

July 23, 2021

Village Council of Somerset
100 Public Square
Somerset, OH 43783

Dear Members of Village Council,

The Office of the Mayor for the Village of Somerset in Perry County, Ohio respectfully submits the Application to the Village Council of Somerset, Ohio to approve and establish a Designated Outdoor Refreshment Area (DORA), pursuant to Ohio Revised Code (ORC) 4301.82.

The Office of the Mayor is requesting that Village Council pass an Ordinance, pursuant to Ohio Revised Code 4301.82, to create such a Designated Outdoor Refreshment Area (DORA) within the Village of Somerset as outlined in the application. This designation will help benefit businesses, residents, and property owners with the Village both culturally and economically.

The DORA established in Somerset will provide any person of legal age to carry a designated plastic cup from an approved establishment which would contain beer, wine, or intoxicating liquor within the established DORA limits with said limit be exempt from Ohio's Open Container Law. These drinks shall only be served within the designated plastic cup approved by the Village. No other container will be permitted.

The Office of the Mayor looks forward to working with the Village Council in creating this Designated Outdoor Refreshment Area (DORA). Please let us know if you have any questions about the application, or if we can be of further assistance as you review this application regarding this new and exciting endeavor for the businesses, residents, and visitors of Somerset.

A public meeting will be held prior to Village Council starting at 5:00 p.m. on August 10th, 2021, followed by the First Reading of an Ordinance for the Designated Outdoor Refreshment Area.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Johnson', written over a horizontal line.

Thomas Johnson, Mayor

**Application to the Somerset Village Council to Establish a
Designated Outdoor Refreshment Area**

O.R.C. 4301.82

Village of Somerset



**Founded 1807
P.O. Box 10, 100 Public Square
Somerset, Ohio 43783**

The Office of the Mayor of the Village of Somerset Ohio respectfully submits the following application for consideration by the Village Council of Somerset Ohio regarding the potential approval and enactment of a Designated Outdoor Refreshment Area in the Village of Somerset. This application is submitted in accordance with all applicable sections of O.R.C. 4301.82.

Submitted July 23, 2021

By _____

Thomas Johnson, Mayor



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I. Introduction and Description of Application

The Village of Somerset wishes to build a more vibrant downtown area that is attractive to residents, visitors and supports local businesses of all types. In order to achieve this goal, the Village of Somerset is willing to utilize all rights and powers granted by the State of Ohio.

Section 4301.82 of the Ohio Revised Code (ORC), effective April 30, 2017, authorizes municipalities in Ohio with a population under 35,000 to create a Designated Outdoor Refreshment Area (DORA). In order to consider the creation of a DORA, the Executive Officer of the Village of Somerset must file an application with the Somerset Village Council, which meets statutory requirements outlined in the Ohio Revised Code section referenced above. Those items include:

- A map of the proposed DORA area (150 acres or less);
- A description of the nature and types of establishments in the proposed designation area;
- A statement attesting that not less than four liquor permit holders are included in the proposed designation area;
- Evidence that the DORA designation will be in accordance with applicable land use and zoning regulations;
- A description of the health and safety considerations that will be undertaken and observed in the proposed designation area;
- Dates and times of regular operation.

