

**Application to the Council of the City of Port Clinton, Ohio
for the establishment of a Designated Outdoor Refreshment Area,
with specific boundaries, in the Port Clinton's Downtown Business District,
Main Street Port Clinton Business Corridor.**

Submitted June 6, 2019

I. Introduction

The Port Clinton Area Chamber of Commerce and Main Street Port Clinton (MSPC) a 501C(3) economic and business development organization representing Port Clinton's downtown business district, respectfully submit the following application to the City Mayor for presentation to City Council of Port Clinton, Ohio to approve and establish a Designated Outdoor Refreshment Area (hereinafter "DORA"), pursuant to Ohio Revised Code ("ORC") § 4301.82.

A DORA is an area where the statutory open container restrictions do not apply at particular hours, and adults are permitted to possess and consume alcohol in an identified area, with certain restrictions. A DORA established within the City of Port Clinton would be the first DORA in Ottawa County. Two DORA projects have already been established in Toledo. The purpose of the City's DORA, to be referred to as the Main Street Port Clinton Outdoor Refreshment area (hereinafter "MORA"), would be for economic betterment of businesses, residents, and property owners within the MORA, as well as the City of Port Clinton as a whole.

Section 1 – Boundaries

In accordance with the ORC § 4301.82(B)(1)(a) and F(1)(a), the boundaries of the DORA are depicted on the following page. The area is bounded by the following:

- -The South boundary is the North line of the by the Norfolk and Southern Railroad right of way starting at the East right of way of Adams St. and proceeding Westerly to the West right of way line of Monroe Street.
- -The East boundary line is the eastern edge of Adams St. proceeding from the North line of the of the Norfolk and Southern Railroad right of way Northerly to the centerline of Perry Street and Westerly to its point of intersection with the centerline of Jefferson Street, thence due North Lake Erie.
- -The West boundary line is the west right-of-way line of Monroe Street commencing at its intersection with the North Line of the Norfolk and Southern Railroad right-of-way, thence northerly in the west right-of-way line of Monroe Street extended to its point of intersection with the north shore of the Portage River thence westerly to where it intersects the currently established west corporation line of the City of Port Clinton, thence north to the shore of Lake Erie.
- -The North boundary line is the shoreline of Lake Erie running from the point where the West City corporation line boundary intersects the shore of Lake Erie, to the point where the East (Jefferson Street) boundary line intersects the shore of Lake Erie.

The specific boundaries of the DORA, including street addresses and a map of the proposed area are further depicted in Exhibit “A” and “B” attached hereto and incorporated herein. The DORA is approximately 92.11 acres.

[illegible]

BEC ASSOCIATES

Professional Engineering and Surveying Consultants
6622 West Harbor Road, Port Clinton, Ohio 43452
Office: (419) 898-9200 Fax: (419) 898-2259

June 7, 2019

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

Re: City of Port Clinton, Mainstreet Outdoor Refreshment Area (MORA) acreage
certification

To whom it may concern:

At the request of the City of Port Clinton, I have reviewed Permanent Ordinance _____, including the map attached as Exhibit "A" hereto, with the purpose of substantiating the stated MORA acreage. The map was created by using the County's Geographic Parcel Data. It is my understanding that the map is based on aerial photography data supplied and maintained by the Ottawa County Auditor's Department, as well as the parcel layer that is maintained by Ottawa County, government wide.

All data created by the Ottawa County Auditor GIS Department has been developed to meet National Map Accuracy Standards. All GIS data layers are referenced in the Ohio South State Plane Coordinate System, Horizontal data-North American Datum (NAD) 83 (95), Vertical data-North American Datum Vertical Datum (NAVD) 88, Units-Surveyors Feet. The data supplied in the mapping has been developed from public records that are constantly undergoing change. Ottawa County does not warrant, guarantee, or represent the data to be fit for a particular use or purpose.

It has been my professional experience that the GIS mapping information supplied from the Ottawa County GIS Department is fit for the use of Permanent Ordinance _____. Accordingly, the acreage of the area delineated in the map is 142.29 acres. I believe that the acreage that has been calculated is the most reliable and accurate data available currently given the considerable costs of re-surveying this area.

Respectfully Submitted,



Rodney L. Gillespie, P.E.
BEC Associates, Inc.

