

PUBLIC NOTICE

AGENDA

ADMINISTRATIVE SERVICES COMMITTEE MEETING

Committee Members: Sandy Russell, Lisa Evans, and Kim Chamberland

Monday, October 3, 2022, at 4:00 p.m.

Council Chambers, 745 Center Street, Milford, Ohio 45150

Call to Order

Proceedings: Approval of the September 16, 2022, Administrative Services Committee Minutes

Agenda Items:

- Discussion: A Resolution Approving Participation in Region 14 Governance Structure
- Discussion: Vacation of Railroad Street
- Discussion: Expansion of the Designated Outdoor Refreshment Area (DORA)
- And all additional matters that may properly come before the Committee

Adjourn

**Administrative Services Committee
Meeting Minutes
September 16, 2022**

Ms. Russell called the meeting to order at 4:30 p.m.

Present: *Sandy Russell*, Lisa Evans and Kim Chamberland

Staff: City Manager Michael Doss, Finance Director Pat Wirthlin and Executive Assistant Jackie Bain

Visitors: none at this time

Proceedings: Minutes from the August 31, 2022, Administrative Services Committee Meeting were approved by Ms. Chamberland & Ms. Evans Ms. Russell abstained

DISCUSSION: LAW DIRECTOR SERVICE AGREEMENT

Mr. Doss discussed a proposed Law Director Service agreement with the committee. This would be naming Bryan E. Pacheco with Dinsmore & Shohl, LLP as the new Law Director. The terms of this agreement were reviewed with the committee. This agreement will become effective September 20, 2022, upon passage approval. This agreement ends on December 31, 2022. This will help gauge how much work they will be doing for the city and will also give us a bit of a snapshot of how much work they will be doing from a budget standpoint. At the end of this agreement, we will come back to committee to look into a more long-term contract – Mr. Doss suggesting a two-year contract to start next year.

THE COMMITTEE AGREED TO RECOMMEND THAT STAFF DRAFT AN ORDINANCE APPOINTING BRYAN E. PACHECO AS LAW DIRECTOR FOR THE CITY OF MILFORD AND AUTHORIZING AN AGREEMENT WITH DINSMORE & SHOHL, LLP FOR LEGAL SERVICES ASSOCIATED WITH THE LAW DIRECTOR.

DISCUSSION: MEDICAL MARIJUANA REVENUE SHARING AGREEMENT

Mr. Doss reviewed and discussed this proposed Host Community Agreement for the siting of a medical marijuana dispensary within the City of Milford. This property is located at 401 Rivers Edge. The company is Cascade Southern LLC. We received information regarding an agreement that was modeled after an agreement that Columbia Township formed with their dispensaries. The township was able to negotiate what could be classified as a community impact fee. They receive a certain percentage of dispensaries gross sales/operation. They claim to bring in half a million dollars each year from their dispensaries. We do have the agreement structured at 1 ½ % for every dollar of the dispensary operation gross sales. Mr. Doss reviewed terms of the agreement with the committee members including how Cascade Southern wanted us to identify how some of the money could be appropriated. Payments to the city to be made January 15th of each year, starting in 2024. Cascade Southern hopes to be in operation by the early part of next year.

THE COMMITTEE AGREED TO RECOMMEND THAT STAFF DRAFT AN ORDINANCE AUTHORIZING A HOST COMMUNITY AGREEMENT WITH CASCADE SOUTHERN OHIO, LLC FOR THE SITTING OF A MARIJUANA DISPENSARY AND ESTABLISHMENT OF A COMMUNITY IMPACT FEE

DISCUSSION: LONGEVITY FOR NON-UNION EMPLOYEES

Mr. Doss discussed that Longevity Pay has been a past practice with collective bargaining groups, specifically with AFSCME. We have tried to mimic the same policies for non-union employees. One item Mr. Doss brought to the committee's attention deals with longevity pay. Mr. Doss reviewed the current longevity pay in section 5.18 of the Employee handbook for non-union employees. He is proposing to pay what AFSCME union employees are currently receiving and trying to keep things as equal as possible. We have staff that will be retiring in the next few years, and we want to be able to retain employees and recruit some in. Longevity rewards employees that have been here for a long period of time.

THE COMMITTEE AGREED TO RECOMMEND THAT STAFF DRAFT AN ORDINANCE AMENDING SECTION 5.18 OF THE CITY OF MILFORD PERSONNEL POLICY AND PROCEDURE MANUAL CATEGORIZED AS LONGEVITY PAY FOR NON-COLLECTIVE BARGAINING EMPLOYEES

There being no further business, the meeting adjourned at 4:47 pm with a motion from Ms. Evans Seconded by Ms. Chamberland All yes

Respectfully submitted,
Jackie Bain, Executive Assistant

"These minutes have been approved and adopted by Ms. Russell, Ms. Evans and Ms. Chamberland on September 19, 2022."

RESOLUTION XXX-22

**Resolution Approving Participation in Region 14 Governance Structure
Under The OneOhio Memorandum of Understanding**

It was moved by _____ and seconded by _____ that the following Resolution be adopted:

WHEREAS, the [Jurisdiction], is a Local Government that has adopted and approves The OneOhio Memorandum of Understanding ("The Memorandum"), which establishes a mechanism to disburse settlement proceeds from opioid litigation into Ohio's communities to help abate the opioid crisis, including allocations to Local Governments and Regions through a statewide Foundation; and

WHEREAS, this jurisdiction is a participant in **Region 14** as established by The Memorandum; and

WHEREAS, pursuant to The Memorandum each Region shall create their own governance structure so it ensures all Local Governments have input and equitable representation regarding regional decisions including representation on the statewide Foundation Board and selection of projects to be funded from the region's regional Share; and

WHEREAS, Regions have the responsibility to make submissions regarding the allocation of funds to projects that will equitably serve the needs of the entire Region; and

WHEREAS, it is found that the regional governance structure attached hereto has **Exhibit A** ensures all Local Governments in this Region have input and equitable representation regarding regional decisions under The Memorandum;

NOW THEREFORE BE IT RESOLVED, by this legislative body that:

Section 1. Subject to and effective upon the concurrence of all Local Governments (counties, cities, villages, townships) in **Region 14**, this legislative body hereby approves and enters into the regional governance agreement attached hereto as **Exhibit B**;

