

**REVISED APPLICATION TO THE TROY CITY COUNCIL
THE DOWNTOWN TROY
DESIGNATED OUTDOOR REFRESHMENT AREA
AMENDMENT
ORC 4301.82**



The Office of the Director of Public Service and Safety for the City of Troy, Ohio respectfully submits the following application to the Troy City Council to approve and enact the amended Designated Outdoor Refreshment Area in Downtown Troy in accordance with ORC 4301 .82.

Submitted: January 31, 2023

By:

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Director of Public Service and Safety

Rec

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I. INTRODUCTION AND SUBMITTAL OF APPLICATION

The Office of the Director of Public Service and Safety of Troy respectfully submits the following application to City Council of Troy, Ohio to approve and establish an amended Designated Outdoor Refreshment Area (hereinafter "DORA"), pursuant to Ohio Revised Code ("ORC") § 4301.82. The proposed application meets all the state requirements.

Effective March 23, 2022, Section 4301.82 of the Ohio Revised Code authorizes municipalities with population of fifty thousand or less to create no more than three 320 contiguous acres of Designated Outdoor Refreshment Areas or "DORAs." A DORA is an area where the open carry restrictions do not apply at particular hours, and adults are permitted to possess and consume alcohol in public, with certain restrictions. In order to consider the creation of a DORA, the Director of Public Service and Safety must file an application with City Council which meets certain statutory requirements outlined below. 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 initial publication of the notice, City Council may approve or disapprove of the application by ordinance or resolution.

The Downtown Troy DORA went into effect in November 2021. Since then, Troy Main Street has engaged the downtown businesses for input and feedback on the DORA operation by conducting surveys. The survey results and direct feedback received resulted in Troy Main Street's recommendation to the City of Troy and City Council to amend the DORA. Proposed amendments are reflected herein.

The purpose of this application is to request that the City Council amend a Designated Outdoor Refreshment Area (DORA) in the City of Troy. The application includes the following sections:

SECTION II.	POPULATION REQUIREMENTS
SECTION III.	BOUNDARY MAP OF THE PROPOSED DORA
SECTION IV.	NATURE AND TYPES OF ESTABLISHMENTS
SECTION V.	QUALIFIED PERMIT HOLDERS
SECTION VI.	LAND USE AND ZONING
SECTION VII.	SAFETY PLAN
SECTION VIII.	PUBLIC HEALTH PLAN
SECTION IX.	SIGNAGE PLAN
SECTION X.	DORA RULES OF OPERATION

II. POPULATION REQUIREMENTS

Pursuant to requirements of ORC 4301.83(D), the City of Troy is a municipal corporation with a population of less than fifty thousand and this application requests expanding one DORA area of the three that are allowed.

According to the Decennial U.S. Census, the population of City of Troy on April 1, 2020 was 26,305.¹

¹ U.S. Census Bureau (2020). *DEC Redistricting Data (PL 94-171), Troy city, Ohio*. Retrieved from <https://data.census.gov/table?q=troy+ohio&g=1600000US3977588&tid=DECENNIALPL2020.P1>

III. BOUNDARY MAP OF THE PROPOSED DORA

In accordance with ORC 4301.82(B)(1)(b), the amended and expanded boundaries of the DORA are depicted in the map provided on **Exhibit A**. Currently, ~~fifteen (15)~~ **twenty (20) establishments (one permit is pending and three establishments are located in a temporary boundary expansion area)** have been identified that qualify to be included in the DORA. The proposed expanded DORA boundary encompasses ~~193.44~~ **193.06 acres in size – 20.24 acres existing boundary as of November 2021 19.86 acres of amended existing boundary; 11.56 acres permanent expansion 10.34 acres of permanent expansion; and 161.64 acres temporary boundary expansion for approved events only 162.86 acres of temporary boundary expansion for approved events only** - which is below the requirements of the area being 320 acres or less in a city with less than 50,000 residents.

It is the intent of the City that the segments of W Water St., N Short St., N Oxford St., N Monroe St., Brukner Park, N Elm St., Treasure Island Park, Southwest Levee Bank, Washington St., Adams St., Community Park, Riverside Dr., W Staunton Rd., Troy Aquatic Park, Hobart Arena, W Main St., N Walnut St., Pearson Ct., Southeast Levee Bank, N Mulberry St., S Mulberry St., E Franklin St., E Canal St., E Race St., N Market Street Bridge and Northwest Levee Bank from the terminus of the expanded permanent DORA boundaries will only be used in conjunction with the special events when requested by an event organizer and approved by City Council, and, when applicable, when recommended by the Miami Conservancy District, **Board of Miami County Commissioners**, Troy Board of Park Commissioners, and/or Troy Board of Recreation. These segments are depicted in blue on the **Exhibit A** and will not be used on the regular DORA days and hours as outlined in Section (X)(A).