Section 2 - Nature and types of establishments located within the proposed DORA

In accordance with ORC § 4301.82 (B)(2), the nature and types of establishments located within the MAIN STREET PORT CLINTON OUTDOOR REFRESHMENT AREA (MORA) are as follows:

Within the DORA, the majority of the buildings have retail and restaurants on their first floor. Port Clinton is experiencing a resurgence of retail and restaurants in this area. The floors above have a mixture of office space, apartments, and retail space.

Examples of the retail, dining, services, and government establishments located in the DORA:

Establishment	Address
<i>Retail</i>	
Lily & Gerts	124 W 2 nd Street Port Clinton, Ohio 43452
Mary's Blossom Shoppe	125 Madison Street Port Clinton, Ohio 43452
Tru Luv Jewelers	94 Madison Street Port Clinton, Ohio 43452
<i>Dining</i>	
McCarthy's Irish Pub	101 Madison Street Port Clinton, Ohio 43452
Coffee Express	128 W 2 nd Street Port Clinton, Ohio 43452
Mr. Ed's Bar & Grill	255 Lakeshore Dr Port Clinton, Ohio 43452

Establishment	Address
<i>Major Employers</i>	
Huntington National Bank	120 Madison Street Port Clinton, Ohio 43452
Jet Express	3 Monroe Street Port Clinton, Ohio 43452
Ohio Telecom	115 W 2 nd Street Port Clinton, Ohio 43452
<i>Government</i>	
Bureau of Motor Vehicles	220 Madison Street Port Clinton, Ohio 43452
United States Port Office	121 W 2 nd Street Port Clinton, Ohio 43452

Residential housing within the DORA is limited, and consists of some urban apartments within the Main Street business district and a limited number of single-family residential units in the designated DORA.

Section 3 - Qualified Permit Holders

In accordance with ORC § 4301.82 (B)(3), the DORA will encompass not fewer than four qualified permit holders as defined by ORC § 4301.82 (A), which are identified as follows:

Permit Holder	Street1	Classes	Permit Number	DBA
ASW ENTERPRISES LLC	111 MADISON ST	D5,D6	0016661	SLATERS MADISON STREET PUB
BOOTLEGGERS OF PORT CLINTON LLC	4 N JEFFERSON ST & PATIO	D5,D6	0833154	BOOTLEGGERS BAR & GRILL
CIELO GRANDE LLC	117 MADISON ST	D5,D6	1483934	ROSIES BAR AND GRILL
CLINTON HOUSE LLC	106 W PERRY ST	D5L, D6	1560234	
COASTAL MARINE II LLC	537 W LAKESHORE DR SUITE 300	C1,C2	1587234	COASTAL MARINE II
COMMODORE PERRY INN & SUITES LLC	255 W LAKESHORE DR & PATIO	D5A, D6	1666327	MR EDS BAR & GRILL
DRAWBRIDGE MARINA INC 689113	247 LAKE SHORE DR W SOUTHEND	C2, C2X	2303718	
ESMERALDA MENDOZA	101 E PERRY ST	D1	58357600005	MENDOZAS DRIVE IN
FOE AERIE2295 PORT CLINTON	219 MADISON ST & PATIO	D4,D6	27940112295	
ISLAND PORT COMPANY II LLC	3 N MONROE ST	D1,D2,D3, D3A, D6	41596090005	
MCCARTHYS PUB GROUP LLC	101-103 MADISON ST	D1,D2,D3,D6	5696540	MCCARTHYS 1ST FL & PATIO
PORT CLINTON YACHT CLUB	127 BROOKLYN ST	D4,D6	7028793	
PUB 221 LLC	221 MADISON ST	D5L,D6	71079180005	PUB 221
RICHARD SCOTT PREPHAN	102 MADISON ST	D5L,D6	70648720005	ISLAND HOUSE 1ST FL & PATIO
RIVERFRONT LLC	121 E PERRY ST & PATIO	D5L,D6	74070750005	THE BAIT HOUSE
SHORELINE DEVELOPMENT INC	220 E PERRY	D5A,D6	8105743	OUR GUEST INN & SUITES P,P&P
SOUTH BASS INVESTMENT GROUP LLC	252 W LAKESHORE DR & BEACH	D7	8387748	
VFW POST2480	214 MADISON ST	D4,D6	92623552480	

