



Legislation Text

File #: 2088-2021, **Version:** 1

Background: This Ordinance incorporates amendments to the Designated Outdoor Refreshment Area (DORA) application filed by the office of the Mayor on June 2, 2021 that were suggested as submitted to City Council in an amended application filed with the City Clerk on July 21, 2021. The amended application would require separate Council consideration should Ordinance 1965-2021 be disapproved.

The City, the Arena District, the Columbus Blue Jackets, Columbus Clippers, and Columbus Crew have partnered together to put forward an application to Columbus City Council on June 2, 2021 to create a Downtown Outdoor Refreshment Area or DORA in the Arena District. Creating the DORA will add to the vibrancy of our downtown and provide more opportunities for our Arena District businesses. The DORA will be active 3 hours before every home Blue Jackets, Clippers, and Crew game until 11:59 PM. The Arena District has formed AD DORA LLC (the LLC) and will provide management and operations services in the DORA. We believe that the existing services along with supplementary public safety and sanitation services are sufficient to keep the Arena District safe and clean. No additional City resources will be needed to operate the DORA.

Approval of the DORA will allow participating bars, restaurants, and other vendors to sell alcoholic beverages in designated eco-friendly plastic containers to patrons. Patrons will then be legally allowed to depart the establishment or site where the beverage was purchased and move freely around within the DORA with that beverage. The designated eco-friendly plastic containers will be provided by the LLC to the brick and mortar establishments or other approved outdoor vendors, such as for special events.

All vendors must still maintain required liquor permits to sell alcohol in accordance with state law. All property owners and establishments have the option of opting-out of participating in the DORA. In accordance with state law, patrons may only leave establishments with alcoholic beverages in the designated eco-friendly plastic containers. Further, no outside alcoholic drinks are permitted-meaning only alcoholic drinks that are purchased in the designated eco-friendly plastic container and from a properly permitted vendor in the DORA may be enjoyed outside. Signage, as further described below, will inform patrons of the rules and boundaries of the DORA.

The DORA is being launched in partnership with the LLC. The City will contract with the LLC in a supplemental memorandum of understanding to provide operations and managements services, including marketing, the production, maintenance, and distribution of signage throughout the DORA, as well as the distribution of the designated eco-friendly plastic containers. In addition, when the DORA is activated on a Game Day (as defined below), the LLC will provide supplemental sanitation services to ensure a safe and clean public space. All of these services will be provided by the LLC only within the footprint of the original DORA as described in this application.

The LLC was initially funded by the DORA participants and its continued operations will be funded through these existing resources and from revenue collected by the fee paid by Special Event organizers in connection with the activation of the DORA. The provision by the LLC of these operational and management services to the DORA, will allow the City to operate the DORA safely, efficiently, and without any ongoing increased financial commitment by the City.

EMERGENCY DESIGNATION: Emergency action is requested in order to immediately allow for qualified license holders and businesses to prepare for the operational and maintenance needs of the new designated outdoor refreshment area.

To approve an amended application for the creation of a designated outdoor refreshment area to be known as the “Arena District DORA;” to designate the boundaries of the Arena District DORA, to authorize the Mayor or his designee(s) to enter into a memorandum of understanding or other agreements with AD DORA, LLC to provide for the operation and maintenance of the designated outdoor refreshment area; and to declare an emergency.

WHEREAS, pursuant to Ohio Revised Code (“R.C.”) Section 4301.82, municipal corporations are authorized, upon application by their executive officers, to designate certain areas within their borders as designated outdoor refreshment areas (“DORAs”); and

WHEREAS, the Mayor has submitted a proper application pursuant to R.C. Section 4301.82 and Council has received the application; and

WHEREAS, notice of the application was published once in a newspaper of general circulation within the City, which notice indicated that the application is on file with the City Clerk and is available for public inspection; and

WHEREAS, the application demonstrates that the creation of the proposed DORA strengthens the downtown area and encourages further economic growth within the Arena District; and

WHEREAS, creation of the Arena District DORA will aid in the attraction and retention of new patrons and visitors to the establishments in the Arena District and will encourage economic growth within the district; and

WHEREAS, the Council reviewed the application and determined that while the creation and designation of the Arena District DORA as submitted in the original application conformed to the applicable requirements of R.C. Section 4301.82, it was nonetheless in the public’s best interest to amend the proposed boundaries of the Arena District DORA causing Council to disapprove the original application submitted as Ordinance 1965-2021; and

WHEREAS, it is in the public interest of the City to approve the amended application and create the Arena District DORA with the boundaries as amended; and

WHEREAS, the proper operation and management of the Arena District DORA is also in the interests of the City and the health, safety, and public welfare of its residents and is in accordance with the applicable provisions of federal, state, and local laws and requirements; and