The following is the list of street addresses of real property included within the specific boundaries of the DORA. **The street addresses depicted with an asterisk (*) represent the areas of the DORA not subject to the regular DORA days and hours and shall only be used on such dates and times expressly allowed by the Council of the City of Troy, Ohio by subsequent legislation.**

Street Name	Range	Even/Odd
W. Water St.	9-201	Even & Odd
E. Water St.	3-301	Even & Odd
N. Crawford St.	34	Even
W. Main St.	2-220 ½	Even & Odd
E. Main St.	1-124	Even & Odd
W. Franklin St.	1-17	Odd
E. Franklin St.	10-22	Even
N. Cherry St.	20	Even & Odd
S. Cherry St.	5-19	Even & Odd
N. Walnut St.	9-31	Even & Odd
S. Walnut St.	17-21	Even & Odd
N. Market St.	2-113	Even & Odd
S. Market St.	4-235	Even & Odd
NE Public Square	1-201 ½	Odd
NW Public Square	101	Odd
SE Public Square	217-305 ½	Odd
SW Public Square	319-405	Odd
Streets Added (Expansion of District)	Range	Even/Odd
W. Water St.*	201-523	Even & Odd
W. Main St.	220 ½-522	Even & Odd

W. Main St.*	522-750	Even & Odd
E. Main St.	124-203	Even & Odd
E. Franklin St.*	22-122	Even & Odd
S. Walnut St.	21-225	Even & Odd
N. Walnut St.*	N/A	Street segment between E. Water St. & Pearson Ct.
Pearson Ct.*	1-10	Even & Odd
N. Mulberry St.	9-25	Even & Odd
N. Mulberry St.*	25-135	Odd
S. Mulberry St.*	9-229	Even & Odd
E. Race St.	19	Odd
E. Race St.*	19-180	Even
E. Canal St.	9-18	Even & Odd
E. Canal St.*	18-111	Even & Odd
N. Market St.*	113-134	Even & Odd
N. Short St.*	22-36	Street segment between W. Main St. & W. Water St.
N. Oxford St.*	13-25	Street segment between W. Main St. & W. Water St.
N. Monroe St.*	N/A	Street segment between W. Main St. & W. Water St.
Adams St.*	124-265	Even & Odd
Riverside Dr.*	101-102	Even
W. Staunton Rd.*	317-517	Even
N. Elm St.*	24-439	Odd
Washington St.*	N/A	Street segment between N. Elm St. & Southwest Levee
Northwest Levee Bank*	N/A	From N. Market St. Bridge to Community Park
Southwest Levee Bank*	N/A	From Treasure Island Park to Adams St. Bridge
Southeast Levee Bank*	N/A	From Adams St. Bridge to include portion of the Levee along 301 E. Water St.

**Temporary expansion during approved events only*

IV. NATURE AND TYPES OF ESTABLISHMENTS

In accordance with ORC 4301.82(B)(2), the nature and types of establishments that will be within or adjacent to the DORA are primarily businesses in the retail, restaurant, entertainment and services sectors.

Within the DORA, the majority of the buildings have businesses consisting of retail, restaurants and commercial services on their first floor. The upper-level floors have a mixture of office space and residential units. There are also institutional uses typical of a historic downtown such as the Troy Historic Public Library, Troy City Hall, Troy Police Department, and city-owned park land.

Examples of the retail, restaurant, service, and institutional establishments located in the DORA:

RETAIL	
Establishment	Address
Be You Boutique	117 S Market St
Echo Boutique	101 S. Market St.
Poppy Lane Boutique	103 S. Market St.
Three Weird Sisters	15 S. Market St.

FINANCE/SERVICE COMMERCIAL	
Establishment	Address
AllState Insurance	220 W. Main St.
Benefits Analysis Corporation	101 W. Water St.
Carr Insurance Group	115 S. Market St.
Flagel Huber Flagel	206 W. Main St.

DINING	
Establishment	Address
Bakehouse Bread & Cookie Company	317 Public Square
Basil's on Market	18 N. Market St.
Submarine House	14 N. Market St.
The Caroline	5 S. Market St.