SOURCE: Ohio Department of Commerce, Division of Liquor Control

** Highlighted entries indicate permit holders who are committed at time of application to participate.

Section 4 - Area Impact

In accordance with ORC § 4301.82 (B)(4), evidence that the uses of land within the DORA are in accord with the master zoning map of the City of Port Clinton, are as follows:

The uses of land within the proposed DORA are in accord with the City's current master zoning map. The parcels within the DORA are zoned one of the following: 1. Central Business District; 2. Waterfront Business District; 3. Institutional, Governmental and Open Space District; 4. Downtown Waterfront Overlay District; 5. Lakeshore Drive, Harrison Street West Overlay District; and 6. Light Manufacturing District.

Restaurants that serve alcohol, bars, and nightclubs (uses that would typically utilize a DORA license) are permitted uses in all of these zoning districts, but they require a special use application in the Business Planned Development area.

The area of the DORA is envisioned as a mixed use center of the community. The MORA designation complements this vision and therefore is noted as a specific strategy to implement in the document. We anticipate that the DORA will foster continued investment in the area.

SOURCE: Olen Martin, Director of Public Safety & Service, City of Port Clinton

Section 5 - Signage

In accordance with the ORC § 4301.82 F(1)(b), the Port Clinton Director of Public Safety & Service has determined there must be a minimum of 32 signs and recommends there be 47 signs designating the boundary of the DORA. The location and spacing of the signs is shown on attached Exhibit "C". The signs will be mounted and located at all street intersections along the boundary of the DORA. The content and style of this signage shall, in sum or substance, consist of the following:

Front Side of Street Signs

MORA



Main Street Port Clinton
OUTDOOR
REFRESHMENT AREA

BORDER
NO ALCOHOL
BEYOND THIS POINT

Section 6 - Hours of Operation

In accordance with ORC § 4301.82 (F)(1)(c), the hours of operation for the DORA will be: Monday through Sunday, 12:00 p.m. (noon) to 12:00 a.m. (midnight).

The applicant requests that City Council reserve the right to temporarily suspend DORA operations for a period of up to seven (7) days in order to accommodate the permitting of special events that may occur within the boundaries of the DORA.

Section 7 - Safety Plan

In accordance with ORC § 4301.82 (B)(5) and (F)(1)(d), a Safety Plan has been developed to ensure public safety in the DORA. A copy of which is attached hereto as Exhibit “D”. The Safety Plan can be executed with existing staff.

Section 8 - Sanitation Plan

In accordance with ORC § 4301.82 (B)(5), (F)(1)(e), and (F)(1)(f), a Sanitation Plan has been developed that will help maintain the appearance and public health of the area within the DORA. A copy is attached hereto as Exhibit “E”. The Sanitation Plan can be executed with existing staff.

Section 9 - Official MORA Cup

In accordance with ORC § 4301.82 (F)(1)(g), beer, wine, and intoxicating liquor shall only be consumed within the DORA as follows:

Beer, wine, and intoxicating liquor shall only be served and consumed in the DORA in the plastic bottles or other specifically designated plastic containers produced and provided by the Main Street Port Clinton (the “Official MORA Cup”). The Official Cup will be distinctly marked with the MORA logo. No other container will be permitted. Used cups must be disposed of before entering any establishment of a qualified permit holder.



However, if changes to the cups are made, qualified permit holders will be given a 90 day notice of the change.

Official Cups will be produced and provided by the Main Street Port Clinton. Each qualified permit holder must order and purchase cups through the MSPC in lots of 500. The price per cup will be \$0.25

Section 10 - Additional Rules and Requirements

In accordance with ORC § 4301.82 (B)(5), and in conjunction with other rules, standards and requirements set forth in this application, additional rules and requirements for the purpose of ensuring public safety and health within the DORA are as follows:

A. A person may have in the person's possession an open container of beer, wine, or intoxicating liquor at an outdoor location within the DORA if the open container of beer, wine, or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:

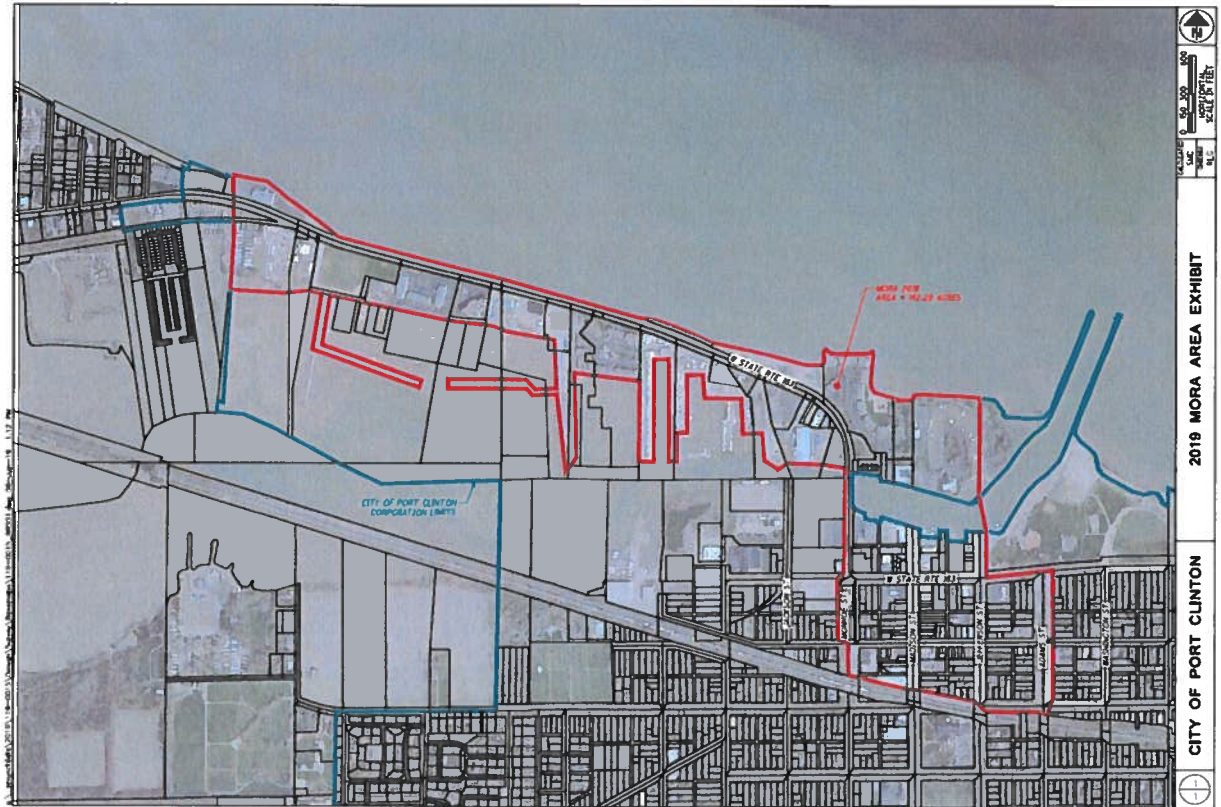
1. The permit holder's premises is located within the DORA; and
2. The permit held by the permit holder has been issued an outdoor refreshment area designation by the division of liquor control.

B. No person shall do any of the following:

1. Enter the premises of an establishment of a qualified permit holder within the DORA while possessing an open container of beer, wine, or intoxicating liquor acquired elsewhere, or
2. Possess an open container of beer, wine, or intoxicating liquor while being in or on a motor vehicle within the DORA, unless the possession is otherwise authorized under division (D) or (E) of ORC § 4301.62.

Exhibit A.

Map of the Outdoor Refreshment Area



Said description contains approximately 92.11 continuous acres.

SOURCE: Area certified by BEC Associates, Port Clinton, Ohio. SOURCE: Sign placement and spacing approved by Olen Martin, Director of Public Safety & Service, City of Port Clinton

Exhibit B.**Street addresses of real property included in specific boundaries of the MORA**

Street Name	Range	Even/odd
Adams St	100-231	Even & Odd
N Madison St	2-98	Even & Odd
Madison St	101-226	Even & Odd
N Jefferson St.	3-80	Even & Odd
Jefferson St.	100-240	Even & Odd
Monroe St.	1-212	Even & Odd
E Perry St	114-207	Even & Odd
W Perry St	102-135	Even & Odd
E 2 nd St	109-211	Even & Odd
W 2 nd St	115-121	Even & Odd
Lakeshore Dr	200-1105	Even & Odd
Brooklyn Ave	109-147	Odd
3 rd St	111-215	Odd

EXHIBIT C



EXHIBIT D.