WHEREAS, AD DORA LLC is an Ohio Limited Liability Corporation, created to provide management and operation services within the DORA, including marketing, eco-friendly container distribution, creation and maintenance of signage, and any supplemental sanitation services needed in the DORA; and

WHEREAS, accordingly, the City desires to enter into a memorandum of understanding (“MOU”) with AD DORA LLC to provide for and obtain operational and management services for the Arena District DORA, consistent with the provisions of the application and subject to any and all terms and conditions that the Mayor or his or her designee finds appropriate; and

WHEREAS, this Ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare ‘in that there is an immediate need to create the “Arena District DORA” in order for qualified license holders and businesses to prepare for the operational and maintenance needs of the new designated outdoor refreshment area; **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That Council hereby approves and adopts the Mayor’s amended application for the creation of a DORA as more fully described in Exhibit A of the application, with such area generally encompassing the neighborhood known as the Arena District and also including Nationwide Arena, Huntington Park, and Lower.com Field, upon finding that the application contains all the information required by R.C. Section 4301.82, and upon further finding that the application meets the requirements of those sections in all respects, including the requirement that the proposed DORA contain no fewer than four qualified permit holders and the requirement that the application provide evidence that the uses of land

within the proposed DORA are in accordance with the City's Columbus Downtown Design Guidelines and Columbus Zoning Code as described in Exhibit E. The full amended DORA application, including its accompanying exhibits, is hereby incorporated herein by reference.

Section 2. That Council hereby designates the approximately 11.98 acre area, described more particularly as follows: Beginning at the southeast corner of the intersection of Vine Street and Front Street and continuing south along the alleyway from Vine Street to Battelle Plaza and the alleyway below the mezzanine portion of the building located at 401 N. Front Street, then extending west from the intersection of Nationwide Boulevard and Front Street (including the crosswalk at the intersection of Nationwide Boulevard and Front Street) continuing along both sides of Nationwide Boulevard (including the crosswalk at the intersection of Nationwide Boulevard and Neil Avenue and at the intersection of Nationwide Boulevard and Hanover Street) stopping at the eastern edge of the pedestrian footbridge across the Scioto River. The DORA will also include the area beginning at the southwest intersection of Nationwide Boulevard and Marconi Boulevard and continuing south along the west side of Marconi Boulevard to Locust Boulevard. The DORA will also include the area starting at the northern intersection of Nationwide Boulevard and Columbus Crew Way and continuing north along both sides of Columbus Crew Way to the southern intersection with Nordecke Drive and then extending east along Nordecke Drive to the eastern end of the pedestrian plaza area as well as the sidewalks leading up to and around the mixed-use building at the northern intersection of Nationwide Boulevard and Neiland Drive. Lastly the boundaries of the DORA will extend along the east side of Neil Avenue from Brodbelt Lane, including the green space behind the building located at 240-290 Nationwide Boulevard and continuing to Nationwide Boulevard as well as along the west side of Neil Avenue from the railroad tracks and continuing south along the west side of Neil Avenue (including any pedestrian walkways and plaza entrances along the way) to Nationwide Boulevard. The DORA shall contain all of the street addresses and parcels listed on **Exhibit B** of the application, incorporated herein by reference, as required by ORC Section 4301.82(F)(1)(a).

Section 3. In accordance with ORC Section 4301.82(F)(1)(b), clearly marked signs will delineate the boundaries of the Arena District DORA with the number, spacing and type of signage to be as described in the application and exhibits attached thereto, incorporated herein by reference. Additionally, signage will be placed within the Arena District DORA to notify patrons of the rules of operation. Examples of signage designs are depicted in **Exhibit C** of the application.

Section 4. In accordance with ORC Section 4301.82(F)(1)(c), the Arena District DORA will operate on all home Columbus Blue Jackets, Columbus Clippers, and Columbus Crew game days starting three (3) hours prior to the start of the game and continuing until 11:59 PM on that same day (each, a "Game Day"). In addition, the DORA may be operated during Special Events (which are defined as events, other than a Game Day) occurring within or adjacent to the DORA boundaries in partnership with the City and the AD DORA LLC, a limited liability company to provide management and operation services within the DORA. If activated for a Special Event, the DORA would be activated beginning at the time included in the Special Event application and continuing until 11:59 p.m. on that same day. In addition, the Special Event organizer (excluding the City, the LLC and any Home Team) will pay an activation fee to the LLC.

Notwithstanding anything herein to the contrary, the Mayor or designee will retain the discretion to temporarily suspend the operations of the DORA or alter operational parameters at his or her sole discretion if determined necessary for public health, safety, or welfare.