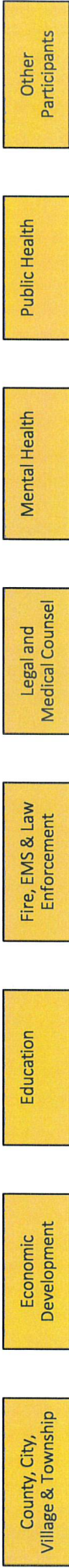
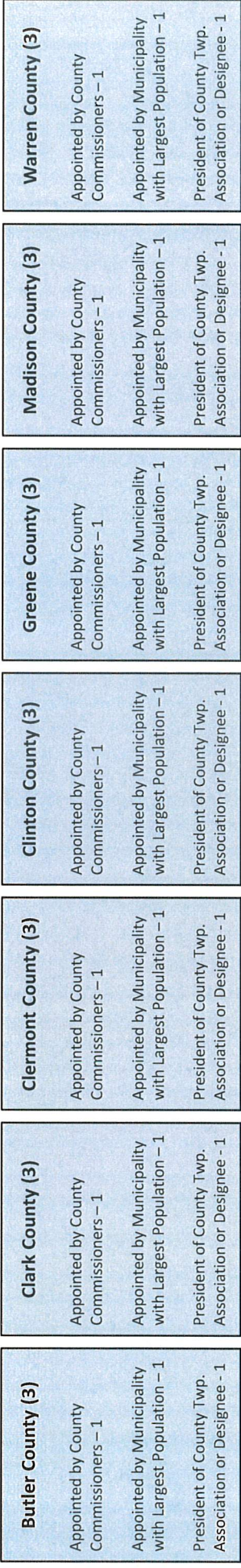
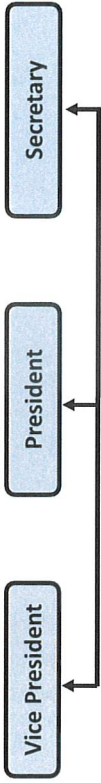
Section 3. It is found and determined that all formal actions of this legislative body relating to the adoption of this Resolution were adopted in an open meeting, and that all deliberations that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements;

Section 4. This Resolution is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, welfare and safety. The reason for the emergency is to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio.

CERTIFICATION:


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graph TD
    A[OneOhio – Region 14] --> B[Vice President]
    B --> C[President]
    C --> D[Secretary]
  
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OneOhio Region 14 Bylaws

(Butler, Clark, Clermont, Clinton, Greene, Madison, and Warren counties)

DRAFT

1. Preamble

OneOhio Region 14 was created pursuant to The One Ohio Memorandum of Understanding (“The OneOhio MOU”), and upon input of Local Governments throughout the region of Butler, Clark, Clermont, Clinton, Greene, Madison and Warren counties. The OneOhio MOU provides a mechanism for distribution of opioid settlement funds and outlines how funds can be used.

Pursuant to The OneOhio MOU, Section D.2: “Each Region shall create their own governance structure so it ensures all Local Governments have input and equitable representation regarding regional decisions including representation on the board and selection of projects to be funded from the region’s Regional Share.” The Memorandum, Section D.2, further provides: “Regions shall have the responsibility to make submissions regarding the allocation of funds to projects that will equitably serve the needs of the entire Region.”

These Bylaws and Rules of Procedure are enacted by the OneOhio Region 14 Board of Directors to govern the actions taken by OneOhio Region 14 under The OneOhio MOU.

2. Definitions

Unless otherwise specified herein, the terms used in these Bylaws and Rules of Procedure are to be interpreted as defined in The OneOhio MOU. Further, these Bylaws and Rules of Procedure are to be construed consistent with The OneOhio MOU, which is attached hereto as **Exhibit A** and incorporated herein.

3. Name

This Region will be referred to as “OneOhio Region 14”. Its board of directors shall be referred to as “The OneOhio Region 14 Board of Directors.”

4. Purpose

These Bylaws are adopted to set forth the governing principles for OneOhio Region 14 under The One Ohio Memorandum of Understanding.

5. Powers & Duties of the Board of Directors

OneOhio Region 14 will be governed by “The OneOhio Region 14 Board of Directors” (referred to herein as the “Board”). The Board shall make regional decisions under The OneOhio MOU, including representation on the OneOhio Recovery Foundation, Inc. and selection of projects to be funded from the region’s Regional Share of Opioid Funds. The Board shall have all powers and duties necessary to carry-out the functions of OneOhio Region 14 under The OneOhio MOU, consistent with these Bylaws, including, but not limited to:

- A. Adopting or amending Region 14 bylaws, regulations, rules and policies;
- B. Selecting Region 14’s member (and alternate) on the OneOhio Recovery Foundation, Inc. Board (“Foundation Board”) under Section D.4 of The Memorandum;
- C. Evaluating and making submissions regarding the allocation of Regional funds throughout the Region;
- D. Engaging experts, counsel, consultants and vendors as appropriate for these purposes; and
- E. Taking other actions consistent with Section D.2 of The Memorandum.

OneOhio Region 14 shall not directly receive funds or contributions, or acquire, hold, or encumber real or personal property or tangible or intangible property.

6. Composition of the Board of Directors

A. Board Members

The OneOhio Region 14 governance structure will initially be comprised of a 21-member founding Board of Directors, consisting of one member from each of the following classes in each county in Region 14:

1. One member appointed by the Board of County Commissioners;
2. One member appointed by the municipality with the greatest population based on the most recent decennial census;
3. The president of the county township association or his or her designee; and such other members as are unanimously approved by the Region 14 Board members from time-to-time under these Bylaws.

To further the purposes of The OneOhio MOU, The Board shall endeavor to include participation on the Regional Board by subject matter experts from backgrounds such as health, mental health, treatment, education, judicial, law enforcement, community/faith and lived experience, and/or such other persons as the Board determines to be consistent with the objectives of The OneOhio MOU and the needs of Region 14.

B. Alternates

Each member may designate an alternate to represent such member at any Board meeting that the member's regular representative is unable to attend. The member shall notify The Board's Secretary in writing (paper or electronic) of the alternate's name and the minutes will reflect that the alternate member attended.

C. Officers

At the first annual meeting of The Board, and in its first regular meeting in each successive year, the members shall elect the following Board Executive Committee and Officers from amongst its members and upon nomination:

1. Executive Committee. The Executive Committee, between the meetings of The Board, shall have all the powers and exercise all the duties of The Board necessary or appropriate for the administration of OneOhio Region 14. The Board's Executive Committee will initially consist of seven (7) persons, including one Board member from each of the counties in OneOhio Region 14. The Local Governments in each County will select their respective appointee to the Executive Committee. The OneOhio Region 14 representative (and alternate) to The OneOhio Recovery Foundation, Inc. Board shall serve in an ex-officio, non-voting capacity on the Executive Committee.
2. President. The President will preside over regular and special meetings of The Board and may call special meetings with twenty-four (24) hour notice to all regular representatives of each member. The President will prepare agendas for each Board meeting and provide the agenda to the Secretary for distribution to other members with the meeting notice. The President will also sign correspondence and Resolutions on behalf of the Board.