City of Port Clinton's MAINSTREET PORT CLINTON OUTDOOR REFRESHMENT AREA (MORA) Safety Plan

The Safety Plan will help maintain public safety within the MAINSTREET PORT CLINTON OUTDOOR REFRESHMENT AREA (MORA) and designate the number of personnel needed to execute the Safety Plan. This will be accomplished in the following manner:

Current Public Safety personnel are adequate to maintain public safety within the MAINSTREET PORT CLINTON OUTDOOR REFRESHMENT AREA (MORA). The City of Port Clinton Police Department (PCPD) has multiple resources which will enable it to maintain public safety within the MAINSTREET PORT CLINTON OUTDOOR REFRESHMENT AREA (MORA) to include the downtown core business district and main street business district. PCPD has the flexibility when deploying resources and has years of experience following the summer (tourism) seasons, which draws very large crowds throughout the year.

Law Enforcement Staffing in the MORA would consist of:

1. PCPD has permanently assigned patrol officers to the road division 24 hours a day, 7 days a week. In addition, PCPD has two (2) intermediate shifts for extra patrol coverage from 11:00am to 3:00am or an additional sixteen (16) hours a day Tuesday through Sunday morning. The regularly scheduled PCPD officer(s) will be patrolling the MORA as it is within their assigned patrol responsibility.
2. To help supplement the regular scheduled PCPD officers on peak weekdays and/or weekends, extra dedicated PCPD Officers will be assigned either by the City of Port Clinton and/or PCPD Officers will be contracted for service through the City by liquor permit businesses within the MORA who shall pay to the City the full cost for providing the extra duty officer(s). The contracted officer('s) primary responsibility will be within the MORA.

Beginning with the commencement of the MORA continuing for a period of six (6) consecutive months, the Director of Public Safety and Service of the City of Port Clinton (the Director), and the Chief of Police of the City of Port Clinton (the Chief) shall meet monthly and review the Safety Plan herein for the purpose of determining whether updates, modifications, or supplementation may be advisable or required. In the event, the Director and the Chief determine the Safety Plan should be changed, such changes shall be presented to Council for consideration and implementation. The Director and the Chief shall meet and review the Safety Plan as needed for any special events within the MORA or as other circumstances may require.

The Director and the Chief have determined that the Safety Plan described herein is sufficient to maintain public safety within the MORA. This Safety Plan can be executed with the existing personnel of the City of Port Clinton.

SOURCE: Olen Martin Director of Public Safety & Service, City of Port Clinton
Robert J. Hickman, Chief of Police, City of Port Clinton

Exhibit E.