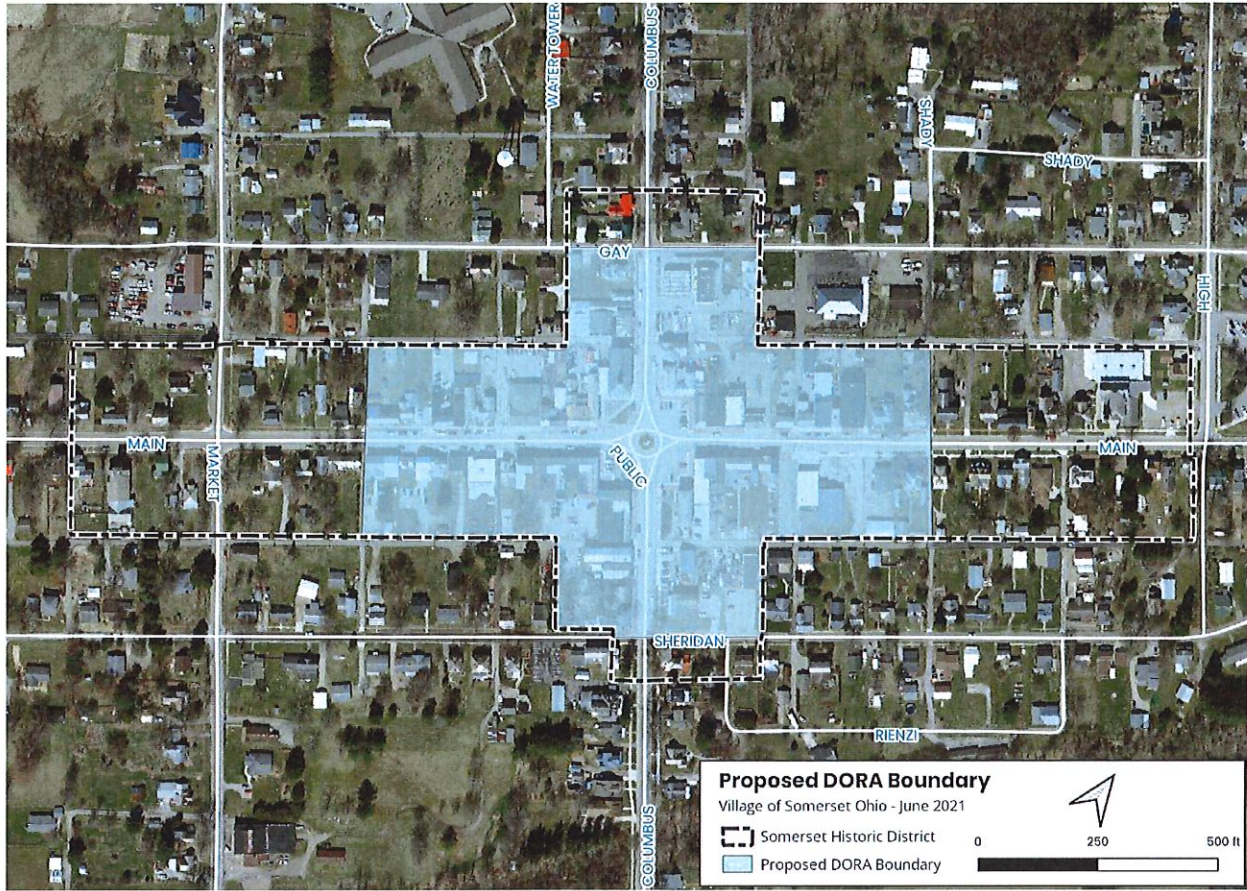
The application filing must be advertised for two consecutive weeks in a newspaper of general circulation. Not earlier than 30 days, but not later than 60 days, after the date the application is filed with the legislative authority (Somerset Village Council), the Village Council may approve or disapprove of the application by ordinance or resolution.

In summary, this application includes the following:

- A description and depiction of a proposed DORA area that would be located in downtown Somerset Ohio.
- A description of the entities who may participate in this program as a vendor.
- The dates and times which this program would be in effect.
- The considerations for health and safety that will ensure this program is beneficial to the Village of Somerset, its residents, and local businesses.

II. Proposed Boundaries and Active Hours

As outlined and required by O.R.C. 4301.82 (B)(1)(b) the physical boundaries of the proposed DORA are illustrated on the following map. A list of applicable street addresses within the DORA is also included.



The area indicated on the map above represents approximately **14.43 acres**. This is below the allowable threshold of 150 contiguous acres for municipal corporations below a population of 35,000, as outlined in O.R.C. 4301.82 (B).

| Street Addresses in Proposed DORA | | |
|-----------------------------------|---------|----------|
| Street Name | Range | Even/Odd |
| N. Columbus St. | 103-110 | Even/Odd |
| S. Columbus St. | 100-107 | Even/Odd |
| E Gay St. | 103 | Odd* |
| E. Main St. | 100-125 | Even/Odd |
| W. Main St. | 102-129 | Even/Odd |
| Public Square | 100-110 | Even/Odd |
| Sheridan Ave. | 100 | Even* |

*Note: Single address within the proposed DORA boundary.

It is proposed that the DORA be active in the areas outlined above on **Friday and Saturday evenings from 5 p.m. to 10 p.m. only**. This can be revisited and revised by action of the village council.

III. Establishments

Within the proposed DORA area are 88 unique addressable structures, approximately 43 of which house businesses and organizations that serve the citizens of Somerset. These businesses operate within the rules and regulations established via the Village's zoning ordinance and enacted amendments. The businesses include restaurants, bars, retail stores, financial institutions, and similar organizations. A listing of other business establishments within the proposed DORA boundary can be found below. This listing may not be exhaustive but exemplifies the mix of establishments in the area.