3. Vice President. The Vice President shall assume the role of the President in the event of an absence or vacancy of the President. If both the President and Vice President are absent, the Board will select a presiding officer for the meeting by majority vote of those in attendance at the meeting.
4. Secretary. The Secretary shall maintain a roster of Board members and alternates, prepare and provide members with meeting notices, take minutes of The Board's meetings, and provide minutes and other records of The Board to the Administrative Agent for recordkeeping and to The Foundation Representative.

In the event no nominee receives a majority vote, the nominee receiving the greatest amount of votes shall be elected.

The officer's term shall commence at the conclusion of the meeting at which the officer is elected by the members and continue through the first regular meeting of The Board in the next even-numbered year.

The Board of Directors, by an affirmative vote of six members, may remove an officer prior to the expiration of the officer's term.

In the event of a removal or vacancy of an officer, the member of The Board who originally selected the officer shall appoint a successor for the unexpired term.

D. Committees

The Board may create one or more committees consistent with The OneOhio MOU or these Bylaws.

E. Ex Officio Members

The OneOhio Region 14 representative (and alternate) to the OneOhio Recovery Foundation, Inc. shall be an ex officio member of the OneOhio Region 14 Board, shall not be considered for quorum purposes and shall have no vote on OneOhio Region 14 Board matters.

The Board, by unanimous vote of all members, may appoint other ex officio members, who shall not be considered for quorum purposes and shall have no vote.

All ex officio members shall receive notice of meetings.

F. Terms of Office

Each Board member and each officer shall serve a term of two years on the Board, beginning at the conclusion of the Board's first regular meeting in an even-numbered year, continuing through the end of the Board's first regular meeting of the year in the next even-numbered year. There shall be no limit to the number of terms to which a person may be appointed or elected. All members and officers serve without compensation.

7. Board Member Rights and Responsibilities

A member of the Board shall perform the duties of a Board member in good faith, in a manner the Board member reasonably believes to be in, or not opposed to, the best interests of the members and Region 14, consistent with the purposes of The OneOhio MOU, and with the care that an ordinarily prudent person in a like position would use under similar circumstances.

8. Conflicts of Interest

The Board shall adopt and maintain a conflict-of-interest policy.

9. OneOhio Recovery Foundation, Inc. Representative

The Board, by majority vote of its Board members after nomination, shall select, or affirm, if appointment has preceded, the OneOhio Region 14 representative to The OneOhio Recovery Foundation, Inc. Board ("Foundation Representative"), and any alternates. The OneOhio Region 14 Foundation Representative shall:

- A. Serve on the OneOhio Recovery Foundation, Inc. Board consistent with The OneOhio MOU, Section D;
- B. Attend Foundation meetings;
- C. Carry-out the directives of the OneOhio Region 14 Board; and
- D. Attend OneOhio Region 14 Board meetings and provide information and updates to Board members about the Foundation.

The Foundation Representative shall perform the duties in good faith, in a manner the Foundation Representative reasonably believes to be in, or not opposed to, the best interests of OneOhio Region 14, consistent with the purposes of The OneOhio MOU, and with the care that an ordinarily prudent person in a like position would use under similar circumstances.

The Foundation Representative shall follow all conflict-of-interest policies and other policies of the Foundation and OneOhio Region 14 Board.

10. Meetings

All business of the Region 14 Board of Directors shall be conducted in meetings of the Board, which are called for that purpose after notice.

A. Regular Meetings

The Board's regular meetings shall be held on the last Wednesday of April and the last Wednesday of October each year. The time and location of the meeting will be set forth by the Board at each preceding annual meeting of The Board.

B. Special Meetings

Special meetings of the Board may be called by the President, or by any three members by written request to the President. The Secretary shall notify each member not less than 24 hours prior to the meeting of its time, place, purpose and proposed agenda.

C. Notice

Written or electronic notice of the time, place, purpose, and proposed agenda for each meeting will be given to each Board member at least 48 hours before a regular meeting and 24 hours before a special meeting.

D. Quorum

No meeting of The Board or a Committee of The Board shall be conducted without a quorum. A quorum shall exist for meetings of The Board if at least one Board member, or the member's alternate, from each county in OneOhio Region 14 is present at the meeting. A Board member is deemed to be present if attending in person or by the communications systems authorized by the Board. A quorum shall exist for meetings of the Executive Committee or any other committee of The Board if a majority of the members of such committee, or their alternate, are present. Any meeting may be adjourned by a majority vote of those present.

E. Procedure and Order of Business

The general procedure for meetings of The Board shall be in harmony with these Bylaws and principles of parliamentary procedure. The order of business at all Regular meetings of the Board shall ordinarily be as follows:

- 1st Reading and approval of the minutes from the last meeting;
- 2nd Report of the President;
- 3rd Report of the Foundation Representative;
- 4th Report of Committees, if any;
- 5th Consideration of programs, funding requests and submissions; and
- 6th Other Business.

F. Voting

All voting Board members or their alternate present shall be entitled to one vote on each matter submitted to the members for their vote.

Votes will be upon a motion, second, opportunity for discussion and roll-call and shall be recorded in the minutes.

The act of a majority of the voting Board members present at a meeting at which a quorum is present is the act of the Board, unless otherwise specified in these Bylaws.

Any vote or action may be rescinded or revoked by the same vote, consent, waiver, or release as at the time of rescission or revocation would be required to authorize or take that action in the first instance.

In the event of a tie vote, the Board President, or the member serving as the President for that meeting, shall have the tie-breaker vote.

G. Transparency and Records

The Board will operate in a transparent manner and its meetings will be open to the public. The Board may establish a method whereby any person may receive notice of the meetings.

H. Minutes

The Secretary shall take minutes of each meeting. Minutes of Board meetings will be promptly prepared, filed and maintained and shall be open for public inspection consistent with these Bylaws. The minutes shall record the time, date and location of the meeting, the Board members present, the Board members absent, the nature of the discussion, and any motions, seconds and votes taken.

Minutes shall be reviewed by the Board members at the next Regular meeting or sooner and approved or amended.

11. OneOhio Region 14 Records

The Secretary shall take charge of all records of OneOhio Region 14 and shall provide them to the Board's Administrative Agent for recordkeeping. All records of OneOhio Region 14 shall be maintained by the Administrative Agent consistent with Ohio Rev. Code Sec. 149.43.

Every Board member, and each Local Government with the Region, shall have the right to examine such records upon reasonable notice and during the regular operating hours of the Administrative Agent. The Administrative Agent may charge for copies consistent with its public records policy.

12. Administrative Agent

The Board shall appoint a Local Government in Region 14 to serve as OneOhio Region 14's Administrative Agent for purposes of keeping the records and issuing notices of the Board. If the Administrative Agent resigns from that role, it must transmit all OneOhio Region 14 records to the successor Administrative Agent.