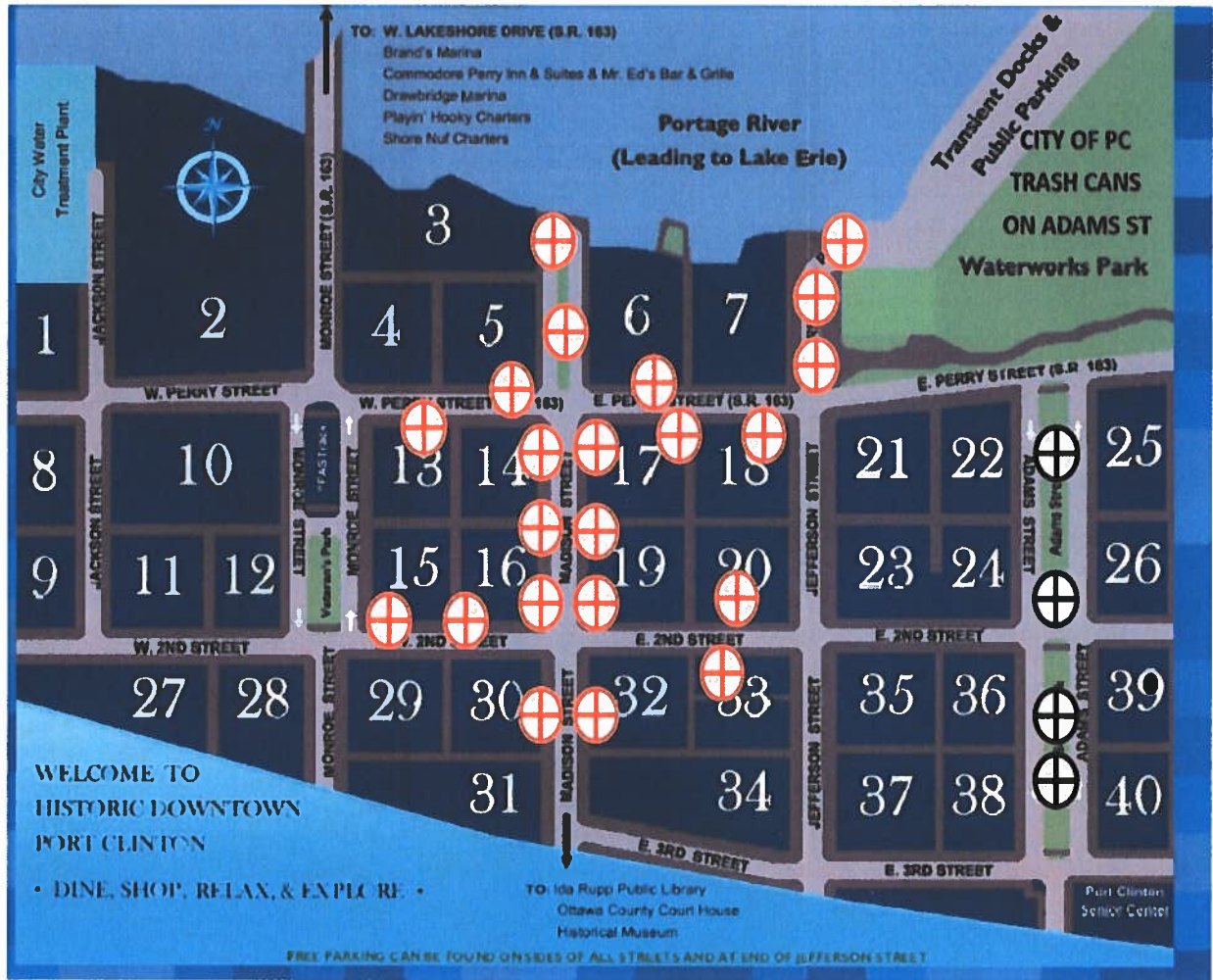
City of Port Clinton's DORA Sanitation Plan

The Sanitation Plan that will help maintain the appearance and public health of the MORA.

1. Rubbish, garbage and other materials shall not be stored or allowed to accumulate in passageways, doorways, streets, or any areas of the MORA.
2. There are currently twenty-one (21) trash receptacles located in the proposed outdoor refreshment area, and their locations are identified in the map on Exhibit "E1". If extra trash receptacles are determined necessary for a special event they shall be provided, serviced and emptied by the event sponsor.
3. The Director of Safety & Service (the Director) or his/her designee shall establish a pickup and disposal schedule for refuse so that the MORA is maintained in a clean and safe manner. Ongoing evaluation of additional services will be monitored from Memorial Day thru Labor Day.
4. Trash receptacles may be moved and additional trash receptacles may be added within the MORA at the discretion of the Director. Upon approval of the Director additional receptacles may be added by the city or any qualified permit holder, and the servicing of such receptacles shall remain the responsibility of the installing entity.
5. Each qualified permit holder located within the MORA shall be responsible for the collection of litter and trash near or around the premises occupied by the permit holder, both private areas and public areas.
6. The Director, with input from Superintendent of Streets, shall evaluate the need and frequency of street sweeping and servicing trash receptacles, and, if needed or advisable, implement changes or modifications to the sanitation plan from the commencement of the MORA until the dissolution of the MORA.
7. The Director, with input from Superintendent of Streets, has determined that the Sanitation Plan described herein is sufficient to help maintain the appearance and public health within the MORA. This Sanitation Plan can be executed with the existing personnel of the City of Port Clinton.

SOURCE: Olen Martin, Director of Public Safety & Service, City of Port Clinton

Exhibit E1





MAIN STREET PORT CLINTON

A Main Street Community

110 Madison Street • Port Clinton, Ohio 43452 • 419-734-5503

I, Kevin Lowe Representing Rosie's Bar + Grill at:
117 Madison St. Cielogrande LLC.