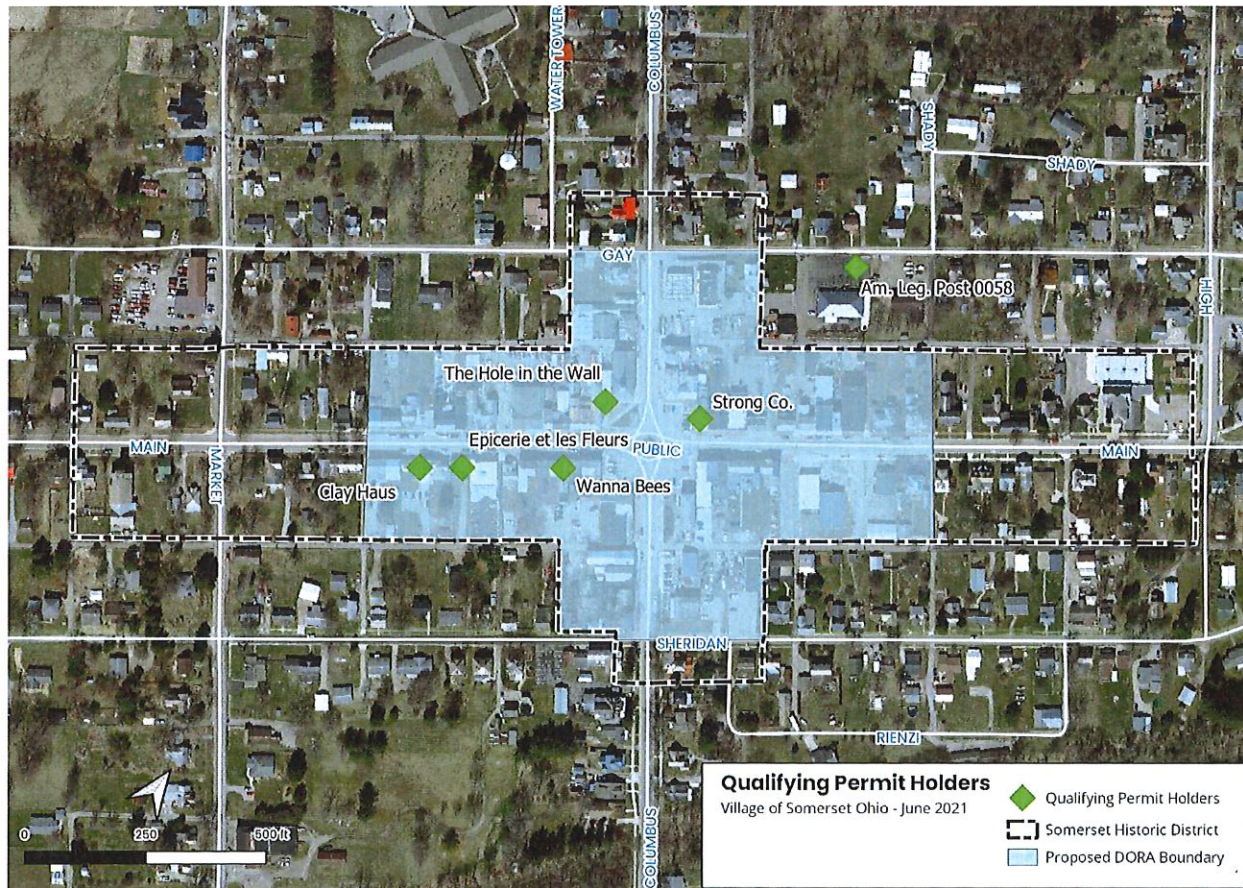
| Establishments Within the Proposed DORA Boundary | | |
|---|----------------------|--------------------|
| Business Name | Business Type | Addresses |
| Duke Duchess Shoppe | Food/Drink | 110 N Columbus St. |
| Nick'S Pizza & Subs | Food/Drink | 107 N Columbus St. |
| Dick's Sales And Service | Business/Office | 105 N Columbus St. |
| Katz Cupcakes | Food/Drink | 103 N Columbus St. |
| Wichert Insurance | Business/Office | 104 N Columbus St. |
| Carpenter's Market | Retail | 103 S Columbus St. |
| Ohio State University Perry County Extension | Business/Office | 104 S Columbus St. |
| Commodore Bank | Business/Office | 100 E Main St. |
| Little Phil Restaurant | Food/Drink | 102 E Main St. |
| Somerset Barber Shop | Health/Beauty | 104 E Main St. |
| Pampered Paws Grooming Salon | Business/Office | 106 E Main St. |
| Strong & Co. | Food/Drink | 107 E Main St. |
| Somerset-Reading Township Fire Department | Public | 112 E Main St. |
| Carriage Out | Food/Drink | 116 E Main St. |
| Hotel Swisher | Health/Beauty | 117 E Main St. |
| Montell's Pizza | Food/Drink | 119 E Main St. |
| Wannabees Bar & Grill | Food/Drink | 107 W Main St. |
| Northside Pharmacy | Retail | 112 W Main St. |
| Mike Clouse DDS Family Dentistry | Business/Office | 114 W Main St. |
| Joseph A Flautt Ltd. LPA | Business/Office | 115 W Main St. |
| Somerset Northside Pharmacy | Health/Beauty | 117 W Main St. |
| Nash Imaging | Business/Office | 118 W Main St. |
| Rosey Red Florist | Retail | 119 W Main St. |
| Clay Haus | Food/Drink | 123 W Main St. |
| Helen's | Business/Office | 125 W Main St. |
| Hometown Crafts & Scrapbooking | Retail | 127 W Main St. |
| Zane Trace Inn | Lodging | 129 W Main St. |
| Somerset Village Mayor | Public | 100 Public Sq. |
| Somerset Police Department | Public | 100 Public Sq. |
| Village Of Somerset Water & Wastewater Department | Public | 100 Public Sq. |
| The Hole In The Wall | Food/Drink | 101 Public Sq. |
| Subway | Food/Drink | 102 Public Sq. |
| Genesis Family Practice | Health/Beauty | 103 Public Sq. |
| Somerset Branch Perry County District Library | Public | 103 Public Sq. |
| Underwood Hardware | Retail | 104 Public Sq. |
| US Bank | Business/Office | 105 Public Sq. |
| Perry County Mutual Fire Insurance Company | Business/Office | 106 Public Sq. |
| The Snack Bar | Food/Drink | 109 Public Sq. |
| Laura's Custom Embroidery | Retail | 110 Public Sq. |

