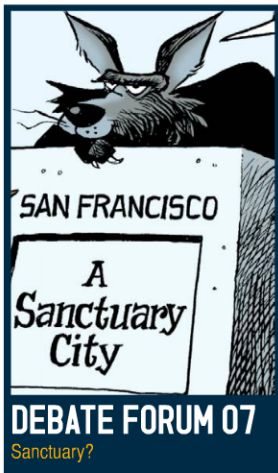
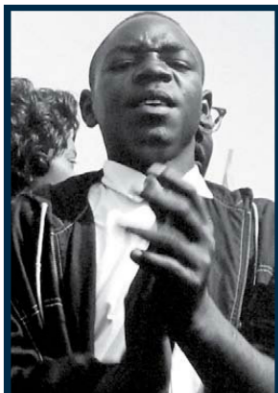


# Dayton City Paper®

Miami Valley's Arts, Culture & News Weekly



**DEBATE FORUM 07**  
Sanctuary?



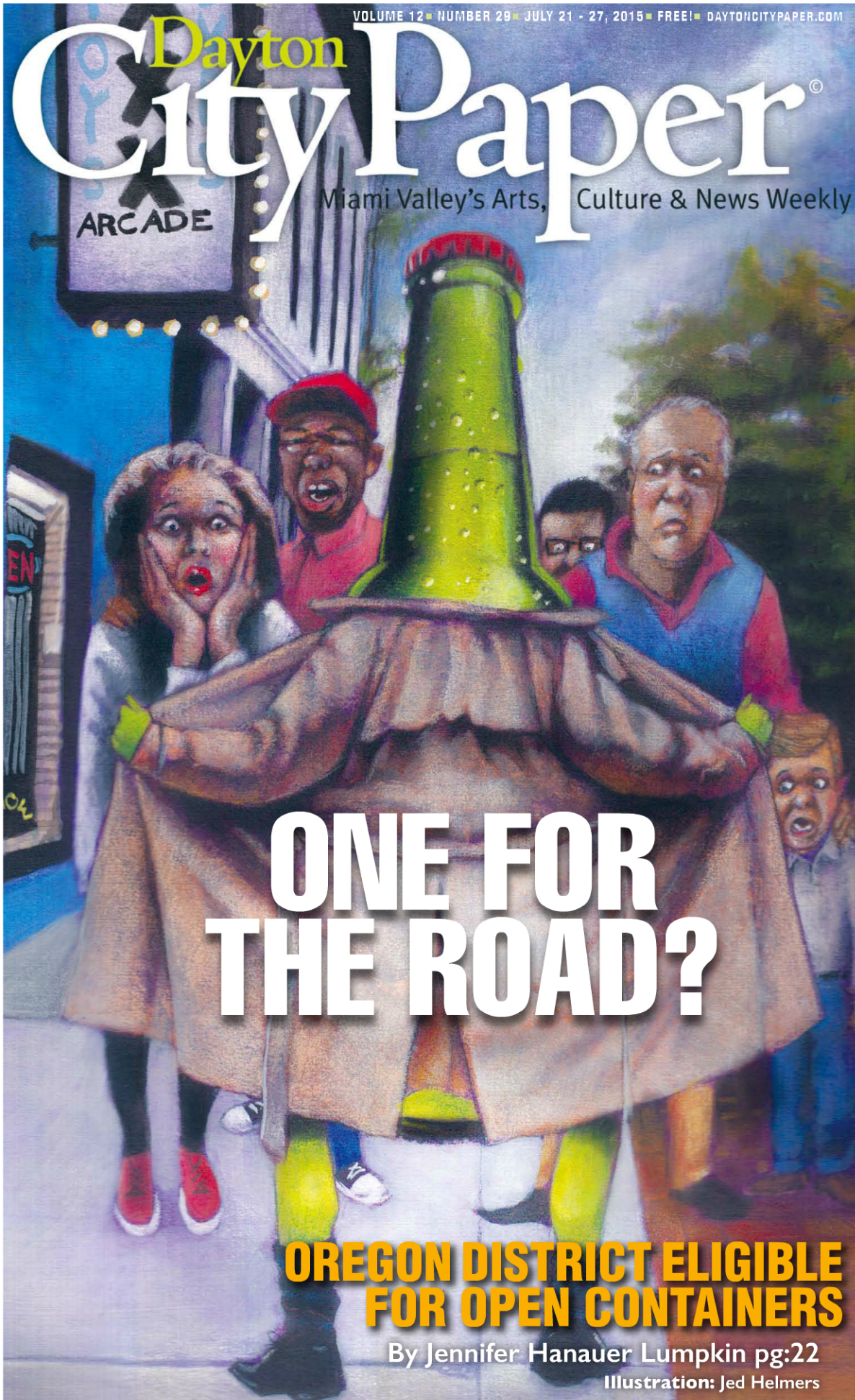
**VISUALS 14**  
Danny Lyon: Memories of the Civil Rights Movement



