A02000100070004000	SEVEN STAR PROPERTIES LLC	2	E	DAYTON
A02000100080012100	NORTON JEFFREY A	11	E	DAYTON
A02000100200009600	THACKER KENNETH C		E	DAYTON
A02000100200009900	HUELSMAN GROUP LLC		E	DAYTON
A02000100200016900	EARHART BROTHERS LEASING LLC		E	DAYTON
A02000100200009800	A KUT ABOVE LAWN		E	DAYTON
A02000100200009100	ZIMMERMAN JOHN P	350	E	DAYTON
A02000100200009200	MELLON KENNETH E	330	E	DAYTON
A02000100200009300	MELLON KENNETH E	330	E	DAYTON
A02000100200011300	BROWN MARSHA C ET AL	329	E	DAYTON
A02000100200017000	MIHIR ENTERPRISES LLC	321	E	DAYTON
A02000100200014700	EARHART BROTHERS LEASING LLC	314	E	DAYTON
A02000100200009400	EARHART BROTHERS LEASING LLC	314	E	DAYTON
A02000100200009700	THACKER KENNETH C	304	E	DAYTON
A02000100070004200	K AND K BHARATH INC	10	W	DAYTON
A02000100010004700	CARTWRIGHT BRENT R	412	W	DAYTON
A02000100010002800	DAYTEP CONSTRUCTION INC	415	W	DAYTON
A02000100010002700	LILLARD RALPH E	417	W	DAYTON
A02000100010004600	CARTWRIGHT BRENT R	418	W	DAYTON
A02000100010004500	SANDSER PROPERTIES LLC	500	W	DAYTON
A02000100020003700	WILLETT EDDIE D	720		ELDER
A02000100020012800	RATHBURN WARREN R	1	N	FIRST
A02000100020012600	WELLS LESLIE DALE	7	N	FIRST
A02000100020012500	THOMAS ROXIE D	15	N	FIRST
A02000100020030500	COMMUNITY IMPROVEMENT CORPORAT	22	N	FIRST
A02000100020009800	GOSPEL TRAINING AND OUTREACH C	31	N	FIRST
A02000100020008400	KOPP MICHAEL	33	N	FIRST
A02000100020008500	GERLAUGH MICHAEL S	40	N	FIRST
A02000100020030100	CHERRY LARRY D	101	N	FIRST

A02000100020004300	PILE JAMES B	108	N	FIRST
A02000100020005400	PILE JAMES B	108	N	FIRST
A02000100020003900	PILE JAMES B	109	N	FIRST
A02000100020003800	PILE JAMES B	109	N	FIRST
A02000100020004200	PILE JAMES B	112	N	FIRST
A02000100020002300	OSBORN RICHARD D	123	N	FIRST
A02000100020030900	E S JERGENS LLC	124	N	FIRST
A02000100020001400	CEDAR PROPERTY SOLUTIONS LLC	127	N	FIRST
A02000100020001500	E S JERGENS LLC	130	N	FIRST
A02000100030009800	MOLNAR ALLEN R	136	N	FIRST
A02000100030005200	WHEELER WENDELL D	210	N	FIRST
A02000100030004200	WAGNER INVESTMENTS LLC	214	N	FIRST
A02000100030004000	RENTAL RENOVATIONS LLC	219	N	FIRST
A02000100020010800	MARY E BROWN PROPERTIES IV LLC	703	N	FIRST
A02000100020015700	EDWARDS KENNETH G	8	S	FIRST
A02000100020017100	RAU ROBERT J	9	S	FIRST
A02000100020017200	MULLENAX JONATHAN D	15	S	FIRST
A02000100020017300	COMMUNITY IMPROVEMENT	16	S	FIRST
A02000100020018400	F & F PROPERTIES ONE LLC	17	S	FIRST
A02000100020018500	HARLAN PROPERTIES LLC	20	S	FIRST
A02000100020029800	BEAM ROBERT D	23	S	FIRST
A02000100020019400	PILKINGTON CHARLES E JR	25	S	FIRST
A02000100080003300	GRIMES DAVID E	11	N	GRAND
A02000100030003000	AMSTUTZ JAN ETAL	708		KOOGLER
A02000100030002900	SMITH JAMES R	714		KOOGLER
A02000100030002800	WILSON WAYNE	722		KOOGLER
A02000100020027500	GLASER GROUP LLC	209		MAIN
A02000100080010500	MJF223OPEB LLC	4	E	MAIN
A02000100080010700	BECK CHARLES W	10	E	MAIN
A02000100080010900	FOY MICHAEL J	14	E	MAIN
A02000100080010800	FOY MICHAEL J	14	E	MAIN
A02000100080004800	FOY MICHAEL J	15	E	MAIN
A02000100080011000	FOY MICHAEL J	18	E	MAIN
A02000100080004900	IMS PROPERTIES LLC	21	E	MAIN
A02000100080011100	FOY MICHAEL J	22	E	MAIN
A02000100080005000	E D R ASSOCIATES	27	E	MAIN
A02000100080011200	FOY MICHAEL J	30	E	MAIN
A02000100080013200	ST MARKS EVANGELICAL	100	E	MAIN
A02000100080005100	MC CASKEY BEVERLY A TRUSTEE ET	101	E	MAIN
A02000100080005200	LUCA BOS PROPERTIES LLC	109	E	MAIN