Section 5. Council finds that the City and the AD DORA LLC are committed to ensuring the health and safety of patrons of the Arena District DORA and cleanliness of the area. Pursuant to ORC 4301.82(F)(1)(d), the following safety plan is currently implemented on each Game Day for the Columbus Blue Jackets, the Columbus Clippers and the Columbus Crew (each, the "Home Team").

- a. Columbus Blue Jackets -between 10 - 15 special duty City of Columbus police officers are on site to manage traffic and safety outside of Nationwide Arena before and after every home game with the CBJ engaging additional special duty police officers to support safety needs inside the Arena. The total number of officers on-site varies based on the game time and expected crowd size.
- b. Columbus Clippers - 6 Franklin County sheriff deputies are on site to support traffic and safety outside of

Huntington Park before and after every home game as well as to support any safety needs inside the Park during the game. Two additional special duty City of Columbus police officers are also engaged to manage traffic and safety outside of the Park before and after every home game.

- c. Columbus Crew - 16 special duty City of Columbus police officers will be onsite to manage traffic and safety needs before and after every home game.

In addition, at the expense of the applicable Home Team, two special duty City of Columbus bike patrol police officers will initially be required to ensure public safety in the DORA on most Game Days; provided, however, the continuing need for such officers will continually be assessed by the City.

Section 6. That Council adopts the sanitation plan set forth in the application and incorporated herein by reference as required by ORC Section 4301.82(F)(1)(e) & (f), to maintain the appearance and public health of the area, and Council finds the City's Department of Public Service ("DPS") empties the public trash receptacles within the Arena District each Monday, Wednesday, and Friday. Each run requires one staff member per truck. Additionally, the City provides regular street sweeping in the Arena District from April 1 to November 1.

The Recreation and Parks Department ("R&P") provides sanitation services within City parks in the Arena District each Monday and Friday. Each run requires up to 2 staff members. Applicants must provide a sanitation plan to R&P in order to receive a Special Events Permit and the City will work with all Special Event organizers to require those organizers to provide, at their expense, additional trash receptacles and/or sanitation services as deemed necessary in the City's reasonable discretion.

The City believes the current DPS and R&P staffing levels and services are sufficient to adequately maintain the appearance and public health when the Arena District DORA is created. However, the City and the AD DORA LLC will continually assess the sanitation service levels and staffing needs and the LLC will provide any supplementary sanitation services on Game Days needed to keep the DORA area in a clean, safe, and sanitary state.

Further, the City will continually assess the public safety and sanitation needs on an ongoing basis, and the City will work with the LLC, the applicable Home Team (s) and/or the Special Event organizers to require those organizers to provide additional sanitation or security detail as deemed necessary in the City's reasonable discretion, such as when multiple sporting or Special Events are occurring simultaneously.

Section 7. The Mayor or the Mayor's Designee may establish additional rules and regulations for operation of the Arena District DORA and will update such rules and regulations from time to time as deemed necessary for public health, safety, or operational purposes; provided however, such rules will always require, pursuant to ORC Section 4301.82(F)(1)(g), that all alcoholic drinks served to be consumed outside of establishments within the DORA shall be served in a designated eco-friendly plastic container.

Section 8. That the Mayor or his or her designee is hereby authorized to take all necessary and proper actions to ensure the Arena District DORA is operated and maintained in a clean and safe manner and with regard for the health, safety, and welfare of businesses, residents, visitors and other persons who are impacted by the operation and maintenance of the DORA, which authorization specifically includes but is not limited to:

- a. taking all necessary and proper actions to install the signage authorized by Section 3 of this Ordinance; and
- b. taking all necessary and proper actions to enforce the hours of operation established by Section 4 of this Ordinance; and
- c. taking all necessary and proper actions to provide for public safety within the DORA as provided in Section 5 of this Ordinance, and
- d. taking all necessary and proper actions to implement the sanitation plan established by Section 6 of this Ordinance; and
- e. establishing additional rules and regulations for the operation of the DORA as deemed necessary for public health, safety, or operational purposes; and

Section 9. That the Mayor or his designee(s) are hereby authorized to enter into a memorandum of understanding (“MOU”) or other agreements with AD DORA, LLC to provide for the operation and maintenance of the Arena District DORA consistent with provisions of the application.

Section 10. That, pursuant to R.C. Section 4301.82(I)(1), within five years following the effective date of this Ordinance, Council shall review the operations of the Arena District DORA to determine whether to permit its ongoing operation, under either the same or modified requirements, or whether to dissolve it in accordance to R.C. Section 4301.82(I)(1).

Section 11. That the City Clerk is hereby instructed forthwith to provide notice of the creation of the Arena District DORA, as required by R.C. Section 4301.82(C), to the Ohio Division of Liquor Control and the Investigative Unit of the Ohio Department of Public Safety.

Section 12. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.