

A RESOLUTION APPROVING THE CREATION OF A DESIGNATED OUTDOOR REFRESHMENT AREA FOR THE CONSUMPTION OF ALCOHOL IN SPECIFIED PUBLIC AREAS OF DOWNTOWN HUDSON, ENACTING REGULATIONS THEREFOR; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio law, through Revised Code Section 4301.82, permits a municipal corporation with a population of thirty-five thousand or less to create one Designated Outdoor Refreshment Area (“DORA”) if the proposed DORA will include at least four qualified State of Ohio liquor permit holders and be composed of one hundred and fifty or fewer contiguous acres; and

WHEREAS, Ohio law requires that the legislative authority of a municipal corporation must adopt a resolution that establishes requirements for the proposed DORA to ensure public health and safety within the DORA and Ohio law further specifies certain information that is to be included in said authorizing resolution; and

WHEREAS, on June 2, 2020, this Council received an application pursuant to Ohio law from the City Manager’s Office asking this Council to approve the creation of a DORA in the Downtown Hudson area (the “Application”), and said Application is attached to this Resolution and incorporated herein as Exhibit “A”; and

WHEREAS, the attached application includes the specific boundaries of the DORA, including street addresses; the number, spacing, and type of signage designating the DORA; the hours of operation of the DORA; the number of personnel needed to ensure public safety in the DORA; a sanitation plan that will help maintain the appearance and public health of the DORA; the number of personnel needed to execute the sanitation plan; and a requirement that beer and intoxicating liquor be served solely in plastic containers in the DORA; and

WHEREAS, the public notices required by Revised Code Section 4301.82 have been provided, and a public hearing was held on June 16, 2020 after a two week advertisement; and

WHEREAS, approval of the proposed DORA will serve to enhance the experience for both residents and visitors to the Downtown Hudson area; and

WHEREAS, the COVID-19 pandemic has caused negative economic impacts and the DORA that is the subject of this Resolution is likely to increase economic activity in the City of Hudson. Therefore, the DORA that is the subject of this Resolution must be implemented quickly so as to timely help in mitigating the already-realized economic impacts of the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hudson, County of Summit, Ohio, that:

Section 1. This Council approves the City Manager’s DORA application as having met the requirements of Revised Code Section 4301.82 and approves the establishment of a Downtown Hudson Designated Outdoor Refreshment comprised of the area depicted in the Application attached to this Resolution as Exhibit “A”.

Section 2. The DORA approved herein shall be operated as set forth in the Application attached to this Resolution as Exhibit “A”, or as it may be amended from time to time, with the approval of this Council.

Section 3. This Council finds and determines that all public notice requirements of Revised Code Section 4301.82 have been met prior to the passage of this Resolution.

Section 4. Council shall review the requirements of the DORA, as established herein, in January 2021 to determine whether to continue the DORA under the same or modified terms and conditions or dissolve it according to statutory provisions.

Section 5. The Clerk of Council is hereby authorized to forward a copy of this Resolution to both the Ohio Division of Liquor Control and to the Investigative Unit of the Ohio Department of Public Safety, all in accordance with Revised Code Section 4301.82.

Section 6. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 7. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the citizens of the City, and for the further reason that it is immediately necessary to move forward with this Resolution in order to quickly establish a DORA in the Downtown district so as to quickly begin creating increased economic activity in the City of Hudson to begin recovering from the negative economic impacts of the COVID-19 pandemic; wherefore, this Resolution shall be in full force and effect immediately upon its passage provided it receives the affirmative vote of five (5) members of Council, except that six (6) affirmative votes shall be required if all members are present at the meeting at which it is passed; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

\_\_\_\_\_  
Craig A. Shubert, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth Slagle, Clerk of Council

I certify that the foregoing Resolution No. 20-69 was duly passed by the Council of said City on \_\_\_\_\_, 2020.

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Elizabeth Slagle, Clerk of Council

First Reading: June 2, 2020

Public Hearing & Second Reading: June 16, 2020

Third Reading: July 7, 2020

Exhibit "A" - Resolution No. 20-69

**Application to the Hudson City Council**

**For the establishment of  
DOWNTOWN HUDSON  
DESIGNATED OUTDOOR REFRESHMENT AREA**



*ORC 4301.82*

**The Office of the City Manager of Hudson Ohio respectfully submits the following application to the Hudson City Council to approve and enact the Downtown Hudson Designated Outdoor Refreshment Area, in accordance with ORC 4301.82**

**Submitted May 28, 2020**

**Updated June 18, 2020**

BY: *Jane Howington*

**Jane Howington, City Manager**

## Introduction

Section 4301.82 of the Ohio Revised Code authorizes municipalities to create a Designated Outdoor Refreshment Area (DORA). Upon creation, an outdoor refreshment area allows restaurant patrons to legally walk around a designated outdoor area with an alcoholic beverage that has been served by a liquor-permit-holding establishment. Patrons would be required to stay within a predetermined boundary, and only during locally established days/times/events.