**FILM 26**  
"Mr. Holmes" closes the loop



**DINING 31**  
The pig rules at Fatback's BBQ



## ONE FOR THE ROAD?

**OREGON DISTRICT ELIGIBLE FOR OPEN CONTAINERS**

By Jennifer Hanauer Lumpkin pg:22

Illustration: Jed Helmers



**On April 30,** Gov. John R. Kasich signed into law House Bill 47, giving cities the ability to create "entertainment districts" that would be exempt from the state's open container law, which prohibits people from freely strolling around with adult beverages.

The bill allows municipalities with a population of more than 35,000 to create one outdoor refreshment area and those with a population of more than 50,000 (read: Dayton-sized cities) to create up to two outdoor refreshment areas that are exempt from Ohio's open container law. There are, of course, a few provisos. For instance, areas can't be larger than one-half mile by one-half mile, and at least four liquor permit holders must pre-exist in the area. People won't be able to wander in willy-nilly with their own alcohol, either—they'll have to buy from a permit-holding vendor.

Last year, a similar bill failed to pass. When Sen. Cecil Thomas (D-Cincinnati) reintroduced the bill to the Ohio Senate on March 3 of this year, he stated his belief that the legislation will be a "good economic development driver for the state." He further stated that the bill "will give cities in the state the opportunity to provide a unique entertainment experience for Ohioans and promote tourism."

Sounds good to us! Let's have the next Bourbon Street! Or Beale Street! Shoot, we'd settle for Sesame Street (you and I both know what Oscar had in that paper bag).

What could possibly go wrong?

### Economic spur or controversial spurn?

With the advent of this amendment, many Daytonians are naturally turning their gaze to the Oregon District. Known for its art galleries, fine dining establishments, array of taverns and unique suburban-meets-urban housing options, the Oregon District sits on roughly 12 square blocks between Patterson Boulevard and Wayne Avenue. It's comprised of a residential district and a business district, the latter of which is centered on Fifth Street.

It's the right size and it has, in the past, played host to Haunfest and A Taste of All Things Oregon, events that have closed Fifth Street to traffic and allowed visitors to carry open containers within the confines of the fenced event area. While considered successful events, they have come at great cost to the area's business association.

"The Oregon District Business Association spends tens of thousands of dollars each year to provide for policing, private security, fencing, event management and insurance to ensure our events are as safe for our guests, employees, property/business owners and nearby residents," says Mike Martin, Oregon District resident and president of the ODBA.

Martin shared with *DGP* some questions voiced by Oregon District business owners at a recent meeting that will need to be answered before mov-

ing forward with a permit.

"The recently-passed law to allow for entertainment districts (Dayton could have no more than two) has very little guideline," Martin explains. "Rather, the law puts the onus on each jurisdiction to develop the specific ordinances to define/manage an entertainment district."

The concerns of the business owners include, but are not limited to, defining the physical boundaries of the entertainment district, enforcing those boundaries, paying for those enforcers and covering the costs of extra cleanup. How would the business district, which has made great strides to be good neighbors to the Oregon District residents, continue to compliment the residential district in terms of sobriety, cleanliness and property values? How would closing all or part of a street affect traffic and parking?

"In a recent survey sent to business owners/property owners in the Oregon Business District, 76 percent of respondents said they are not interested in having an entertainment district in the Oregon business district," Martin says. "The residential district as a general body is opposed to such a designation."