A02000100080005300	ALDERWOODS OHIO FUNERAL HOME I	119	E	MAIN
A02000100080005400	ALDERWOODS OHIO FUNERAL HOME I	125	E	MAIN
A02000100080013500	FOY MICHAEL J	126	E	MAIN
A02000100080005500	FOY MICHAEL J	133	E	MAIN
A02000100200013400	JAYAMBY LLC	201	E	MAIN
A02000100200013500	HAILS IRENE M	202	E	MAIN
A02000100200013700	WU LEO TSU CHUNY	208	E	MAIN
A02000100200013300	KIEFABER JOHN MCREYNOLDS	209	E	MAIN
A02000100200013200	BARRINGER GAYLE E	217	E	MAIN
A02000100200013800	OSBORN RICHARD D REVOCABLE	218	E	MAIN
A02000100200013900	OSBORN RICHARD D REVOCABLE	224	E	MAIN
A02000100200013100	FENTON RONALD K	225	E	MAIN
A02000100200014000	MANS RODNEY T	234	E	MAIN
A02000100200013000	MOORE NATHANIEL M	235	E	MAIN
A02000100200017100	ANDES JAMES R	301	E	MAIN
A02000100080004300	MIAMI BANK NATIONAL	1	W	MAIN
A02000100080004100	MIAMI BANK NATIONAL	1	W	MAIN
A02000100080017600	MOLNAR ALLEN R	4	W	MAIN
A02000100080004000	ZAVAKOS LISA G ET AL	7	W	MAIN
A02000100080003900	ZAVAKOS PETER ET AL	9	W	MAIN
A02000100080008400	DJR PARTNERS	10	W	MAIN
A02000100080003800	COTTRILL TIMOTHY A	13	W	MAIN
A02000100080003700	COX JAMES A	17	W	MAIN
A02000100080008300	COTTRILL TIMOTHY A	18	W	MAIN
A02000100080008200	DJR PARTNERS	20	W	MAIN
A02000100080008100	HENRY G DAVID	21	W	MAIN
A02000100080003600	DEWITT PROPERTIES LLC	25	W	MAIN
A02000100080008000	HENRY G DAVID	28	W	MAIN
A02000100080006200	MORRIS SONS CO	104	W	MAIN
A02000100080006000	MOLNAR ALLEN R	118	W	MAIN
A02000100080003100	THE FIFTH THIRD BANK	119	W	MAIN
A02000100080003000	THE FIFTH THIRD BANK	125	W	MAIN
A02000100080005800	EMOND DONALD	128	W	MAIN
A02000100020029100	ADAMS JOSEPH R	200	W	MAIN
A02000100020029000	GLASER GROUP LLC	201	W	MAIN
A02000100020023600	FOY MICHAEL J	208	W	MAIN
A02000100020027700	GLASER GROUP LLC	215	W	MAIN
A02000100020029700	K F PROPERTIES MANAGEMENT LLC	300	W	MAIN
A02000100020023400	K F PROPERTIES MANAGEMENT LLC	302	W	MAIN
A02000100020023300	K F PROPERTIES MANGEMENT LLC	302	W	MAIN