IV. Qualifying Permit Holders

In accordance with O.R.C. 4301.82 (B)(3), the proposed DORA will encompass not fewer than four qualified permit holders. A qualified permit holder is defined as any establishment with a class A-1, A-1-A, A-1c, A-2, A-2f, or D class permit. In order to establish a DORA within a municipal corporation, at least four (4) qualifying permit holders must be encompassed within the proposed area. Within the proposed Somerset DORA boundary there are **five (5)** unique businesses that hold applicable liquor permits as outlined below.

| Qualifying Permit Holders | | | | |
|-------------------------------|----------------------------------|-----------------------------|-------------|------------|
| Permit Name | DBA | Address | Permit Type | Permit No. |
| Scott G. Snider | Clay Haus | 123 W. Main Street | D1 | 8331378 |
| Scott G. Snider | Clay Haus | 123 W. Main Street | D2 | 8331378 |
| Scott G. Snider | Clay Haus | 123 W. Main Street | D3 | 8331378 |
| Goobers Inc. | Wanna Bees | 107 W. Main Street -1st Fl. | D5 | 3274715 |
| Seeiry LLC | Hole in the Wall 1st Fl. & Patio | 101 Public Square | D5 | 7943796 |
| Epicerie et les Fleurs LLC | | 119 W. Main Street \$ Bsmt. | D5L | 2532852 |
| Strong Co. Restaurant Bar LLC | | 107 E. Main Street | D5L | 8372580 |

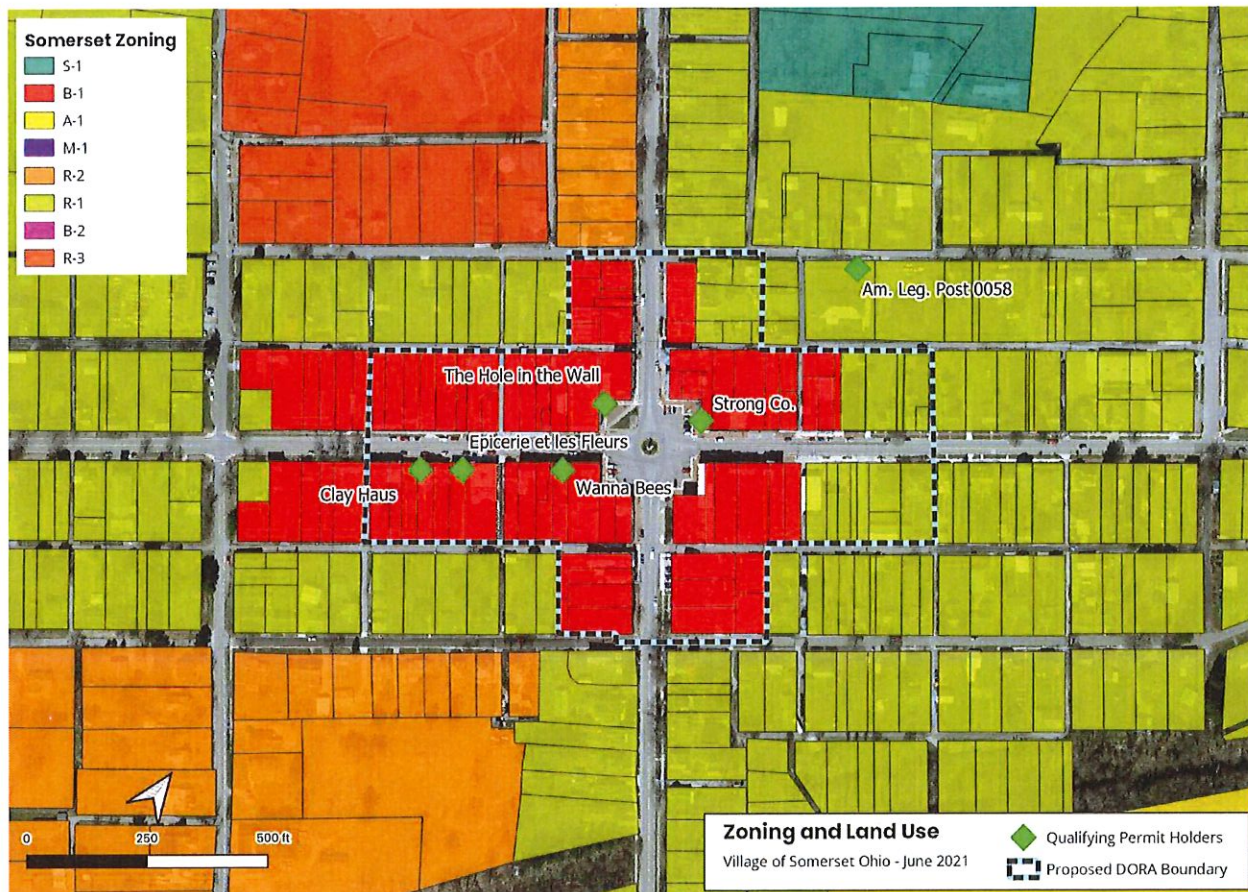
The qualifying permit holders and their location within the proposed DORA are indicated on the map below.