Dane Thomas, operations manager of Ned Peppers, Hole in the Wall and Tiki Bar, sees how allowing open containers would enhance the Oregon District experience for visitors but is also wary of the ramifications of operating a bar in an entertainment

district. Thomas's chief concerns regard the extra load on police, the increased possibility of over-consumption, cost of losing glassware or providing plastic cups, increased competition between bars and difficulty regulating the movement of alcohol beyond the boundaries of the entertainment district.

"A lot of effort is put in to maintain our liquor licenses through strict staff training, design and policies," Thomas says. "We see allowing open containers in the Oregon District turning it into a large, confusing free-for-all."

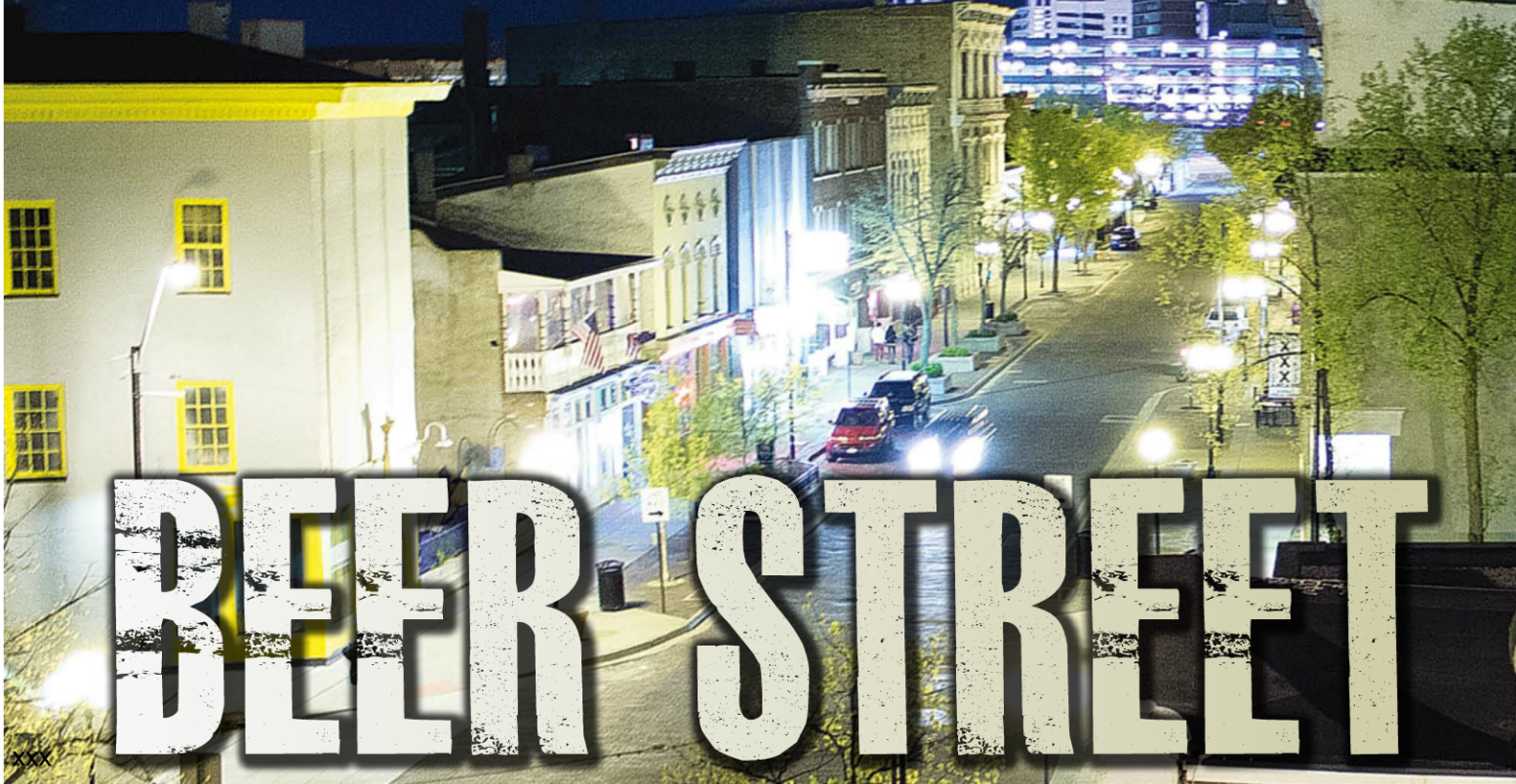
"From a consumer standpoint, it's pretty exciting," says Natalie Skilliter, owner of Corner Kitchen, located in the space formerly occupied by Pulse Nite Club. "From a business owner's perspective, there are upsides and downsides. On the upside, it will increase the vibrancy and perhaps the size of the crowd in these designated districts. There are, however, some things that need to be sorted out."