13. Amendments

These Bylaws shall only be amended or repealed by unanimous vote of all Members at a duly called meeting of The Board for that purpose. The following procedures shall be followed for any such amendments:

- A. Any member or members proposing an amendment to these Bylaws or Rules of Procedure shall notify all members of The Board not less than seven calendar days prior to the meeting at which such amendment will be placed before The Board;
- B. Any such vote shall be by roll call, and the motion, second and vote shall be recorded in the minutes of the meeting, together with a summary of the discussion on the motion; and
- C. Amended Bylaws shall be promptly prepared and distributed to all Board members and the Administrative Agent.

14. Duration

OneOhio Region 14 will continue to exist, and these Bylaws and Rules of Procedure will continue to be in effect as from time-to-time amended pursuant to the requirements herein, until the purposes of Region 14 under The One Ohio Memorandum of Understanding have been fulfilled. Thereafter, Region 14 shall be dissolved and these Bylaws and Rules of Procedure shall cease to be in effect.



STAGNARO, SABA
& PATTERSON CO., L.P.A.

Sean P. Donovan, Esq.
Direct phone: 513-533-2705
Fax: 513-533-2999
Email: SPD@sspfirm.com

September 16, 2022

VIA UNITED PARCEL SERVICE

Ms. Christine Celsor
Planning & Community Development Coordinator
City of Milford
745 Center Street, Suite 200,
Milford, Ohio 45150

Re: Assigned Address for Parcel No. 210705A041A

Dear Ms. Celsor:

Please be advised that our Firm represents Mr. Sam Pschesang with regard to his property bearing Clermont County Auditor's Parcel No. 210705A041A (the "Property").

In your letter to the City of Milford Postmaster dated August 11, 2022, you informed them that the designated address for the Property shall be 57 Mound Street, in Milford, Ohio, and earlier this week you advised Mr. Pschesang to resubmit plans to reflect a Mound Street address.

The Property is not on Mound Street. The property is located on Rail Road Street, which is the street that runs parallel behind Mound Street on the aerial image attached to your letter. Rail Road Street was dedicated "to public use forever" by W.C. Mellen, P.B. Hatch, and Elizabeth H. West in a properly surveyed and notarized subdivision plat that was accepted and recorded on March 3, 1888. Rail Road Street has for many years been platted as a public street within the City of Milford, and it has never been abandoned by ordinance.

As I am sure you know, in decisions dating to at least 1951 the Ohio Supreme Court has confirmed that property owners have a right, protected by the Fifth and Fourteenth Amendments to the United States Constitution and by Section 19, Article I, of the Ohio Constitution, to access the public roads which abut their property.

Inasmuch as the Property is on and abuts Rail Road Street, and is not on and does not abut Mound Street, it is improper to assign to it a Mound Street address. It is no more permissible to assign the Property a Mound Street address than it would be to assign the Property an address on Center Street.

We infer that the City elected to assign a Mound Street address in part because it has failed to maintain Rail Road Street, but that is irrelevant to the questions of what street the Property is on and which streets the owner is entitled to access. Moreover, per the Ohio Supreme Court's 2020 decision in *State ex rel. Delta Lookout v. City of Cincinnati*, the City has a continuing duty under Ohio Revised Code §723.01

Ms. Christine Celsor
September 16, 2022
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et seq. to care for, supervise, control, and maintain all public "streets" (and, for that matter, all "alleys") within municipal corporation limits. Any failure by the City to fulfill that statutory duty obviously cannot relieve it of its constitutional obligation to provide access to the public street that is Rail Road Street, and does not justify the assignment of a Mound Street Address.

In order to avoid confusion regarding the actual location of the Property, we request that its address promptly be re-designated to properly identify its actual location on Rail Road Street.

Thank you for your attention to this matter and please feel free to contact me with any questions or concerns.

Very truly yours,

STAGNARO, SABA
& PATTERSON CO., L.P.A.


Sean P. Donovan, Esq.

SPD/msb

cc: Jeffrey M. Nye, Esq.
Sam Pschesang

ORC Ann. 723.05

Current through File 132 of the 134th (2021-2022) General Assembly; acts signed as of as of July 29, 2022.

Page's Ohio Revised Code Annotated > Title 7: Municipal Corporations (Chs. 701 — 765) > Chapter 723: Streets; Public Grounds (§§ 723.01 — 723.55) > Vacation (§§ 723.04 — 723.121)

§ 723.05 Change of name, vacating, or narrowing streets without petition.

The legislative authority of a municipal corporation may, when there are two or more streets, avenues, or alleys of the same name in the municipal corporation, by ordinance and without petition therefor, change the name of any such street, avenue, or alley so as to leave only one to be designated by the original name.

When, in the opinion of the legislative authority, there is good cause for vacating or narrowing a street or alley, or any part thereof, and that such vacation or narrowing will not be detrimental to the general interest, it may, by ordinance and without petition therefor, vacate or narrow such street or alley or any part thereof. The original ordinance or a certified copy thereof shall be recorded in the official records of the county recorder.

History

RS § 2652; Bates § 1536-145; S&C 1531; 67 v 78, § 491; 90 v 350; 98 v 202; GC § 3726; Bureau of Code Revision. Eff 10-1-53; [2013 HB 72](#), § 1, eff. Jan. 30, 2014.

Annotations

Notes

Amendment Notes

The 2013 amendment added the second sentence to the second paragraph.

Notes to Decisions

Construction

Evidence, insufficiency of

Injunction

—Abutting property owners

Scope of review

Construction

Statute providing for vacating streets held not in conflict with or impliedly repealed by provision for planning commission, nor superseded by Cincinnati city charter: [*Cincinnati v. Wess*, 127 Ohio St. 99, 186 N.E. 855, 38 Ohio L. Rep. 481, 1933 Ohio LEXIS 325 \(Ohio 1933\)](#).

Evidence, insufficiency of

The adjoining municipality failed to prove that the municipality's creation of a cul-de-sac was clearly unreasonable or pursued in bad faith or that it created undue hardship: [*City of Seven Hills v. City of Parma*, 98 Ohio App. 3d 311, 648 N.E.2d 559, 1994 Ohio App. LEXIS 4725 \(Ohio Ct. App., Cuyahoga County 1994\)](#).

Injunction

—Abutting property owners

Property owner may not enjoin vacation of a street or receive damages unless his property abuts the street. "Abutting" means sharing a common border. "Good cause" for vacation construed: [*Eastland Woods v. Tallmadge*, 2 Ohio St. 3d 185, 443 N.E.2d 972, 1983 Ohio LEXIS 641 \(Ohio 1983\)](#).

Scope of review

A village council has authority to determine when a street shall be vacated and its discretion will not be reviewed by a court of appeals in the absence of fraud or abuse of discretion: [*Smith v. Wintersville*, 26 Ohio Op. 2d 40, 187 N.E.2d 511, 90 Ohio Law Abs. 47, 1962 Ohio App. LEXIS 759 \(Ohio Ct. App., Jefferson County 1962\)](#).