INSTITUTIONAL/GOVERNMENT	
Establishment	Address
Miami County Safety Building	201 W. Main St.
Troy City Hall	100 S. Market St.
Troy Police Department	124 E. Main St.
Historical Library	100 W. Main St.

Residential housing within the DORA is limited and consists primarily of urban apartments and the Metropolitan Housing Authority units which exist within the Central Business District. There are a limited number of single-family residential units along the periphery of the DORA.

V. QUALIFIED PERMIT HOLDERS

In accordance with ORC 4301.82(B)(3), the DORA will encompass not fewer than two qualified permit holders as defined by ORC § 4301.82(D)(2). The City of Troy has identified ~~thirteen (13) qualified permit holders and two (2) pending permits~~ **twenty (20) qualified permit holders - one permit is pending and three establishments depicted with an asterisk (*) are located in the temporary expansion area for approved events only -** that will likely be included in the DORA, which are identified as follows:

	PERMIT NO.	PERMIT HOLDER	DBA	ADDRESS	PERMIT CLASS
1	6548218	111 W Water LLC	Brewery	111 Water St. and Patio	D5
2	08984010833	Bpoe Lodge0833 Troy	Elks	17 W. Franklin St.	D4
3	41529790222	Iorm Tribe0222 Tonquas	Redmen	103 1/2 E. Main St.	D4
4	90782710005	Troy Meat Shop LLC & Patio	Harens Market 1st & 2nd Fl & Bsmt	2 E. Main St.	D5
5	6083150	Mojo Enterprises LLC	Mojos Bar & Grill 1st Fl & Bsmt	107-109 E. Main St.	D5
6	84128660005	Speakeasy Ramen LLC	Speakeasy Miso	101 W. Main St.	D1, D2, D3, D6
7	6253015	Music & Spirits LLC	Leaf & Vine 1st Fl Bsmt & Mezzanine & Patio	108 W. Main St.	D1, D2, D3, D3A
8	6551088	116 West Main LLC	Tavern	116-118 W. Main St.	D1, D2, D3, D3A
9	8774977	Tabernacle Brewing Company LLC	Moeller Brew Barn	214 W. Main St.	A1A, A1C
10	2342663	Dunaways Beef N Ale Inc	Dunaways Beef N Ale Inc Bsmt & Patios & 1st Fl	508 W. Main St.	D1, D2, D3, D6/Pending
11	92720050045	Viking Group Inc	Donatos Pizza	414 W. Main St.	D1
12*	279401109711	FOE AERIE0971 MIAMI	Fraternal Order of Eagles	225 N. Elm St.	D4
13*	8311332	Smiths Boathouse Restuarant LLC	Smiths Boathouse Restaurant	439 N. Elm St. and Patio	D5F
14*	15120950005	City of Troy, Ohio	Hobart Arena	255 Adams St.	D5I, D6
	151209550003	City of Troy, Ohio	Hobart Arena Bar 3 North East Concession Stand	255 Adams St.	D5I, D6
	151209550004	City of Troy, Ohio	Hobart Arena Bar 4 North West Concession Stand	255 Adams St.	D5I, D6

	151209550005	City of Troy, Ohio	Hobart Arena Bar 5 South Concession Stand	255 Adams St.	D5I, D6
15	8311412	Steve & Melanie Smith LLC	The Caroline 1st Fl Patio & Mezzanine	5 S. Market St.	D1, D2, D3, D6
16	26887560007	Fermentum Enterprises LLC	Crafted & Cured	8 S. Market St.	D1, D2, D3
17	0006177	Agave & Rye Troy LLC	Agave & Rye	2 N. Market St.	D1, D2, D3, D3A, D6
18	86730300006	Submarine Tyme LLC	Submarine House No 6	14 N. Market St.	D5, D6
19	9138509	Todd M Uhler	Basils on Market	18 N. Market St.	D5, D6
20	2435685 (pending)	Edible Concepts IV LLC	Old Scratch Pizzeria	19 E. Race St.	D5, D5I, D6

VI. LAND USE AND ZONING

In accordance with ORC 4301.82(B)(4), the land uses within the DORA are zoned B-1 Local Retail District, B-2 General Business District, B-3 Central Business District (CBD), OR-1 Office-Residential District, R-7 Multiple Family District, M-2 Light Industrial District, and R-6 Two Family District, PUD Planned Unit Development and WO Wellhead Operation District - temporary DORA boundary expansions for approved special events only - are in accordance with the City of Troy Comprehensive Plan as provided for in **Exhibit B**.