In order to consider creation of a DORA the City Manager must file an application with the Hudson City Council which meets certain state requirements. The application filed must be advertised for two consecutive weeks in a newspaper of general circulation. Not earlier than 30 days, but no later than 60 days, after the initial publication of the notice, the City Council may approve or disapprove of the application.

On May 22, 2020, A joint letter was submitted by The Hudson Area Chamber of Commerce, the Merchants of Hudson, and Destination Hudson requesting a DORA being established in the community and proposed a framework for consideration.

City Council discussed the proposal at a workshop session of May 26, 2020. The City Council provided input and expressed a general desire for this application to be prepared as the next step in considering enactment of a DORA.

The creation of the DORA is intended to serve as an economic tool to attract patrons to downtown Hudson and highlight the area as a destination for dining and entertainment. The purpose of this application is to request City Council approve a DORA in Hudson.

**DORA Application Review Timeline** per ORC 4301.82 requirements

May 22, 2020	Joint letter of interest received from Destination Hudson, The Hudson Area Chamber of Commerce, and the Merchants of Hudson
May 26, 2020	City Council Workshop Discussion regarding the letter of interest
June 2, 2020	City Council First Reading
June 3, 2016 & June 10, 2016	In accordance with applicable requirements, Public notice of the application and hearing was advertised on two consecutive weeks in the Hudson Hub Times (see attachment)
June 16, 2020	City Council Second Reading and Public Hearing
June 23, 2020	City Council Workshop Session to further review the application and testimony received at public hearing
July 7, 2020	City Council Third reading and possible action (action must occur between 30-60 days from the June 3 <sup>rd</sup> initial publication of notice)

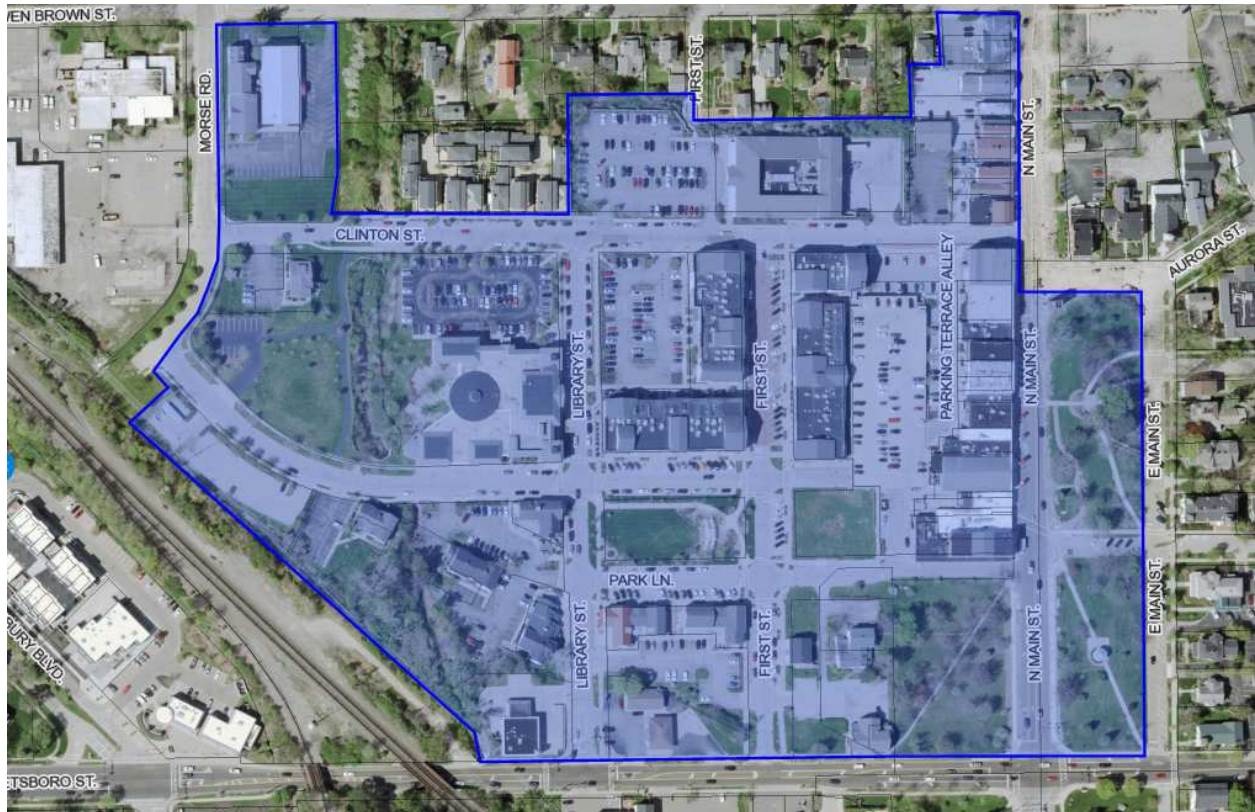
**Section 1: Boundaries of the Proposed Outdoor Refreshment Area**