Skilliter cites the movement of beverages between businesses and potential abuse by minors as issues that would need to be addressed.

"I will be interested to hear from some of our elected officials to see how they propose to monitor these activities to ensure that the district remains fun and safe for all while protecting the businesses from potentially negative consequences," Skilliter says.

**"I just don't really see a point in having it."**

—Lisa Mendenhall, Blind Bob's





"I believe that some regulations and procedures will need to be developed so that this is as good for businesses as it is for consumers."

"Bob and I just don't really see a point in having it," says Lisa Mendenhall, owner of Blind Bob's. "The whole thing was written for an event in Cincinnati [the 2015 Major League Baseball All-Star Game being held in Cincinnati] and isn't really needed in Dayton. The only time I think it might be nice is if there were music outside and people wanted to take their drink out to listen but that doesn't really happen unless it's connected to an event, which usually involves sales on the street already. Also, the neighborhood residents are really opposed to it and would likely fight it."

### What it could do for Dayton

Jacob Fisher, long-time bartender at Oregon District's Trolley Stop, is fully aware of the potential hazards that turning Fifth Street into an entertainment district pose, but still he is optimistic about what it could mean for Dayton's tourism and economy.

"It seems like our businesses are maxed out as far as clientele goes," Fisher says. "We need something to bring some more fresh blood downtown."

He hopes the construction of urban lofts and the boom of beer culture will be a draw to the downtown area, but he's not sure that it's enough.

"It makes sense to have an open container district," Fisher says. "If it can be well enforced," he emphasizes.

A recent event that gave Fisher the feeling that designating the Oregon District as an entertainment district might work was Toxic Brew Company's two-year anniversary block party, which temporarily closed part of Jackson Street on a Sunday afternoon to allow celebrators to enjoy their brews al fresco.

"It was the best Sunday I've had working in a long time because it brought so many people downtown," he says. "I was so much busier. It probably added another \$1,000 to my sales, easily."

And what if the Oregon District ultimately decides to pass on the opportunity, but another area decides to take the chance? Other Miami Valley municipalities that fit the bill include Springfield, Kettering, Huber Heights and Beavercreek. The Greene Town Center in Beavercreek seems like another viable option for an entertainment district.

"I would hate to see all of that business leave downtown," Fisher says. "But it would make me want to go visit The Greene."

I also spoke with Karen Byrnes, Community Development Director of Butte-Silver Bow, Montana, an area of the country that, until recently, had no open container laws on the books—that is, anyone could carry alcohol anywhere, any time. In its heyday as a mining town with miners ending their shifts all throughout the day and night, an open container law would have restricted the availability of an after-work beer to hard-working men and women. However, as the mining industry died down, Butte found that people wanted to live, work and play in an urban core. As families and 9-to-5ers moved into Butte's historic uptown buildings, there were stirrs over ruckus in the streets during the wee morning hours. In 2013, what Byrnes calls a "common sense" law was put into place, putting the cap on alcohol between 2 and 8 a.m., the result being a reduction in the friction between residents and revelers. Byrnes is not of the opinion that further restrictions will be necessary as time moves forward.

"You don't want to discourage walking around town," Byrnes said. "And people are extremely responsible. It's really the culture of the community that will affect changes that need to be made."

**"We need something to bring some more fresh blood downtown."**

—Jacob Fisher, Trolley Stop

To view Ohio Revised Code, Title XLIII LIQUOR, Chapter 4301: LIQUOR CONTROL LAW in its entirety, please visit [codes.ohio.gov/orc/4301.62](http://codes.ohio.gov/orc/4301.62).

# DAYTON'S NEXT OPEN CONTAINER ENTERTAINMENT DISTRICT TBD

BY JENNIFER HANAUER LUMPKIN

PHOTO: ANDREW THOMPSON

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