A02000100020023200	MOLNAR JONATHAN	304	W	MAIN
A02000100020022900	COMMUNITY IMPROVEMENT CORPORAT	305	W	MAIN
A02000100020023000	MOLNAR JONATHAN	308	W	MAIN
A02000100020022700	COMMUNITY IMPROVEMENT CORPORAT	309	W	MAIN
A02000100020022600	COMMUNITY IMPROVEMENT COPRORAT	313	W	MAIN
A02000100020016700	PITTMAN WILLIAM D	400	W	MAIN
A02000100020015300	GERLAUGH MICHAEL S	401	W	MAIN
A02000100020015200	HILL BARBARA J	403	W	MAIN
A02000100020015000	MC DONALD MAE T	405	W	MAIN
A02000100020015100	JENSCHKE JULIE ANN	407	W	MAIN
A02000100020014900	GRILLIOT JAMIE	409	W	MAIN
A02000100020014800	MAJDE LLC	411	W	MAIN
A02000100020014600	MAJDE LLC	413	W	MAIN
A02000100020016500	COOPER DAVID T	418	W	MAIN
A02000100020016400	COOPER DAVID T	440	W	MAIN
A02000100020016300	GERLAUGH MICHAEL S	500	W	MAIN
A02000100020016200	RAFFEL EUGENE H	506	W	MAIN
A02000100020016100	WOLAVER MAYER CUSACK A PARTNER	510	W	MAIN
A02000100020014000	DAVIDSON JAMES H JR	519	W	MAIN
A02000100020015600	CHERRY LARRY D	700	W	MAIN
A02000100020015500	DONLEY BRENDA S	712	W	MAIN
A02000100020012200	LITTLE THOMAS C	713	W	MAIN
A02000100020011900	DONLEY BRENDA S	717	W	MAIN
A02000100020015400	DAVIS DEBRA D	728	W	MAIN
A02000100080013700	ROSS ANDREW S	7	S	MAPLE
A02000100200013600	HOBBS JUDY M	10	S	MAPLE
A02000100020007700	MIDDLE STREET LLC	502		MIDDLE
A02000100020007600	MIDDLE STREET LLC	506		MIDDLE
A02000100020007500	MIDDLE STREET LLC	508		MIDDLE
A02000100020005900	FAIRBORN UNITED METHDOIST CHUR	509		MIDDLE
A02000100020007400	MIDDLE STREET LLC	514		MIDDLE
A02000100020005600	PILE JAMES B	605		MIDDLE
A02000100020007000	DUGAN JOHN	620		MIDDLE
A02000100020005500	PILE JAMES	621		MIDDLE
A02000100020007100	GERLAUGH MICHAEL S	600- 606	W	MIDDLE
A02000100020022400	COMMUNITY IMPROVEMENT CORPORAT	25		MILLER
A02000100020027100	BRANHAM WAYNE M	28		MILLER
A02000100020022300	COMMUNITY IMPROVEMENT CORPORAT	29		MILLER
A02000100020027000	BRANHAM WAYNE M	32		MILLER
A02000100020022200	COMMUNITY IMPROVEMENT CORPORAT	33		MILLER

A02000100020010500	HOLY TABERNACLE OF GOD MINISTR	32		SECOND
A02000100010001400	ORCHARD PAUL	53		SECOND
A02000100030005900	CARTWRIGHT BRENT R	209		SECOND
A02000100020014500	KAPTNER TULAY	2	N	SECOND
A02000100020014100	HUGHES ROGER L	5	N	SECOND
A02000100020014400	KOOGLER THOMAS R	8	N	SECOND
A02000100020014200	REED MICHAEL C	16	N	SECOND
A02000100020006000	FAIRBORN UNITED METHODIST CHUR	107	N	SECOND
A02000100020004700	FAIRBORN UNITED METHODIST CHUR	115	N	SECOND
A02000100030005800	GERLAUGH MICHAEL S	215	N	SECOND
A02000100030004500	KIRK CHARLES N SR TRUSTEE	219	N	SECOND
A02000100030003500	GARRETT SCOTT E	225	N	SECOND
A02000100030003400	COX JOHN EDWIN	231	N	SECOND
A02000100020016600	COOPER DAVID T	10	S	SECOND
A02000100020017900	WILHELM HAROLD L JR	11	S	SECOND
A02000100020018800	CARTER DAVID K	21	S	SECOND
A02000100020024000	K F PROPERTIES MANAGEMENT LLC	301		SPRUCE
A02000100020023900	K F PROPERTIES MANGEMENT LLC	305		SPRUCE
A02000100020023800	D AURORA LAWRENCE	309		SPRUCE
A02000100020023700	EVANDO PROPERTIES LLC	313		SPRUCE
A02000100020017000	SMITH BIGIA K	717		SPRUCE
A02000100020014300	GRIMES MANAGEMENT SERVICES LLC	11	N	THIRD
A02000100020011500	GREENE METROPOLITAN HOUSING	23	N	THIRD
A02000100020010600	GREENE METROPOLITAN HOUSING	27	N	THIRD
A02000100020018300	CORN LISA A	18		WEST
A02000100020009700	GOSPEL TRAINING & OUTREACH	24		WEST
A02000100020003400	STAFFORD CHARLES	114		WEST
A02000100020002200	DNT INVESTMENTS LLC	118		WEST
A02000100020001300	CEDAR PROPERTY SOLUTIONS LLC	128		WEST
A02000100030004900	CAUSEY TAYLOR M	210		WEST
A02000100020011600	CHERRY LARRY D	4	N	WEST
A02000100020010700	GOSPEL TRAINING & OUTREACH	24	N	WEST
A02000100020028900	JOHNAN LLC	13	N	WRIGHT
A02000100080005900	VAN SWEARINGEN JIM	14	S	WRIGHT
A02000100200010400	ZIMMERMAN JANE L	334	E	XENIA
A02000100030007600	CARTWRIGHT BRENT R	501	W	XENIA
A02000100030009100	RUSCHAU REAL ESTATE LLC	506	W	XENIA
A02000100030009000	NEELEY LUTHER	510	W	XENIA
A02000100030007500	TANECA DEVELOPMENT CO INC	511	W	XENIA
A02000100030007400	TANECA DEVELOPMENT CO INC	523	W	XENIA