According to ORC 4301.82 (B)(1)(b) the maximum area shall be one hundred fifty contiguous acres if the municipal corporation or township has a population of thirty-five thousand or less

City of Hudson population 2010 decennial census: 22,262

Proposed DORA boundary: 32.5 acres

In accordance with ORC 4301.82(F)(1)(a), the boundaries of the DORA are depicted below.



DORA Boundary in Blue.

**Street Boundaries for the DORA are as follows:**

**Summit County**

**City of Hudson**

**Hudson Designated Outdoor Refreshment Area**

**May 28, 2020**

<b>Street Name</b>	<b>Range</b>	<b>Even/Odd</b>
North Main Street	36 -238	Even
First Street	48-111	Even and Odd
Library Street	56-96	Even and Odd
Village Way	35-107	Even and Odd
Clinton Street	7-48	Even and Odd
Park Lane	34-48	Even and Odd
W Streetsboro Street	17-69	Odd
Owen Brown Street	80-86	Even



**Section 2: Nature and Types of Establishments**

In accordance with ORC 4301.82(B)(2) the following are the lists of names and types of establishments within the DORA. The types of establishments within the DORA are primarily businesses in retail, dining and service industries.

<b>Address</b>	<b>Business name</b>	<b>Industry/type</b>
234 N. Main Street	Sal’s Barber Shop	Service
230 N. Main Street	Stemaco	Office
220 N. Main Street, Main Flr	Ohio Organics & Nature	Retail
220 N. Main Street, Upper	Golden Eagle Title	Offices
220 N. Main Street, Lower	Western Reserve Printing	Service
214 N. Main Street	Lucia’s Salon	Service
204 N. Main Street	Learned Owl Book Shop	Retail
190 N. Main Street	Winds of Change	Retail
184 N. Main Street, Main Flr	Dave’s Cosmic Subs	Restaurant
178 N. Main Street, 2 <sup>nd</sup> Floor	Uncommon Art	Retail
178 N. Main Street, Main Flr	Hudson Oriental Rugs	Retail
164 N. Main Street	Open Door Coffee	Restaurant
160 N. Main Street	Hudson Fine Art & Framing	Retail
150 N. Main Street	The Grey Colt	Retail
148 N. Main Street	Keller Williams Chervenec Realty	Office
144 N. Main Street	Western Reserve Music	Retail
140 N. Main Street	Western Reserve School of Cooking	Retail
140 N. Main Street	Downtown 140	Restaurant
140 N. Main Street	Vignettes	Retail
138 N. Main Street	Estrella Consulting	Service
134 N. Main Street	Fair Trade on Main	Retail
134 N. Main Street	County Blues	Retail
126 N. Main Street	U.S. Bank	Service
122 N. Main Street	Howard Hanna Hudson	Office
116 N. Main Street	Jewelry Art	Retail
112 N. Main Street	Vertical Runner	Retail
100 N. Main Street	Riley’s Cleaners	Retail
98 N. Main Street	The Farmers Rail	Retail
88 N. Main Street	Kepner’s Restaurant	Restaurant
80 N. Main Street	Hudsons Restaurant	Restaurant
72 N. Main Street	Sister Nails	Service
72 N. Main Street	Prescott Brothers Hair Cutting	Service
72 N. Main Street	Russell Real Estate Services	Office
72 N. Main Street	Amaize Gourmet Popcorn Shoppe	Retail
36 N. Main Street	Baldwin-Buss-Merino House	Historic Property
34 Park Lane	Restore Cold Pressed	Restaurant
36 Park Lane	Comida	Restaurant
44 Park Lane	Aladdin’s Eatery	Restaurant