Research References & Practice Aids

Cross-References to Related Sections

Approval of planning commission required before vacating street, [RC § 713.02](#).

Recording vacation of plat, [RC § 711.39](#).

Vacation or establishment of street or alley by court, [RC § 723.09](#).

CITY OF MILFORD

DORA BOUNDARIES REVISION

AMENDMENT TO ORDINANCE # 19-1467

How does a Legislative Authority expand or dissolve an existing DORA?

A Municipal Corporation or Township may **expand an existing DORA** provided the expansion would **not exceed the maximum size of the DORA permitted by law** (see above for details).

Assuming the existing DORA can be expanded, the Legislative Authority must:

- follow the same procedures, like public notice and passing a resolution or ordinance, that were utilized to create the DORA; and
- email the same information to us that it would upon initial creation, including a new street boundary listing that includes all streets, not just the newly added streets.

If the existing DORA is already at its maximum size as permitted by law, then the original DORA cannot be expanded. Rather, the Legislative Authority would need to create a new DORA in the same manner specified above if it has not reached the maximum number of DORAs that it can create in its jurisdiction.

A Municipal Corporation or Township may **dissolve** all or part of an existing DORA. To do so, it must:

- follow the same procedures, like providing public notice and passing a resolution or ordinance, that were utilized to create the DORA; and
- email the same information to us that it would upon initial creation, including whether the entire DORA was dissolved or a portion thereof.
 - If a portion of the DORA is dissolved, the legislative authority must provide us updated boundaries that remain within the DORA, including any street listings.

Upon receipt of the dissolution notice, we must revoke all DORA designations issued to establishments within the dissolved area.

DORA Resources Page:

<https://com.ohio.gov/divisions-and-programs/liquor-control/local-government-resources/designated-outdoor-refreshment-areas-dora>

A Legislative Authority must review its DORA every 5 years.

The Legislative Authority of a Municipal Corporation or Township in which a DORA is located is required to review the operation of the DORA every five years as long as the DORA is in operation. * **Est. July 2019 /review by July 2024***

As part of the review, the Legislative Authority must adopt an ordinance or resolution either approving the DORA's continued operation or dissolving it. Prior to adopting the ordinance or resolution, the Legislative Authority must give notice of the proposed action by publication in the same manner as specified above in this document.

APPENDIX A: Street Boundary Information:

To ensure we have a consistent method for processing street listings for its DORAs, we require the Legislative Authority send the street listings in an excel file using the following format:

(Type NAME OF COUNTY)
(Type NAME OF CITY/VILLAGE/TOWNSHIP)
(Type NAME OF DORA/CED/Revitalization District)
(Type Date)

Street Boundary Listing

NOTE: Please sort to group all streets together		
Street Name	Range	Even/Odd
1st Ave	790-912	Even & Odd
1st Ave	1001-1199	Odd
2nd Ave	800-820	Even & Odd
4th Ave	791	Help
Central Ave	500-900	Even
Central Ave	901-1372	Even & Odd
Central Ave	1373-1391	Odd
Clark St	1-98	Even
Manchester Ave	1000-1199	Even & Odd
Manchester Ave	1200-1398	Even
N Broad St	1-299	Even & Odd
N Canal St	1-99	Even & Odd
N Clinton St	1-99	Even & Odd
N Main St	1-24	Even & Odd
N Main St	25-299	Odd
LIST STREETS LATER DEVELOPED AND ADDED, OR ANY CORRECTIONS TO THE ORIGINAL STREET LISTING, WITHIN THE BOUNDARIES OF THE CED.		
Streets Developed and Added		
(e.g., Expansion of District)	(Type Date streets added)	Even & Odd
Jon Doe St	200-300	Even & Odd

What do we do with the street listings provided to it?

- We use the street listings provided by the Legislative Authority to determine what permit holder/applicants are within the boundaries of the DORA.
- For those permit holder/applicants that are verified to be within the DORA, we affix an "Outdoor Refreshment Area" designation.
- If the street address of a permit holder or applicant is found to be outside the DORA, we will not affix the DORA designation unless and until the Legislative Authority passes another Ordinance or Resolution expanding the DORA provided that the expansion would not exceed the maximum size of the DORA permitted by law (See above for details).
- Any initial or revised street boundary listing must be in the format referenced above.
- If the land within an existing DORA is further developed such that new street addresses are added, the Legislative Authority must update its street boundary list with us.
 - This updated list must be submitted in the same format referenced above and include, the effective date of the new streets. This helps both us and the Legislative Authority keep track of the historical developments in regard to the boundaries of that DORA.
 -

APPENDIX B: Open Container Law – DORA exemption 4301.62

Ohio's Open Container Law generally prohibits a person from carrying an opened container of beer or intoxicating liquor in any public place. A DORA allows a person who purchases beer or intoxicating liquor from the holder of a DORA designated permit to possess or consume that beverage in an opened container at any outdoor location within the DORA. However, no person may:

- Take an opened container of beer or intoxicating liquor purchased elsewhere into another liquor permitted establishment; or
- Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle in a DORA unless the:
 - motor vehicle is stationary and is not being operated in a lane of vehicular travel, or

- possession is otherwise authorized under other exemptions to the Open Container Law governing chauffeured limousines or the transport of opened bottles of wine that are properly resealed.

Any questions regarding the enforcement of Ohio's liquor laws must be addressed to the [Ohio Department of Public Safety](#) and/or your local law enforcement agency.

How many DORAs can a Legislative Authority create?

The number of DORAs that may be established in a Municipal Corporation or Township, and a DORA's maximum size, depends on the population, as determined by the most recent regular federal decennial census, of the Municipal Corporation or Township. The chart below summarizes [R.C. 4301.82\(D\)](#):

Population of Municipal Corporation or Township	Maximum # of DORAs	Size of DORA	*# of Required Qualified Permit Holders* in the DORA
More than 50,000	6	Up to 640 contiguous acres	4 or more
50,000 or less	3	Up to 320 contiguous acres (Currently 92.1)	2 or more

* = Qualified Permit Holders include A-1, A-1-A, A-1c, A-2, A-2f, or D class, excluding D-6 or D-8. Also, Municipal Corporations or Townships need to include the qualifying permit holder information in the information submitted to us.