A02000100030008400	MORRIS PAUL	610	W	XENIA
A02000100030007100	KOCHER TERESA L TRUSTEES ETAL	613	W	XENIA
A02000100030007000	KOCHER TERESA L TRUSTEES ETAL	613	W	XENIA
A02000100030006900	HUTCHINSON BENTON	619	W	XENIA
A02000100030006800	LOVINS SAMUEL	621	W	XENIA
A02000100030006700	ZIMMERMAN DESIRAE	701	W	XENIA
A02000100030014400	BURNETT JAMES M	702	W	XENIA
A02000100030008200	MINTON TERRY L	706	W	XENIA
A02000100030008100	BURNETT JAMES M	714	W	XENIA
A02000100030006600	US VETERANS MOTORCYCLE CLUB	717	W	XENIA

2.4 Population Requirements and Associated Acreage

The population of Fairborn, Ohio is 33,541. Therefore, because the population is less than 35,000, the DORA must contain at least four qualified permit holders and be composed of 150 or fewer contiguous acres. Said description of land contains approximately 93.897 acres including public right of way. See map in Exhibit A and Certified letter from the City Engineer in Exhibit B.

2.5 Signage

The City of Fairborn has determined that 35 signs produced by the City in a style consistent with the standard City of Fairborn signage, are necessary to adequately designate the DORA. The signs locations are depicted in Exhibit A: Map of Boundaries. The design of the signs is shown below:



3.0 Land Use and Zoning

3.1 Land Use

Generally, the land use of all parcels within the DORA consists of a downtown commercial district zoning areas, a couple of planned unit developments and a small section of neighborhood commercial district properties. The majority are retail businesses, dining establishments or service oriented businesses. The establishment of the DORA is compatible with the City of Fairborn’s zoning code and overall comprehensive plan.

3.2 Zoning

All of the land within the DORA is zoned as Downtown Commercial and Planned Development and a small section of Neighborhood Commercial. The definition is as follows:

The "DC" Downtown Commercial district is intended to serve as the historic mixed use town center. Downtown Commercial development should be compact, walkable, and vertical in scale and complement the adjacent development patterns. These uses are expected to serve the everyday needs of the nearby community.

The “NC” Neighborhood Commercial district is intended to serve residents in close proximity with a lower intensity commercial product. Neighborhood Commercial development should be small in scale and complement the adjacent development patterns nearby. These uses should serve the everyday needs of the nearby community.

3.2 Liquor Permit Holders

There are more than four (4) liquor permit holders within the DORA. Below is a list of establishments within the DORA that hold liquor permits:

ESTABLISHMENT NAME	ADDRESS	PERMIT TYPE	PERMIT #
AL POST526 DIGNAM WHITMORE	526 LEGION LN, FAIRBORN, OHIO 45324	D4,D6	00903950526
B&D WATERING HOLE LLC – DBA B & D LOUNGE	136 N FIRST ST, FAIRBORN, OH 45324	D1, D2, D3, D3A, D6	0431250
JAMES L BAKER - DBA OLD MASON JAR	606 W XENIA DR FAIRBORN, OH 45324	D1, D2, D3, D6	0395124
JENCASS INC DBA GIOVANNIS PIZZERIA	215-19 W. MAIN ST. FAIRBORN, OH 45324	D1, D2, D3, D6	4271001
MOE ENTERTAINMENT INC DBA TOP DOG SALOON	308 W MAIN ST. FAIRBORN, OH 45324	D5	6079096

MZ PS LLC DBA MR PS LOUNGE	12 N WRIGHT AVE. FAIRBORN, OH 45324	D5, D6	5401756
SPARTAN BROTHERS INC DBA TICKETS PUB EATERY	7-9 W MAIN ST. FAIRBORN, OH 45324	D5	8410807
SUGAR MELLON INC. DBA SUGAR MELLON CLUB AND PATIO	330 E. DAYTON DR. FAIRBORN, OH 45324	D5	8679735

4.0 The Hours of Operation for the DORA

4.1 Hours of Operation

The hours of operation for the DORA shall be each day of the year from noon until midnight. All DORA beverages must be finished and disposed of by 12:00 a.m. The hours of operation will be printed on the official signage at all boundaries of the DORA as well as on the official cups.

5.0 Public Safety Plan

5.1 Public Safety – Police Plan

The City of Fairborn Police Department commits to the continued patrol and monitoring of Fairborn's Downtown and the DORA as often as possible during DORA Hours of Operation. This is not an open-ended commitment, and shall be tailored to be adequate and sufficient for public safety in an efficient, ongoing basis. Throughout the city, there are at least 5 officers on duty at any given time. This staffing level can be adjusted to reflect the need of special events and issues that arise within the DORA or throughout the city. It is not unheard of to have ten officers assigned to an area of the City depending on the special event.