Address	Business name	Industry/type
46 Park Lane	The Rusty Stone	Retail
48 Park Lane	Cold Stone Creamery	Restaurant
89 First Street #205	Fairway Independent Mortgage Corp	Office
81 First Street	LOFT	Retail
82 First Street	Talbots	Retail
87 First Street	JoS. A Bank Clothiers	Retail
92 First Street	Chico's	Retail
89 First Street #201	Fitness Together	Service
89 First Street #203	Snip-Its	Service
89 First Street #204	First Federal of Lakewood	Office
89 First Street #205	Fairway Independent Mortgage Corp.	Office
89 First Street #207	Yoga Lounge	Service
89 First Street #209	Smiles by White	Service
89 First Street #212	CAVU Financial, LLC	Office
92 First Street	Chico's	Retail
102 First Street #204	Robert J Rischitelli Ltd	Office
102 First Street #201	ON Search Partners	Office
102 First Street #206	Western Reserve Capital Management	Office
102 First Street #211	Henning Software	Office
103 First Street	Violet Row	Retail
106 First Street	D'Agnese's Tomato Grill	Restaurant
111 First Street	Salon One Eleven	Service
111 First Street #201	NEOSkin Center Medical Spa	Service
112 First Street	J Jill	Retail
7 Clinton Street	Off Mainstreet Salon	Service
12 Clinton Street	The Greenhouse Florist	Retail
19 Clinton Street	Heinen's	Retail
44 Clinton Street	Carriage Insurance	Office
44 Clinton Street	Laura Yeager Smith Home Design	Office
44 Clinton Street	J. Kapela Designs	Office
41 Village Way	Gracylane	Retail
43 Village Way #201	UBS Financial Services	Office
43 Village Way #209	Magnum Steel & Trading, Inc.	Office
43 Village Way #210	Kurtz Graphics	Office
45 Village Way	White House Black Market	Retail
49 Village Way	FlipSide- One Red Door	Restaurant
60 Village Way	3 Palms	Restaurant
72 Village Way #1C	Classic Additions	Retail
72 Village Way	The Brain Rehabilitation Center	Office
72 Village Way	Retail Business Solutions	Office
72 Village Way	Kink Tax Service	Office
84 Village Way	Cutler Real Estate	Office
84 Village Way	Bird Mobility	Service
84 Village Way	Edward Jones Investments	Office

<b>Address</b>	<b>Business name</b>	<b>Industry/type</b>
84 Village Way	Maistros Legal Services	Office
84 Village Way	Pasco, Inc.	Office
86 Owen Brown Street	Farinacci's Pizza	Restaurant
86 Owen Brown Street	Young Actor's Studio	Theater
86 Owen Brown Street	Buck Financial	Office
86 Owen Brown Street	Hudson School of Music	Service
17 West Streetsboro Street	Salon Elevate	Service
45 West Streetsboro Street	Shell/True North Gas Station	Service
69 West Streetsboro Street	DO Summers Cleaners	Service
56 Library Street #103	Salon Hudson & Spa	Service
56 Library Street #102	Comfort Spa Hudson	Service

**Section 3: List of qualified permit holders**

In accordance with ORC 4301.82 (B)(3) the DORA will encompass no fewer than four qualified permit holders. Hudson has identified eleven qualified permit holders within the DORA:

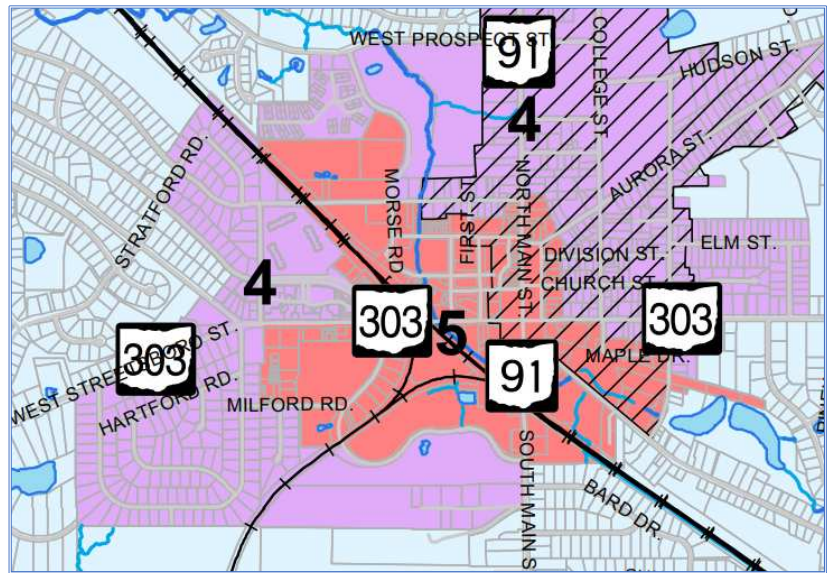
<b>Business Name</b>	<b>DBA</b>	<b>Business Address</b>	<b>Permit Type(s)</b>	<b>Permit #</b>
3 Foodies LLC	Hudsons Restaurant	80 N. Main Street	D5/D6	8916901
49 Village Way LLC	One Red Door/FlipSide	49 Village Way West	D51/D6	2831292
Aladdins Eatery of Hudson	Aladdins Eatery	44 Park Lane	D1/D2/D6	0092758
Bosans Restaurant Inc	D’Agnese Tomato Grill	106 First Street	D1/D2/D3/D6	08486830020
Chester Malone LLC	Downtown 140	140 North Main Street	D1/D2/D3/D6	1421158
Farinacci Pizza LLC	Farinacci Pizza	86 Owen Brown Street	D5/D6	2639529
Sixty Village Way LLC	Three Palms	60 Village Way	D5/D6	8199979
Keps Tavern LLC	Kepners Restaurant	88 North Main Street	D2/D3/D3A/D6	4610547
LG Square Inc*	Revival Social Club	200 North Main Street	D51/D6	5190811
Cactus Co.	Luchitias Mexican Restaurant (Comida)	36 Park Lane	D1/D2/D3/D3A/D6	11770470005
Heinen’s Inc.	Heinen’s of Hudson	19 Clinton St	D1/D2/D6	37269590140

\*Pending as on May 27, 2020

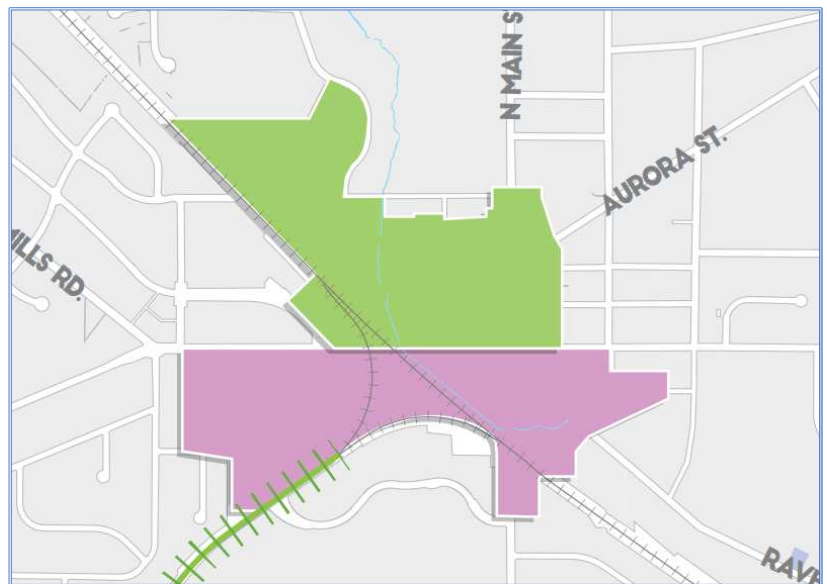
**Section 4: Evidence that the uses of land within the proposed outdoor refreshment area are in accord with the master zoning plan or map of the municipal corporation**

The uses of the land within the DORA are in accord with the City of Hudson Zoning Map and the 2015 Comprehensive Plan.

City of Hudson Zoning Map: The entire DORA Boundary is located within Zoning District 5: Village Core District. The district is intended to preserve and protect the Village Core, which is the historical and commercial center of the City of Hudson. Establishment of the DORA is consistent with and will not conflict with the current zoning.



2015 Comprehensive Plan:  
Future Land Use Map: The Comprehensive Plan notes the DORA area (green) as part of the *Downtown Character Area* which is described to offer a range of uses in a walkable, mixed use district. Establishment of the DORA is consistent with and will not conflict with the current Comprehensive Plan.