Census Mapping

https://data.census.gov/cedsci/map?q=1600000US3950176&layer=VT_2020_160_00_PY_D1&mode=selection&loc=39.1758,-84.2819,z12.9696

Milford city, Ohio

Total Population

6,582

Source: 2020 Decennial Census

Median Household Income

\$ 59,012

Source: 2020 American Community Survey 5-Year Estimates

Bachelor's Degree Or Higher

39.9 %

Source: 2020 American Community Survey 5-Year Estimates

Employment Rate

62.7 %

Source: 2020 American Community Survey 5-Year Estimates

Total Housing Units

3,413

Source: 2020 Decennial Census

Without Health Care Coverage

9.2 %

Source: 2020 American Community Survey 5-Year Estimates

Total Households

3,279

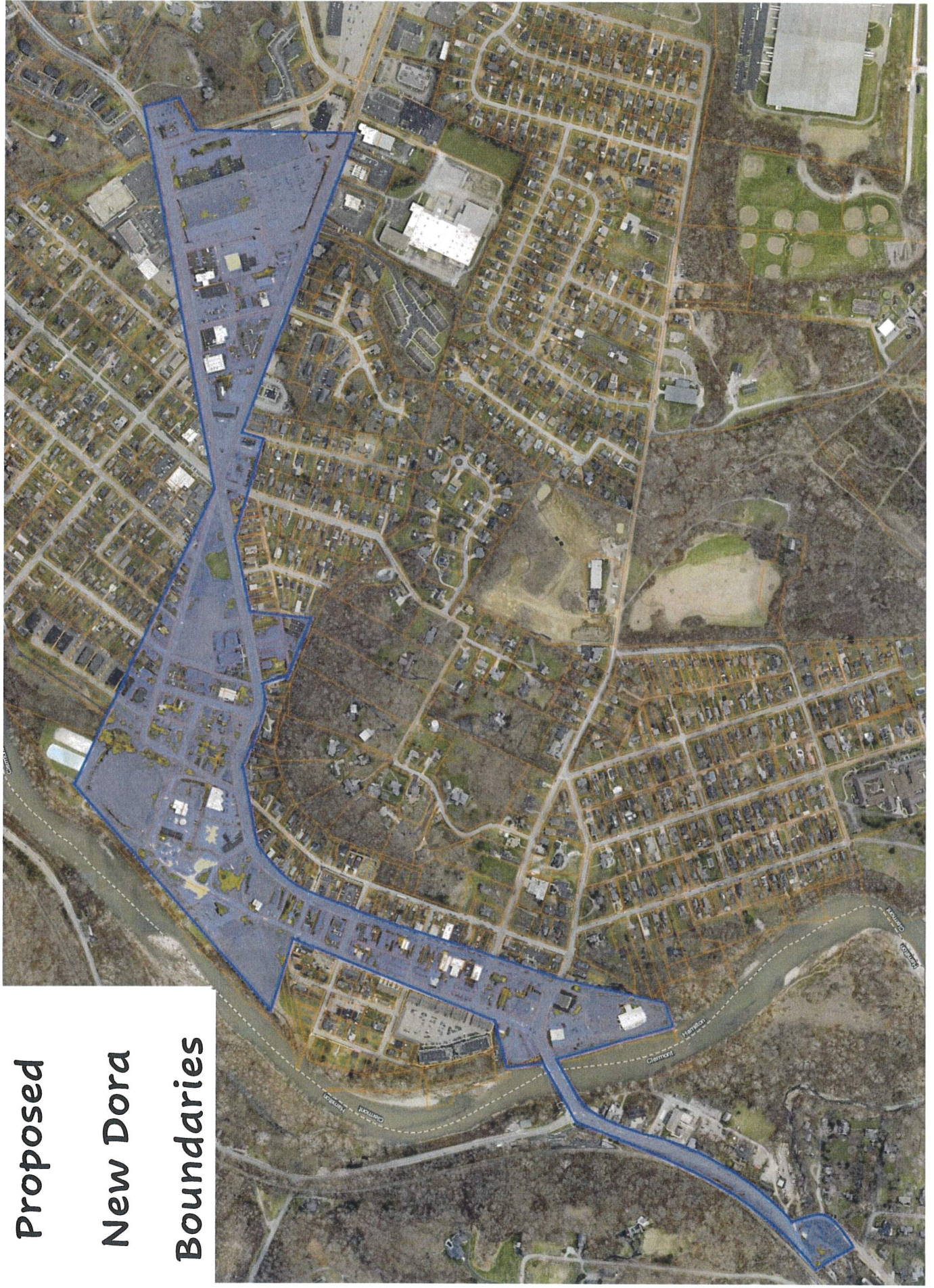
Source: 2020 American Community Survey 5-Year Estimates

Hispanic Or Latino (Of Any Race)

134

Source: 2020 Decennial Census

Proposed New Dora Boundaries



**NEED'S REVISED / AMENDED PER LAW DIRECTOR
TO INCLUDE NEW BUSINESSES**

ORDINANCE NO. 19-1467

PASSED July 16, 2019

An Ordinance creating a Designated Outdoor Refreshment Area for the City of Milford and enacting regulations

WHEREAS, effective April 30, 2017, a municipality with a population of less than thirty-five thousand is permitted to create a Designated Outdoor Refreshment Area (DORA) pursuant to the provisions of the Ohio Revised Code Section 4301.82; and,

WHEREAS, on Tuesday, May 21, 2019, the City Manager submitted an application to the City Council for approval of a DORA in a specified section of the City of Milford (the DORA application); and,

WHEREAS, pursuant to ORC Section 4301.82(C), notice of the filing of the DORA Application with the date of a public hearing thereon was published in a newspaper of general circulation in the City of Milford on May 29, 2019, and June 5, 2019; and,

WHEREAS, the public hearing on the application was held June 18, 2019, during which public testimony was held; and,

WHEREAS, Section 4301.82(F)(1) of the ORC requires the City of Milford to establish requirements that the City determines necessary to ensure public health and safety in the area and ORC Section 4301.82 (F)(2) provides for notice of this proposed action to be published in a newspaper of general circulation once a week for two consecutive weeks, such notice having been published on May 29, 2019 and June 5, 2019; and,

WHEREAS, the DORA application as submitted, to include the premises of the permit holders located at the street addresses on Exhibit A, meets the requirements of the ORC Section 4301.82(B)(1-5), it being further clarified that the boundary of the DORA includes the premises of the permit holders located at the street addresses listed on Exhibit A; and,

WHEREAS, approval of the DORA will serve to enhance the experiences of the patrons of the business areas and the special events within the City of Milford, Ohio:

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Milford, Ohio:

Section 1. City Council approves the DORA application as having met the requirements of ORC Section 4301.82(B)(1-5) and approves the establishment of a Downtown Milford Designated Outdoor Refreshment Area comprised of the area as depicted on Exhibit A, attached hereto and made a part hereof, such area to include and encompass the premises of the permit holders located at the street addresses listed on Exhibit A, as is required to be included pursuant to ORC Section 4301.82(F)(1)(a).

Section 2. City Council determines that all public notice requirements of ORC Section 4301.82 prior to the passage of this Ordinance have been met.