Please note, there is one qualifying permit holder, American Legion Post 58, which holds a D4 license, is within the Somerset Historic District, but is located outside of the proposed DORA boundaries outlined in this application.

V. Land Use and Zoning

The Village of Somerset has an active zoning ordinance that includes eight (8) defined districts: S-1 Special, A-1 Agricultural, R-1 Single Family Residential District, R-2 Medium-Density Residential District, R-3 High-Density Residential District, B-1 Central Business District, B-2 Highway and General Local Business, and M-1 General Industrial. The area represented by the proposed DORA boundary outlined in this application generally consists of B-1 Central Business District and small portions of R-1 Single Family Residential District. The map below highlights the existing zoning in the proposed boundary area.



The potential implementation of a DORA would be in accord with applicable and accepted land uses and practices that are in currently effect in the Village of Somerset.

VI. Public Health and Safety

The public health and safety plan outlined here will help maintain the safety of citizens utilizing the proposed DORA located within the Village of Somerset, as well as outline the steps to be taken to ensure that the area remains free of refuse and uninhibited for all existing uses.

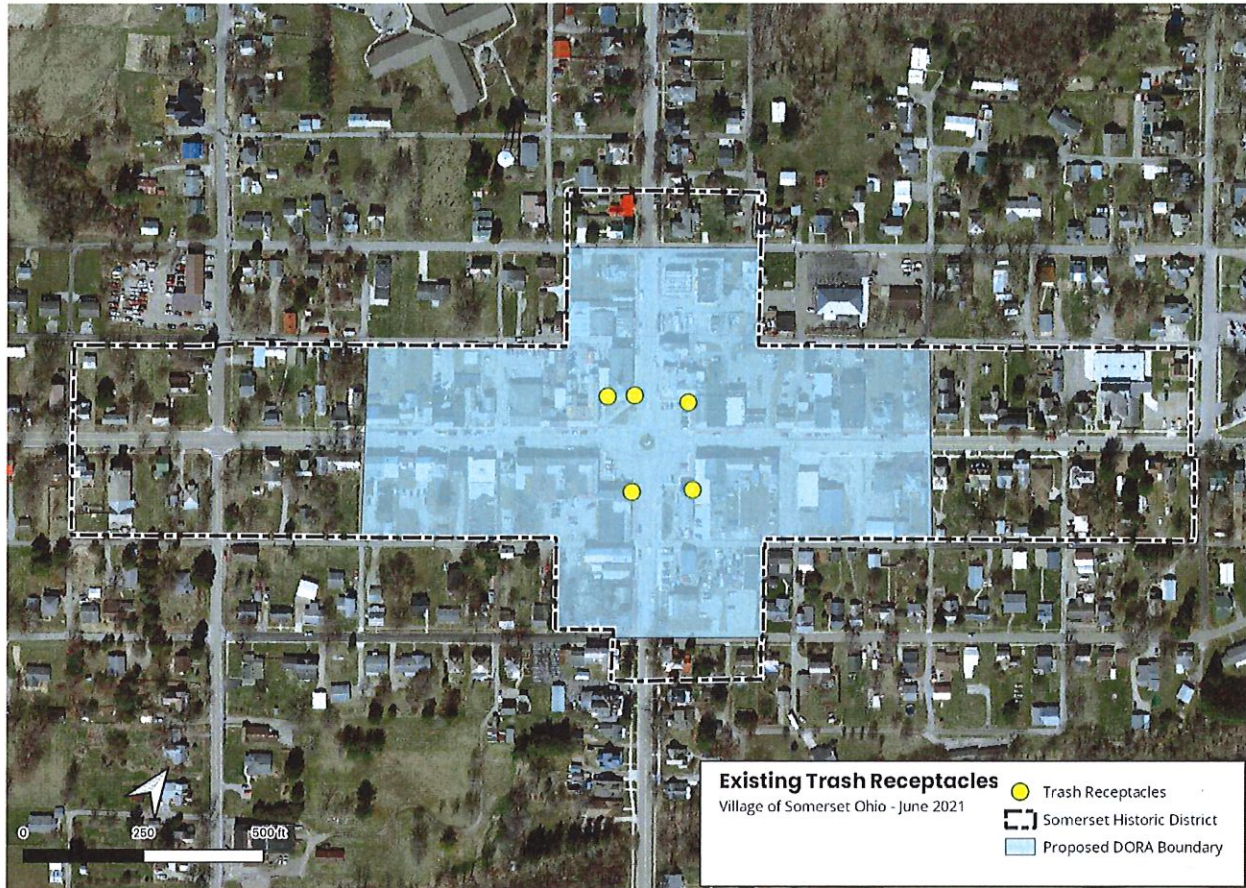
Public Safety – The existing staff of the Village of Somerset Police Department are adequate to maintain public safety with the proposed DORA boundaries. Existing officers will execute routine patrols in the proposed DORA areas in accordance with existing schedules and shifts. Should the DORA be approved for implementation in Somerset, the Mayor and the Chief of Police shall meet monthly (or more often if necessary) for six (6) months to discuss the ongoing security and safety needs created by the DORA. Adjustments, supplementations, and updates to patrolling and other services can be adjusted as needed based on these discussions. Village Council shall be informed of any concerns, changes, or adjustments to public safety services at the first occurring regularly scheduled Council meeting following the proposed adjustments.