It is understood that on-duty officers' first responsibility is to respond to calls for service or reported crime, whether or not those calls are in the DORA. It is also understood that another security mechanism is calling in additional officers during the early implementation of the DORA and during larger scale special events.

This Security Plan will be reviewed continuously. It may be updated at any time, but only with the coordination and approval of the City Manager utilizing recommendations from the Chief of Police. The goal is to ensure public safety at all times.

If it is determined by City officials that additional security is needed for any reason, the City reserves the right to suspend the DORA and Rules of the DORA until any security issues are resolved.

5.2 Public Safety – Fire Plan

The City of Fairborn Fire Department commits to serve all citizens of Fairborn in cases of illness and emergency. The City maintains four professionally staffed fire stations throughout the city on a 24 hour basis seven days a week. All of the staff in the Fire Department are State of Ohio certified Level 2 Firefighter/Paramedics.

An incident action plan will be developed for response within the DORA during all major special events.

The closest Fire Station is located just outside the limits of the DORA at 495 N. Broad Street, Fairborn, OH 45324. It is anticipated that response from this station will be first on the scene in the case of an incident. However, any station within the city is only minutes away from responding. All 911 calls for service within the DORA will be evaluated upon receipt in the Fairborn Dispatch Center for the closest, most appropriate apparatus to respond.

5.3 Public Safety Plan Review

The Assistant City Manager, Fire Chief, Parks and Recreation Director and the Chief of Police will hold scheduled meetings no less than four (4) times during the first year of operation to review and adjust, if necessary, this Security Plan to ensure Public Safety is maintained. The first such meeting will take place no more than forty five (45) days after the initial implementation of the DORA. It is understood that the general composition of this Security Plan, with approval by the Fairborn City Manager, can be altered or improved at any time.

6.0 Sanitation and Public Health Plan

6.1 Trash Receptacles

The City of Fairborn owns and maintains trash receptacles throughout the DORA and will continue to maintain the trash receptacles. Maintenance of the trash receptacles will be monitored by the Plant Maintenance Division of the City of Fairborn. City owned and maintained trash receptacles will be reviewed periodically to insure the appropriate number of receptacles are in place to handle the traffic.

The City reserves the right to modify the current maintenance schedule of trash receptacles as needed. One maintenance crew will service the receptacles at a minimum of one time per week. The frequency may increase if volumes increase. This is anticipated during the summer and fall months. The Plant Maintenance Division will respond to calls when receptacles need serviced during regular business hours.

The establishments that have liquor permits to serve alcohol on their premises shall maintain a trash receptacle of adequate size near the main entrance of the facility. The establishment

may request a variance to this requirement in writing to the City Manager, who may modify this requirement with justification.

6.2 Street Sweeping

The City of Fairborn Street Division will continue its current schedule of street sweeping in the DORA.

7.0 Rules of the DORA

7.1 Possession – Open Container

A person over the age of 21 may have in the person's possession an opened container of beer, wine or intoxicating liquor at an outdoor location within a designated outdoor refreshment area (DORA) created under section 4301.82 of the Ohio Revised Code if the opened container of beer or intoxicating liquor was purchased from a qualified permit holder to which all of the following apply:

- (i) The permit holder's premises is located within the outdoor refreshment area.
- (ii) The permit held by the permit holder has an outdoor refreshment area designation.
- (iii) The permit holder has issued the beverage to the patron in an official DORA cup and is in possession of the official DORA cup.

Outdoor Refreshment Area Participants may NOT:

- (i) Enter the premises of an liquor permit holder establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;
- (ii) Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area.

7.2 Official Cup

ALL beer, wine, or intoxicating liquor must be contained in the Official Cup of the DORA. No other container will be permitted.

In order to leave the permitted establishment with beer, wine, or intoxicating liquor, the establishment must furnish the patron with a new, unused official DORA cup.

Only One (1) Official Cup will be permitted at a time per DORA Participant.

Used Official Cups must be disposed of before entering any establishment that serves alcohol in the DORA.

The Alcohol Establishment Owners/Operators shall maintain a supply of official DORA Cups. Official DORA Cups will be able to hold no more than sixteen (16) fluid ounces, and will be composed of clear plastic with the DORA logo and rules clearly printed on them. These cups can be purchased at cost from the City of Fairborn. If an alcohol establishment desires to supply their own cups, approval of the cup design must be granted by the City.

If an alcoholic beverage is poured into an Official Cup, then the patron must leave the establishment and may not stay inside of the establishment to consume the beverage.

The Alcohol Establishment Owners/Operators may not attach a fee or a To-Go Charge on any DORA beverage sold, accompanied by an Official DORA Cup.



7.3 Enjoyment of the DORA

The establishment of the DORA is intended to encourage commerce and spread goodwill throughout the DORA by increasing patronage to all retail, restaurants and commercial establishments. In order to promote the enjoyment of all patrons within the DORA appropriate behavior is expected.