Port Clinton, OH 43452

We are a: A-1, A-1-A, A-1c, A-2, A-2f, or D liquor permit holder and would like to participate in Mainstreet Port Clinton's Outdoor Refreshment Area.

(Signed): Kevin Lowe (Title): GM

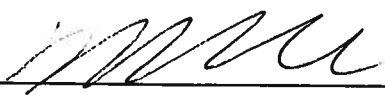

(Print): Kevin Lowe (Date): 11-15-18

I_) Ronald A. Miller Representing OurGuest Inn & Suites – Downtown Port Clinton located at:

220 E. Perry Street

Port Clinton, OH 43452

We are a: A-1, A-1-A, A-1c, A-2, A-2f, or D liquor permit holder and would like to participate in Mainstreet Port Clinton's Outdoor Refreshment Area.

(Signed):  (Title): 

(Print): Ronald Miller (Date): 11/27/18



I Esmeralda Mendoza representing Mendoza's at:
101 E. Perry St.
Port Clinton, Ohio.

We are a: A-1, A-1-A, A-1c, A-2, A-2f or D liquor permit holder would like to participate in Main Street Port Clinton's Outdoor Refreshment Area.

(Signed): Esmeralda Mendoza (Title): Owner

(Print): Esmeralda Mendoza (Date): 3-20-2019



I DAVID HOFACKER representing VFW 2480 at:

214 MADISON ST
Port Clinton, Ohio.

We are a: A-1, A-1-A, A-1c, A-2, A-2f or D liquor permit holder would like to participate in Main Street Port Clinton's Outdoor Refreshment Area.

(Signed): David Hofacker (Title): QUARTER MASTER

(Print): DAVID HOFACKER (Date): 7 MAR 2019




I Edward Fitzgerald representing Mr Eds Bar + Grille at:

255 W. Lakeshore Drive

Port Clinton, Ohio.

We are a: A-1, A-1-A, A-1c, A-2, A-2f or D DSA and D6 liquor permit holder would like to participate in Main Street Port Clinton's Outdoor Refreshment Area.

(Signed):  (Title): President

(Print): Edward Fitzgerald (Date): 3/15/2019



I Edward Fitzgerald representing Docks Beach House at:

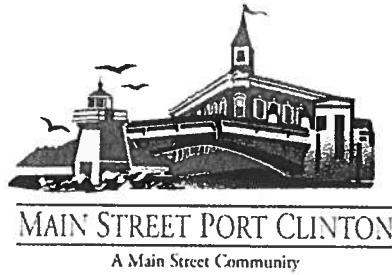
252 W. Lakeshore Dr

Port Clinton, Ohio.

We are a: A-1, A-1-A, A-1c, A-2, A-2f or D7 liquor permit holder would like to participate in Main Street Port Clinton's Outdoor Refreshment Area.

(Signed): Ed Fitzgerald (Title): President

(Print): Edward Fitzgerald (Date): 3/15/2019

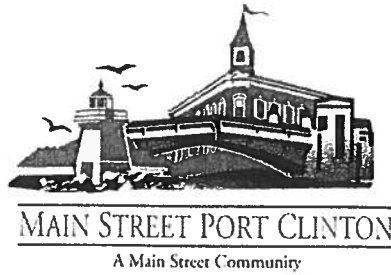


I DON CLEMONS representing RIVERFRONT LLC, DBA THE BAIT HOUSE at:
121 E. PERRY ST.
Port Clinton, Ohio.

We are a: A-1, A-1-A, A-1c, A-2, A-2f or D liquor permit holder would like to participate in Main Street Port Clinton's Outdoor Refreshment Area.

(Signed): [Signature] (Title): OWNER

(Print): DON K CLEMONS (Date): 3-18-19



I, TIM GINNEVER representing PUB 201 at:

201 MADISON ST
Port Clinton, Ohio.

We are a: A-1, A-1-A, A-1c, A-2, A-2f or D liquor permit holder would like to participate in Main Street Port Clinton's Outdoor Refreshment Area.

(Signed) 

(Title): MEMBER

(Print): TIM GINNEVER

(Date): 3/19/19