The Mayor and Chief of Police shall meet and review this safety plan as needed in order to accommodate any special events that may be taking place within the Village of Somerset that may impact the operation of the DORA at a specified time and date.

Public Health – The Village of Somerset will take steps to ensure that the proposed DORA location will remain free of refuse and other materials that may detract from the appearance and public health within the area. Currently, there are five (5) trash receptacles within the proposed DORA boundary. These receptacles will continue to be serviced by the Village of Somerset on a regular schedule. The Mayor (or their designee) with the assistance of the Superintendent of Streets may adjust the pickup and disposal schedule to meet additional needs or allocate for the placement of additional receptacles as necessary.

If additional receptacles are determined to be required for a special event, the event sponsor shall be responsible to provide and service these additional receptacles.

Any local establishment holding an outdoor dining and commerce permit is responsible to service trash receptacles that are within their permitted areas at all times, including during permitted DORA days and times.

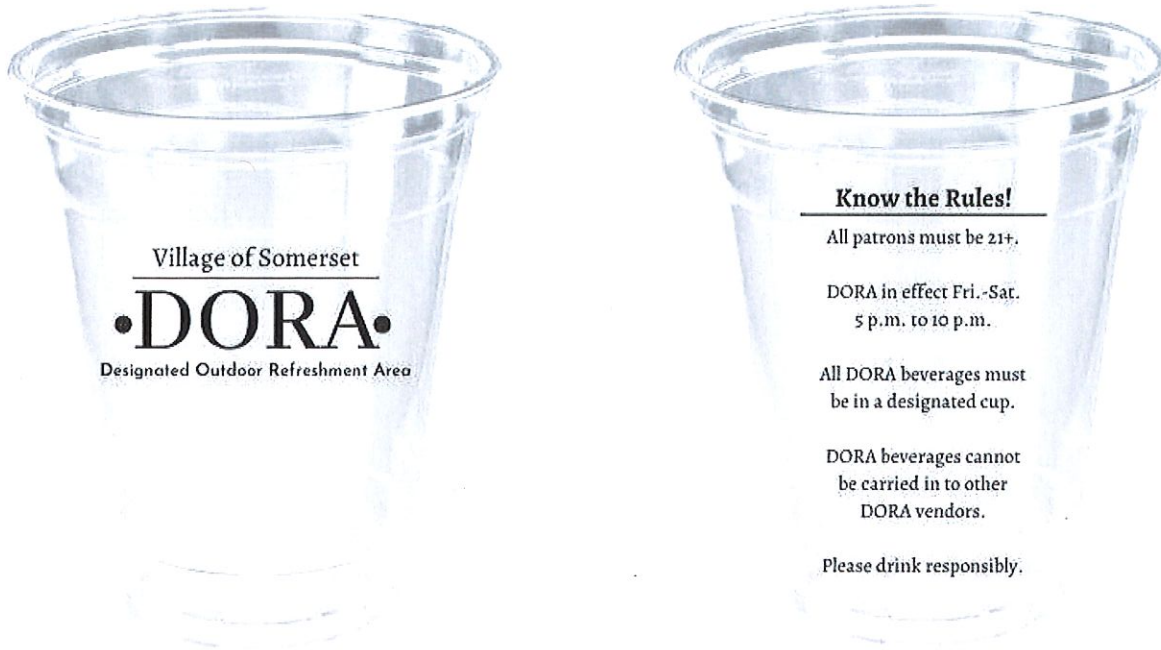


The Mayor of Somerset with input from the Chief of Police and the Superintendent of Streets has deemed this plan outline as sufficient to maintain public health and safety within the proposed DORA boundaries. These activities can be executed with existing staff and resources currently possessed by the Village of Somerset.