Section 3. That in order to ensure public health and safety and in accordance with ORC Section 4301.82(F)(1)(b), the number, spacing, and type of signage designating the DORA boundary shall be as set forth on Exhibit B, attached hereto and made a part hereof.

Section 4. The DORA encompasses not fewer than four qualified permit holders, all which are identified on Exhibit C, attached hereto and made a part hereof, by business name, address, liquor permit type and liquor permit number. Also included on Exhibit C and in accordance with ORC Section 4301.82(F)(1)(c) are the hours of operation for the DORA, which will apply to all activity within the DORA.

Section 5. The Public Health and Safety Plan as described in Exhibit D, attached hereto and made a part hereof, is hereby approved as meeting the requirements of ORC Section 4301.82 (F)(1)(e-f), including the manner in which the number of personnel needed to carry out the plan shall be determined.

Section 6. The Sanitation Plan that will help maintain the appearance and public health of the area as described on Exhibit E, attached hereto and made a part hereof, is hereby approved as meeting the requirements of ORC Section 4301.82(F)(1)(e-f), including the manner in which the number of personnel needed to carry out the plan shall be determined.

Section 7. As is required by the ORC Section 4301.82 (F)(1)(g), beer and intoxicating liquor shall only be served in plastic bottles or other plastic containers, which shall be provided by the qualified permit holders in a readily-identified container as approved by the City's Department of Public Safety.

Section 8. City Council shall review the review the requirements of the DORA, as established herein, one year from the effective date of this Ordinance to determine whether to continue the DORA under the same or modified terms and conditions or dissolve it according to the statutory provision.

Section 9. The Clerk of Council is hereby instructed to forward a copy of this Ordinance to the Ohio Division of Liquor Control and to the investigative unit of the Ohio Department of Public Safety, all in accordance with ORC Section 4301.82(C) and Section 4301.82(F)(3).

Section 10. Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, are taken in meetings open to the public in full compliance with applicable legal requirements, including Section 122.22 of the Ohio Revised Code.

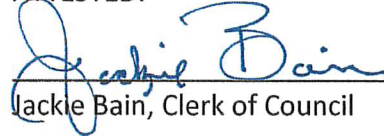
Section 11. Pursuant to and in accordance with Section 12.05 of the Milford City Charter this Ordinance, having received at least five affirmative votes for passage, shall become effective immediately.

ADOPTED: July 16, 2019



Fred Albrecht, Mayor

ATTESTED:



Jackie Bain, Clerk of Council

LAW DIRECTOR'S CERTIFICATION

I hereby certify that I have prepared the foregoing Ordinance in accordance with Section 12.02 of the Milford City Charter.



Michael Minniear, Law Director

CLERK'S CERTIFICATION

I Jackie Bain, Clerk of Council of the City of Milford, Ohio, do hereby certify that the foregoing Resolution was published by posting the complete text of said Ordinance at five (5) of the most public places in said Municipality as determined by Council as follows: at Peoples Bank, 735 Lila Avenue, Milford, Ohio; at Park National Bank, 25 Main Street, Milford, Ohio; at Milford Community Fire Department, 687 B US 50, Milford, Ohio; at the Milford Post Office, 100 Castleberry Court, Milford, Ohio; and at the site of the Municipal Building, 745 Center St., Milford, Ohio each for a period of fourteen (14) days commencing on the 18th day of July, 2019.

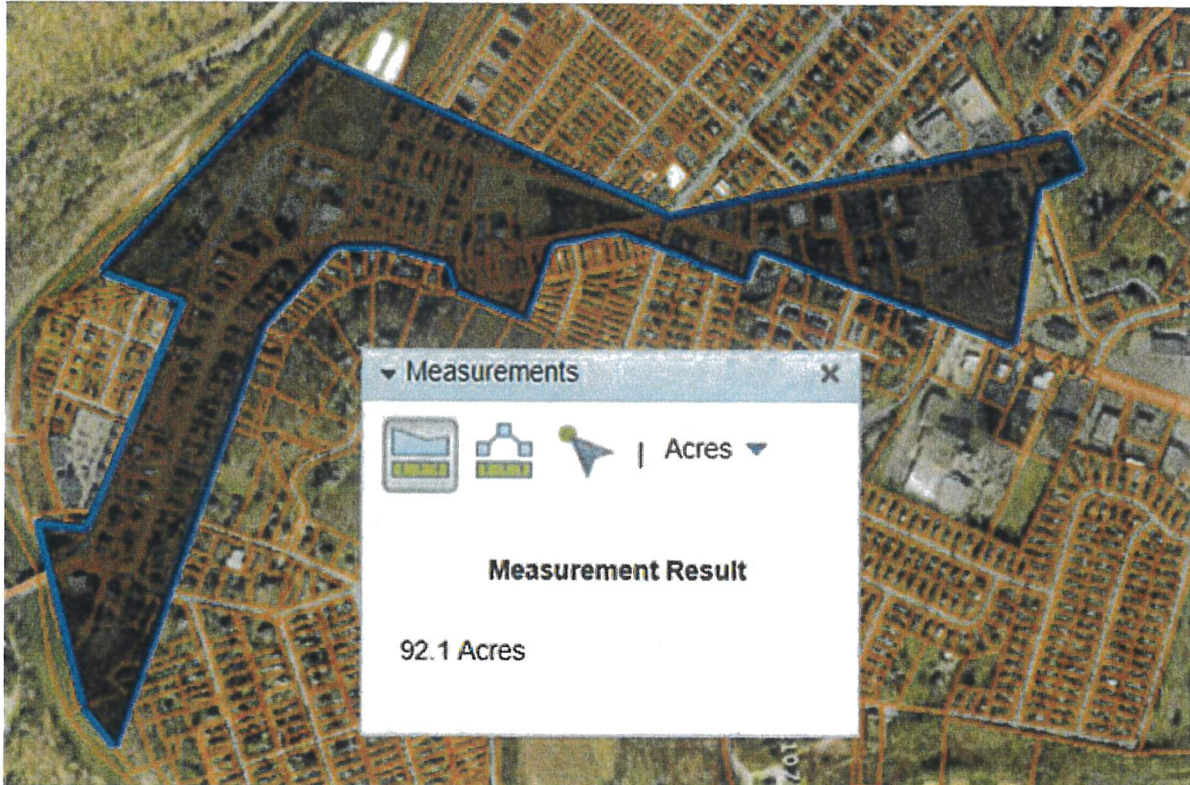


Jackie Bain, Clerk of Council

EXHIBIT A


BOUNDARIES

In accordance with ORC 4301.82 (F)(1)(a), a depiction of the specific boundaries of the area, including and encompassing the premises of the permit holders located at the street addresses is shown in the highlighted area below:



AREA CERTIFICATION

I hereby certify that the area of land located with the City of Milford Designated Outdoor Refreshment Area to be approximately 92.1 acres.