## **Section 5: Proposed requirements for the purpose of ensuring public health and safety within the proposed outdoor refreshment area**

In accordance with ORC 4301.82(B)(5), the requirements for ensuring public health and safety are as follows. These requirements have been prepared in cooperation with and distributed to our local public safety officials:

### Law Enforcement Duties:

The City of Hudson Police will be responsible for providing Law Enforcement services within the DORA. The main Police Station is located within ¼ mile of the district boundary. The on-duty supervisor shall ensure that appropriate attention is provided to the DORA during hours of operation. City of Hudson Police Department anticipates existing staffing will be adequate to meet the needs of the DORA District on a daily basis. In the event that a larger than normal number of people are in the DORA, the on-duty supervisor may assign additional officers, and/or assign an officer to specifically patrol the DORA. The use of foot patrol, bicycle patrol, as well as special operations bureau will be considered as alternate methods of patrolling the DORA.

For special events in the DORA drawing large attendance, additional officers or other agency personnel and/or private security may be required as determined by the Chief of Police.

### Fire/EMS Responsibilities:

The City of Hudson will be responsible for providing Fire, Rescue, and EMS services within the DORA. The main Fire/EMS station is located 0.4 miles from the district boundary. City of Hudson Fire Department anticipates existing staffing will be adequate to meet the needs of the DORA District on a daily basis.

For special events in the DORA drawing large attendance, the Fire/EMS Chief may stage personnel and/or equipment in a location within or near the DORA to allow for an immediate response.

### Required Cups:

Liquor permit establishments within the DORA selling alcohol that can be carried outside its permit area must provide special designated cups identified with a Hudson DORA label. No other container shall be permitted. Cups shall be made of compostable or recycled plastic materials.

Special Events:

The City of Hudson requires that each special event receive a permit with review by applicable city departments. Event organizers may be required to pay for special duty officers or overtime for public service or safety workers, if determined by the City of Hudson, to ensure adequate health and public safety requirements. The City of Hudson special event rules, procedures, and regulations remain in effect within the DORA District.

Outdoor dining and/or events on property within the DORA:

Permit holders that sell alcoholic beverages as part of an outdoor dining area in City of Hudson's Right of Way (adjacent to the establishment), must obtain a license agreement from the City of Hudson. The permit holder may not sell alcohol outside their permit area. These policies require the license holder to submit a physical layout of the tables, chairs, and other facilities. The license and permit review ensure their will be adequate pedestrian pathways and ingress/egress for emergency services. Failure to comply with the agreement can result in revocation.

Restaurants without a liquor permit and any other establishment within the DORA may allow patrons with DORA cups to enter their establishment if permitted by the owner.

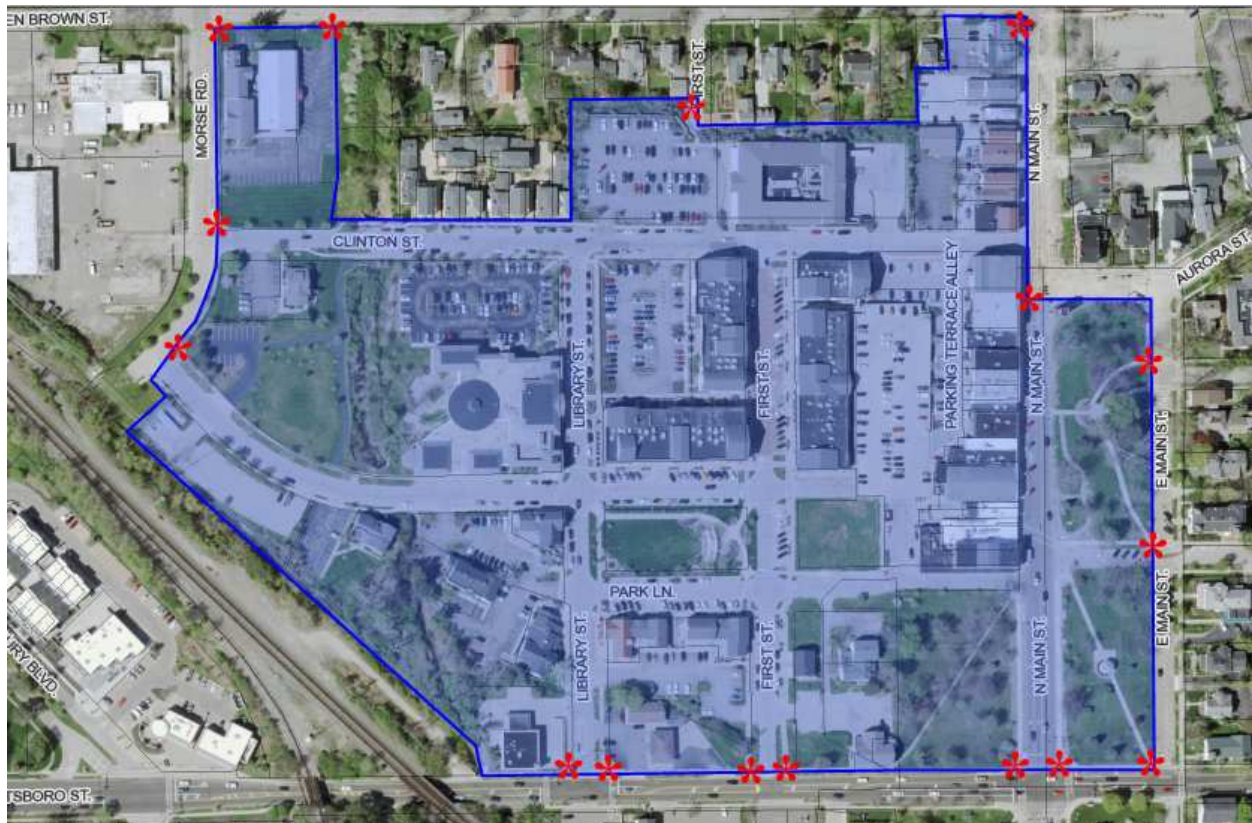
Signage:

In accordance with ORC 4301.82 (F)(1)(b) The number, spacing, and type of signage designating the area will be as follows:

City of Hudson Public Works Department will install 16 boundary signs at the spacing and location depicted below. City of Hudson anticipates the proposed signage locations will be adequate. Patron use will be monitored on an ongoing basis with additional signage installed where needed. Portable signage may be used as needed for special events.



Signage to be utilized along with posting of DORA Hours

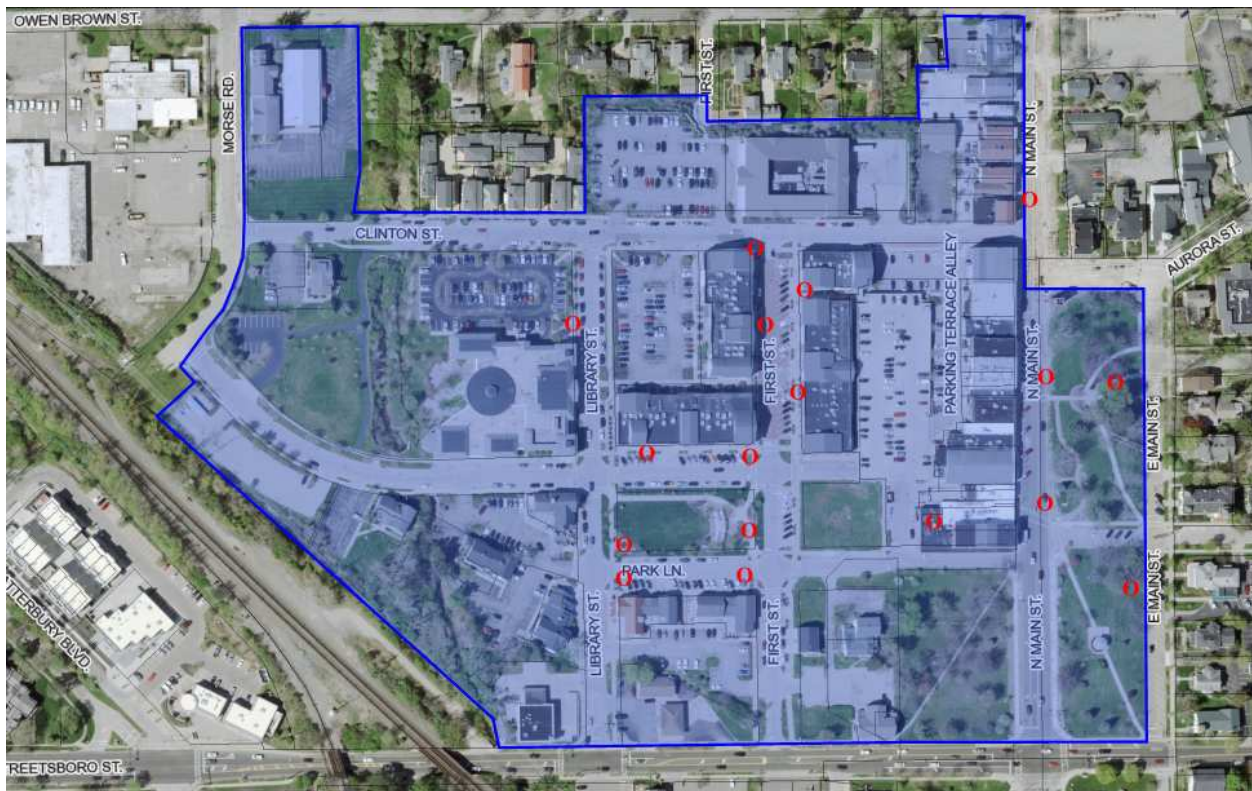


Sign Locations noted in Red



Sanitation Plan:

The City of Hudson has staff specifically allocated to the downtown district and already provides sanitation and general maintenance duties throughout the district. City of Hudson staff will continue to provide waste removal at 17 waste and recycling containers in the district. City of Hudson anticipates the existing staffing and waste containers will be adequate to meet the needs of the DORA District. Patron use will be monitored on an ongoing basis with staffing and containers adjusted as needed.



Waste container locations noted in red

### **Section 6: Hours of Operation**

In accordance with ORC 4301.82(f)(1)(c) the hours of operation will be as follows:

Seven days a week – 12 noon to 9:00 pm



CITY COUNCIL • 1140 Terex Road • Hudson, Ohio 44236 • (330) 342-1795

May 28, 2020

## PUBLIC HEARING NOTICE

Pursuant to Section 4301.82 of the Ohio Revised Code, the Council of the City of Hudson will hold a public hearing at 7:30 p.m. on Tuesday, June 16, 2020, on an application for a Designated Outdoor Refreshment Area and on legislation entitled “A RESOLUTION APPROVING THE CREATION OF A DESIGNATED OUTDOOR REFRESHMENT AREA FOR THE CONSUMPTION OF ALCOHOL IN SPECIFIED PUBLIC AREAS OF DOWNTOWN HUDSON AND ENACTING REGULATIONS THEREFOR.”

In accordance with the recent amendments to Ohio Revised Code Section 121.22 in light of the COVID-19 declared emergency, this public hearing will be conducted remotely via video-conference and will be broadcast via public live-stream on Hudson Community Television and the [City’s website](#), and an archived video will be made available for the record.

Anyone wishing to participate in the public hearing may do so as follows: 1.) email comments to [CouncilComments@hudson.oh.us](mailto:CouncilComments@hudson.oh.us) by 4:30 p.m. on the June 16, 2020, and comments will be read into the record; or 2.) request to speak live by contacting the Clerk of Council at same email address by 3:30 p.m. on June 16, 2020, and information will be provided for joining the virtual public hearing.

A copy of the application and Resolution is on file in the office of the Clerk of Council, 1140 Terex Road, Hudson, Ohio, and is available for public inspection during normal working hours.

By: Elizabeth Slagle  
Clerk of Council

Hudson Hub Times posting on 6-3 & 6-10-2020



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June 26, 2020

## NOTICE

Pursuant to Section 4301.82 of the Ohio Revised Code, the Council of the City of Hudson will consider and will possibly take action on Tuesday, July 7, 2020, on [Resolution No. 20-69](#) entitled “A RESOLUTION APPROVING THE CREATION OF A DESIGNATED OUTDOOR REFRESHMENT AREA FOR THE CONSUMPTION OF ALCOHOL IN SPECIFIED PUBLIC AREAS OF DOWNTOWN HUDSON AND ENACTING REGULATIONS THEREFOR; AND DECLARING AN EMERGENCY.”

In accordance with the recent amendments to Ohio Revised Code Section 121.22 in light of the COVID-19 declared emergency, the Council meeting will be conducted remotely via video-conference and will be broadcast via public live-stream on Hudson Community Television and the [City’s website](#), and an archived video will be made available for the record.

Anyone wishing to provide public comments may do so as follows: 1.) email comments to [CouncilComments@hudson.oh.us](mailto:CouncilComments@hudson.oh.us) by 4:30 p.m. on July 7, 2020, and comments will be read into the record; or 2.) request to speak live by contacting the Clerk of Council at same email address by 3:30 p.m. on July 7, 2020, and information will be provided for joining the virtual public hearing.

A copy of [Resolution No. 20-69](#), including the application for a Designated Outdoor Refreshment Area (Exhibit A), is on file in the office of the Clerk of Council, 1140 Terex Road, Hudson, Ohio, and is available for public inspection online and during normal working hours.

By: Elizabeth Slagle  
Clerk of Council

Hudson Hub Times posting on 7-1 & 7-5-2020