A participant can expect to enjoy the DORA without restraint, questioning, or harassment by the City or any official DORA entity SO LONG AS the Participant correctly follows all of the Rules of the DORA, and maintains a decorum of Good Behavior, free of public drunkenness, property destruction, or any action that disrupts the enjoyment of another participant, or disrupts any establishment, property owner, resident, visitor, passerby, or patron within the DORA.

Private property owners reserve the right to prohibit the consumption of alcohol on their property. Adequate signage shall be placed and clearly displayed for this rule to be enforced. The city will supply official window stickers for display to each property owner. See next page for examples of window stickers.



7.4 Violations

Violation of any of these Rules of The Area shall be considered a minor misdemeanor and violators face warnings and/or fines up to \$150.00 in accordance with ORC 4301.62

The City of Fairborn reserves the right to enforce additional penalties that are in violation of the municipal any federal, state or local Code, rule or regulation as needed

8.0 Letters of Support and Citizen Comments

Two letters of support have been received to date. The owners of The Old Mason Jar and Mr. P’s have both submitted letters in favor of the creation of the district. Furthermore, all conversations with restaurant and bar owners or their representatives have been positive.

Three hundred twenty five letters were sent to all property owners in the Downtown Commercial District explaining the concept of the DORA. Each was asked to provide feedback and attend a public open house regarding the proposal. The public open house was held on April 3, 2019 from 5:30 to 7:30 pm at the Fairborn Government Center. Thirteen people from the community attended with five of those people living or owning property within the DORA district. Below are comments from the correspondence and feedback from the open house.

Name	Address	Phone Number	Email
Mike Foy	16 S. Pleasant	546-0671	mjfsr@sbcglobal.net
Crystal Mellon	33 Ohio St	902-0317	remellon@gmail.com
Beth Player	101 Mann	879-3325	
Dave Player	101 Mann	879-3325	Retengr014@gmail.com
Julie Jenschke	407 W. Main	879-3310	

Zoe Shade	590 Warm Springs Dr	879-2392	Zoeshade19@gmail.com
Bob Kopp	49 N. Central	879-4859	Rkopp6277@gmail.com
Janeen Kopp	49 N. Central	879-4859	
Brianna Wilson	MHRB		brianna@mhrb.org
Brent Cartwright	418 W. Dayton		
Alfred Slusher	50 N. Grand	307-9944	
Russell Collins	50 N. Grand	270-3975	
Sheila Kruse	54 N. Grand	609-4674	destinsunrise@aol.com

Highlighted Names indicate attendees with property within the FORA.

As a long time resident of Fairborn, I am completely amazed by city council members and others who think there can be anything positive in trying to pass DORA.

I live in the close proximity of Main St, and want strongly oppose any such passage of this. I expect to feel safe and secure in my home knowing the city is keeping "drinkers" corralled to the licensed establishments.

We will all benefit from our downtown businesses my keeping the rules the way they are. Thank You.

*Alfred Slusher
50 N. Grand Ave.
Fairborn, Ohio*

I am perplexed and dismayed to read the letter referencing DORA.

Why does Fairborn need to encourage open drinking?

I am concerned about the impact it will have on the traditional family festivities such as July 3rd, Halloween, and the Christmas parade. What possible positive impact could it have on those events?

Why would the existing liquor establishments want to promote outdoor public drinking?

If they wish to promote their businesses why don't they do something "in house" or as a group i.e. pub crawl? Why must they involve others who do not wish to participate?

Does Fairborn really want to be known as the town that allows public drinking every day of the year?

I do not want this to be what people remember about Fairborn.

We have a unique situation in Fairborn with the closeness of the downtown businesses and residences. In the past the Osborn Historic Garden Club has held a garden tour to showcase the wonderful homes and gardens around our downtown area. I think public drinking would be a detriment to the garden tour and to the residents.

Other neighborhoods who have enacted a similar plan have more of a separation between their business district and residences.

If businesses can refuse FORA will residents be allowed the same privilege?

Every time an event is held downtown it is the nearby residents that feel the after effect of clean up on personal property.

*Janeen Kopp
49 N Central Ave*

Pete Bales:

It sure seems that one could drink their beer or wine on the patio of the establishment at which it was served, rather than walking around aimlessly throughout the neighborhood. Maybe for certain events, and that's a big maybe, but everyday ... seems that it could be problematic.

A few upstanding tax paying citizens strolling from store to store with a glass of wine is one thing ... a bunch of drunkards extending the "bar" from whatever establishment the alcohol was purchased at to the surrounding neighborhood is quite a different story.

Unless we are misunderstanding the plan ... it seems questionable.

Sincerely,

Russ Collins

50 N Grand Ave.

Mr Bales

I am against an open drinking policy in downtown Fbn. Open drinking will attract the wrong type of people to Fbn and increase the chances of drunk driving and mischief in the downtown area. Also, there are homes close to downtown-the historic district ---that will suffer from the noise and late night revelry. Please do not support such a policy. You are selling out the Fbn residents if you support this policy.