Nathaniel Clayton, PE



PERMIT HOLDERS

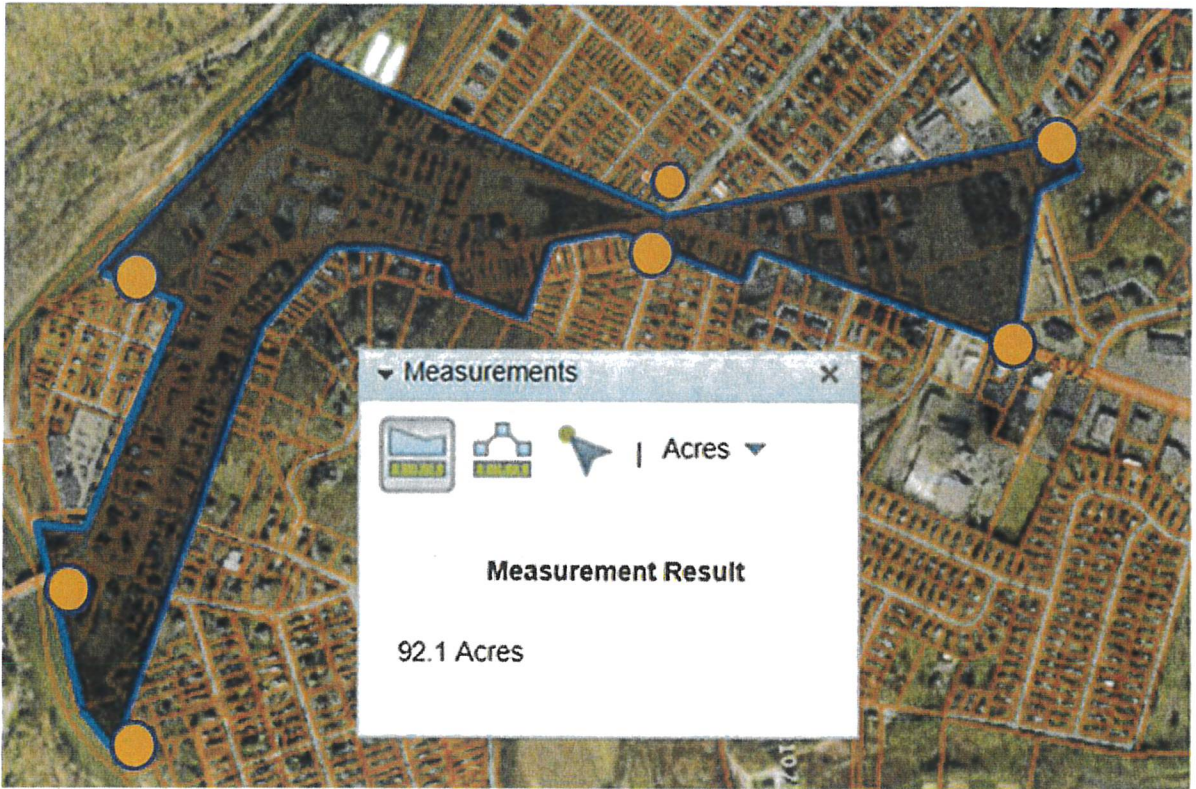
1. Little Miami Brewing Company (208 Mill Street) - **Add LMBC Event Center**
2. The Main Cup (18 Main Street)
3. 20 Brix (101 Main Street)
4. Padrino (111 Main Street)
5. Chappy's (225 Main Street)
6. Chez Renee French Bistro (231 Main Street)
7. American Legion Post 450 (450 Victor Stier Drive)
8. Copper Blue (900 Main Street)
9. Lehr's Prime Market & Patio (740 Main Street)
10. By Golly's (714 Lila Avenue)
- 11. Covalt Station**
- 12. Cincinnati Distilling**
- 13. Former Latitudes**

EXHIBIT B

Number, Spacing & Type of Signage

In accordance with ORC 4301.82 (F) (1) (b), the number spacing and type of sign designating the area are:

The Service Department Supervisor will direct the placement of



Add Signage with Extension



Exhibit C

List of qualified permit holders, hours of operation and letters of participation

Qualified Permit Holders including Permit Number and Permit Types

Address	Qualified Permit Holder	DBA	Permit #	Permit Type	Letter of Participation
208 Mill Street	Little Miami Brewing Company	Same	5237887	A1A, A1C,D6	
18 Main Street	Coffee Table LLC	The Main Cup	1591172	D1,D2,D3,D3A,D6	
101 Main Street	20 Brix LLC	20 Brix	9115742	D2,D2X,D3,D3A,D6	
111 Main Street	RTHTPC LLC	Padrino	71481760005	D5,D6	
225 Main Street	Milford Tavern LLC	Chappys	5954211	D1,D2,D3,D3A	
231 Main Street	Chez Renee French Bistrot LLC	Same	14240390005	D1,D2	
450 Victor Stier Drive	AL Post 450 Victor Stier	Same	009039504506	D5,D6	
900 Main Street	Fore the Future LLC	Copper Blue	2815174	D5I	
740 Main Street	RJM Management	Lehrs Prime Market	7147949	C2,D1,D8	
714 Lila Avenue	By Gollys LLC	By Gollys	1160780	D5,D6	

Hours of Operation

Based on discussions with Emergency Operations personnel, the hours of operation for the DORA will be Monday-Thursday from 4pm-10pm, Friday-Sunday from 11am-midnight.

Add: Covalt Station
Cincinnati Distilling
LMBC Event Center
Former Latitudes

EXHIBIT D

Designated Outdoor Refreshment Area (DORA)

Public Health and Safety Plan

The DORA's security force will be on-duty Police Officers. The Milford Police Department staffs a minimum of 3 officers and a sergeant, 24 hours per day. Officers patrol in traditional police vehicles, mountain bikes, segways and on foot in the DORA. Fire and Emergency Services personnel will also be available 24 hours per day.

This Public Health and Safety Plan will be reviewed continuously, and may be updated at any time, but only with City approval to ensure public safety.

EXHIBIT E

DORA Sanitation Plan

With the operation of a DORA and in conjunction with Ohio Revised Code Sections 4301.82 (F) (1)(e&f), a Sanitation Plan that will maintain the appearance and health of the area is the following:

The DORA consists of public restrooms located at Riverside Park and public restrooms within each of the participating businesses. City Staff, in cooperation with Rumpke will ensure that sanitation requirements are met. Along the DORA route there are 20 trash receptacles that are picked up weekly by Rumpke. City staff will make adjustments as needed when events are held in the DORA area.

The City of Milford Public Works Department will continue its current schedule of street sweeping. Public Works Director, Nate Clayton, will monitor the need and frequency for street sweeping in the area and will make adjustments as necessary.