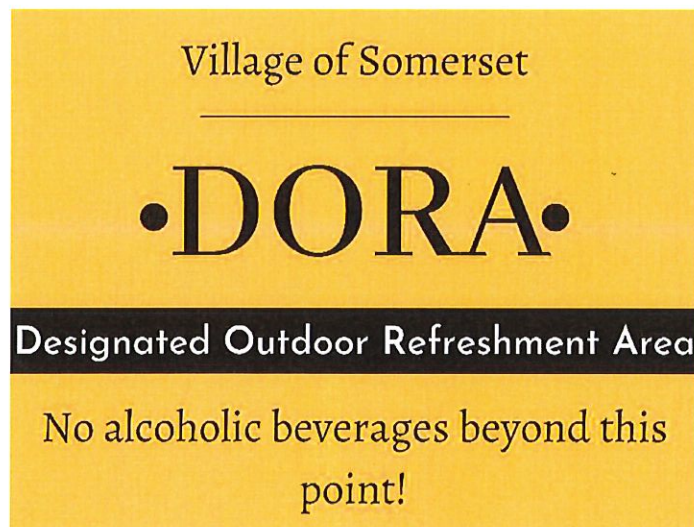
VII. Official Cup and Signage

In accordance with O.R.C. 4301.82 (F)(1)(g), beer, wine, and intoxicating liquor shall only be consumed within the DORA as outlined below:

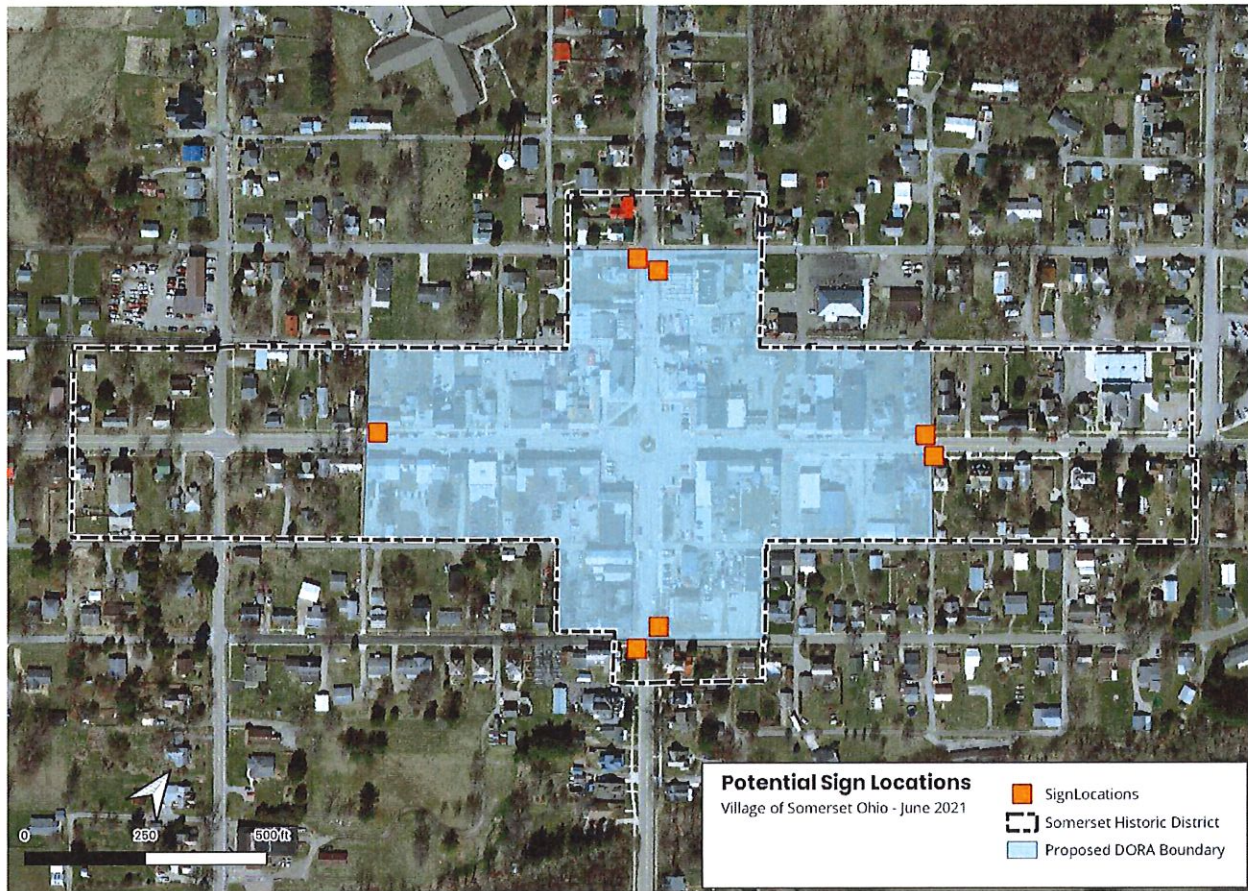
All beer, wine, and intoxicating liquor shall only be served and consumed within the DORA in specifically designated cups obtained from participating vendors. The DORA cup will be clearly marked with the DORA logo. No other container shall be permitted. Cups shall not be reused. All drinks must be consumed, and cups disposed of before entering another permit holding establishment where DORA drinks are sold. An example of the cup is illustrated below:



Signage will be placed at the boundary extents of the proposed DORA, indicating to patrons where DORA beverages may be consumed. An example of the signage is illustrated below:



A map of proposed locations for this signage is provided below.