Jane

I think we give the FORA a chance and hope it works out.

Mike Foy

*How will DORA impact community events such as Historic Osborn Garden Tour?
Can such events post the red NO DORA signs?
Will these be provided by the City?
There were two gardens within the designated area on the last tour.*

*Funding could be used in more community friendly ways such as:
Permanent restrooms
Permanent parking areas
Historic area designation*

I am in favor of DORA for festivals only not 365 days per year.

*Please include Sugar Mellons – 330 E. Dayton Drive. We are one block away.
Thank you
Crystal Mellon
937-902-0317*

*Can you just do it for all festivals on whatever days.
For non-festival set days of week ex. Thurs – Sat.
No Sundays unless a festival/event?*

*Permanent restroom built (Like @ the park) at 5th 3rd Parking or between Chamber & Library
(Needed for events)*

Have you consulted individuals who are in recovery from drug or alcohol misuse? Will these individuals feel safe and welcome in these public spaces if the DORA is implemented?

*Why 12 pm-12am? 7 days a week?
What is the cost for signage? – upkeep & replacement
Cup replenishment cost?
Need for extra trash receptacles? Will drinkers throw their cups on ground or in trash bins?*

Suggest as a startup plan to implement on weekends 6 pm Friday to 12 am Saturday

See how that goes for 6 months

Limit the boundary to Main Street from Broad and Elm St. Central from Dayton and Central Business District

To obtain approval by adjacent residents is strongly suggested that impact upon adjacent residential property values be analyzed, predicted, addressed.

Before and after implementation metrics should be published.

Community publicity of this initiative and community “Buy In” should be a higher priority than meeting an arbitrary schedule.

This should be presented/discussed in detail at at least one city/community forum meeting.

Dave Player – 879-3325

Quarterly reviews of this process posted to gov website for citizen input.

Are port-a-johns installed with this?

March 1, 2019

City Council Members
City of Fairborn
44 W. Hebble Avenue
Fairborn, Ohio 45324

RE: Designated Outdoor Refreshment Area for the City of Fairborn Downtown Business District

Fairborn City Council Members:

As business owners and stakeholders of the City of Fairborn's downtown area, we fully support the creation of a Designated Outdoor Refreshment Area as described in the Ohio Revised Code Section 4301.82.

Fairborn's downtown has been steadily improving over the past several years. With the addition of special events, streetscaping, drainage, road improvements, murals, potted plants and Wi-Fi. The downtown has the look and feel of what a downtown should. The aesthetics of Fairborn's downtown will drastically improve even more with the redevelopment and street improvements being planned on Broad Street.

Now we are seeing an increase in activity not only with daily walking traffic but also with events. The Bluegrass and Brew, Halloween events and Christmas Holiday events have brought more people and commerce into our downtown.

We recognize that the culture of the city government in Fairborn is changing and is becoming friendlier for businesses to thrive. We feel that the members of the downtown business district and the Chamber of Commerce in cooperation with the City of Fairborn, can attract and retain new and existing businesses in downtown by continuing to improve. Having a Designated Outdoor Refreshment Area would help attract more activity and give a social and economic boost to the Downtown Business District.

We sincerely appreciate your consideration and encourage you to support the creation of a Designated Outdoor Refreshment Area in Fairborn.

Sincerely,

A handwritten signature in blue ink, appearing to read "James Baker". The signature is fluid and cursive, with a large loop at the beginning and a distinct end stroke.

James Baker – Old Mason Jar

March 1, 2019

City Council Members
City of Fairborn
44 W. Hebble Avenue
Fairborn, Ohio 45324

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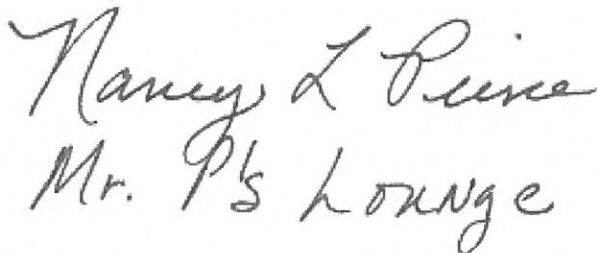
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Sincerely,