Sign locations indicated on the map are utilizing existing municipal sign locations. No new signposts are intended to be set as part of the initial effort. Additional signage or adjustment of sign placements can be adjusted as needed. As of this application seven (7) locations have been identified.

Additional signage could be added as needed via other methods including sandwich-style board signs, vinyl ground decals, and other similar approaches.

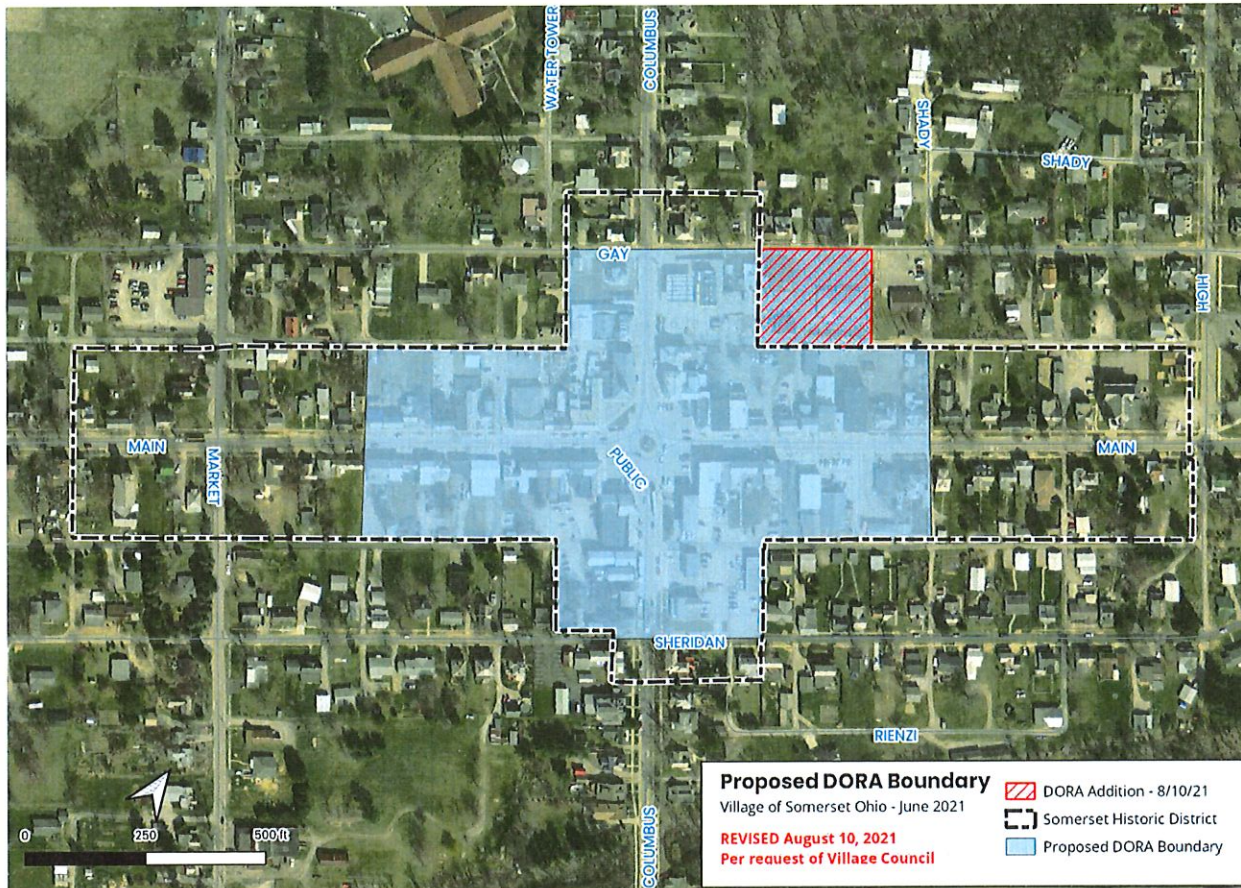
VIII. Program Intent and Vendor Interest

The DORA program is a program of the Village of Somerset and will be operated by the Village of Somerset until further notice. A managing organization can be appointed to administer aspects of this program on behalf of the Village of Somerset upon approval by the Village Council. Should this arrangement be sought, a separate agreement detailing duties and responsibilities will be generated.

For vendors within the project boundary wishing to be DORA vendors, a brief statement of intent and interest is requested. Any and all vendors holding appropriate class A or D liquor licenses as outlined above are welcome to participate in the program. Communication about supplies, signage, and other supporting DORA materials will be circulated to the list of vendors who have indicated an interest in participating.

Addendum 1

Revision to the Proposed DORA Boundary – August 10, 2021



Per comments received from members of Village Council during the regularly scheduled meeting held on August 10, 2021 – the proposed DORA boundary has been updated to include American Legion Post 58 located at 107 E. Gay Street. American Legion Post 58 holds a qualifying D4 liquor permit.

This document has been submitted as an addendum to the originally filed application that was received by the Village Clerk on July 27, 2021.

Submitted – August 11, 2021

By _____

Thomas Johnson, Mayor