Nancy L. Pierce
Mr. P's Lounge

Nancy Pierce

Exhibit A

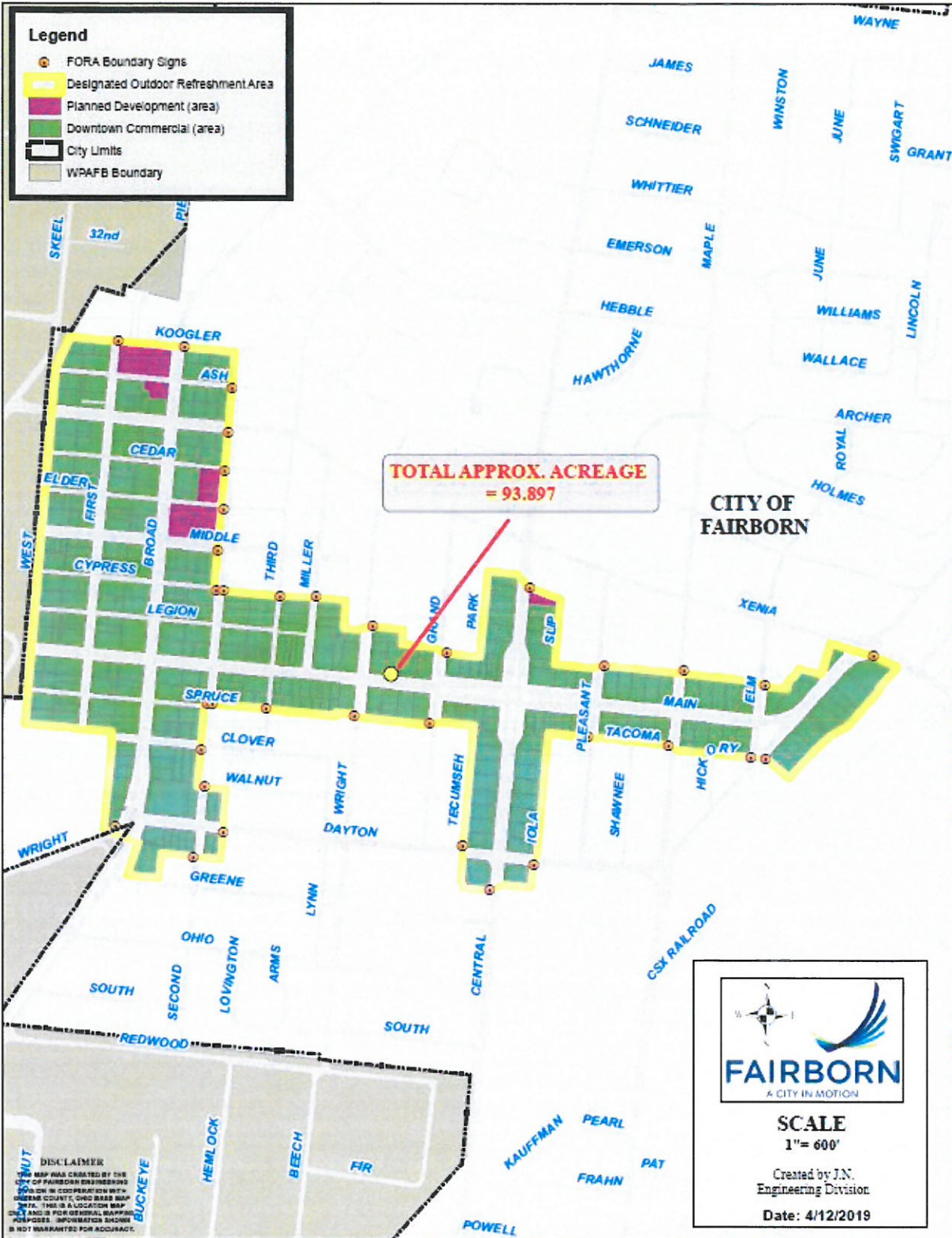


Exhibit B



**City of Fairborn
Engineering Division**
44 W. Hebble Avenue
Fairborn, OH 45324
Ph. 937-754-3055
engineering@ci.fairborn.oh.us

April 11, 2019

Ohio Department of Commerce
Division of Liquor Control
6606 Tussing Road, P.O. Box 4004
Reynoldsburg, Ohio 43068-9005

Re: Fairborn Designated Outdoor Refreshment Area ("DORA") Acreage

To whom it may concern:

At the request of the City of Fairborn City Manager's Office, I have reviewed the ordinance, with the purpose of substantiating the DORA acreage as indicated on the attached map. This map was created by the City's Geographic Information System ("GIS") Specialist for the specific purpose of identifying this specific refreshment area. It is my understanding this map is based on aerial photography data that is supplied and maintained by the Greene County GIS Department, a division of the Greene County Auditor's Office, as well as the parcel layer that is maintained by Greene County.

All data created by the Greene County Auditor's GIS Department has been developed to meet National Map Accuracy Standards. Greene County utilizes the North American Datum (NAD) 1983 HARN State Plane Ohio South FIPS 3402 in US Surveyors Feet. The data supplied in the mapping has been developed from public records that are constantly undergoing change and it is not warranted for content, completeness or accuracy. Greene County does not warrant, guarantee or represent the data to be fit for a particular use or purpose.

It has been my professional experience that the GIS mapping information supplied from the Greene County GIS Department is fit for the use of this ordinance. Accordingly, the acreage of the area delineated in the map is 93.897 acres. I believe that the acreage that has been calculated is the most reliable and accurate data available currently given the considerable costs of re-surveying this area.

Respectfully,

Thomas (Lee) Harris, P.E.
Fairborn City Engineer