The Troy Comprehensive Plan designates the CBD as the Downtown District with the primary focus to preserve and enrich Downtown Troy. This designation's objective is to maintain, enhance, and grow the Downtown District as a vibrant, mixed-use gathering place and cultural center with an emphasis on retail, arts, and entertainment uses. The Downtown District maintains a highly urban, pedestrian-focused environment through building and streetscape.

The 2017 Troy Downtown Riverfront Strategic Development Study identifies key initiatives to maintain and enhance the special character of Troy's downtown and riverfront corridor, protect its sense of place, encourage investments, and create a dynamic commercial and residential district by attracting residents and visitors to enjoy downtown by creating additional programs to enhance local businesses and existing events. The properties within the proposed DORA are located within, or surround, the Central Business District which exemplifies the mixed-use development pattern within Downtown Troy.

The expansion of the DORA in downtown Troy continues to align with the City's Comprehensive Plan and objective to define this area as a popular destination for dining and entertainment within the City. The DORA is focused around the Central Business District wherein restaurants, bars, taverns, brewpubs and microbreweries are permitted uses and may operate under the current regulations.

VII. SAFETY PLAN

In accordance with ORC § 4301.82(B)(5) and (F)(l)(d), a Safety Plan has been developed to ensure public safety in the DORA, off-street parking requirements will be enforced a copy of which is attached hereto as **Exhibit C**. The Safety Plan can be executed with existing staff per **Exhibit C**.

VIII. SANITATION PLAN

In accordance with ORC § 4301.82(B)(5), (F)(l)(e), and (F)(l)(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 D**. The Sanitation Plan can be executed with existing staff.

IX. SIGNAGE PLAN

In accordance with the ORC § 4301.82(F)(l)(b), a minimum of ~~forty (40)~~ **forty-one (41)** signs will be displayed throughout the boundary of the DORA. The signs are depicted on attached **Exhibit E**. Boundary signs will be located at street intersections along the boundary of the DORA. The location and spacing of the signs are shown on attached **Exhibit D: Signage & Sanitation Map**.

If expanding the DORA area for a special event is requested by an event organizer and approved by City Council and, when applicable, when recommended by the Miami Conservancy District, **Board of Miami County Commissioners**, Troy Board of Park Commissioners, and/or Troy Board of Recreation., the event organizer will be responsible for placing temporary DORA signage and trash receptacles at the DORA boundaries as approved by the Office of Service and Safety Director.

Each establishment that is not a qualified permit holder will display a green or red sign that either accepts or prohibits DORA drinks. The signs are depicted on attached **Exhibit E**.

Qualified permit holders that may serve DORA beverages will display navy signs informing patrons that DORA beverages can be purchased at the establishment. The sign is depicted on attached **Exhibit E**.

X. RULES OF OPERATION

A. Hours of Operation

In accordance with ORC § 4301.82 (F)(l)(c), the hours of operation for the DORA will be:

- 11:00 a.m. to 11:00 p.m. daily

City Council reserves the right by legislation to:

- Change DORA days, hours and/or boundaries at any time
 - Any legislation passed by City Council regarding boundaries shall be subject to:
 1. Permission or recommendation by property owner
 2. Following the Division of Liquor Control notification process
- Activate temporary DORA areas for requested events
- Temporarily suspend DORA operations in order to accommodate the permitting of special events that may occur within boundaries of the DORA

B. Official DORA Container

In accordance with ORC § 4301.82(F)(l)(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 within the DORA in 20 oz. or less non-glass containers. No other containers will be permitted
- The non-glass DORA containers shall be distinctly marked with the specifically designated sticker approved by the City (the “Official DORA Sticker”) as depicted on attached **Exhibit E**. No other stickers will be permitted
- Used containers must be disposed of before entering any liquor establishment of a qualified permit holder or a business displaying red DORA sign prohibiting DORA beverages

C. Additional 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:

1. 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 following applies:
 - a. The permit holder's premise is located within the DORA;
 - b. The permit held by the permit holder has an outdoor refreshment area designation; and
 - c. The open container consists of a non-glass container with the official DORA sticker
2. No person shall do any of the following:
 - a. 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
 - b. 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: DORA BOUNDARY

2023 TROY DORA BOUNDARIES

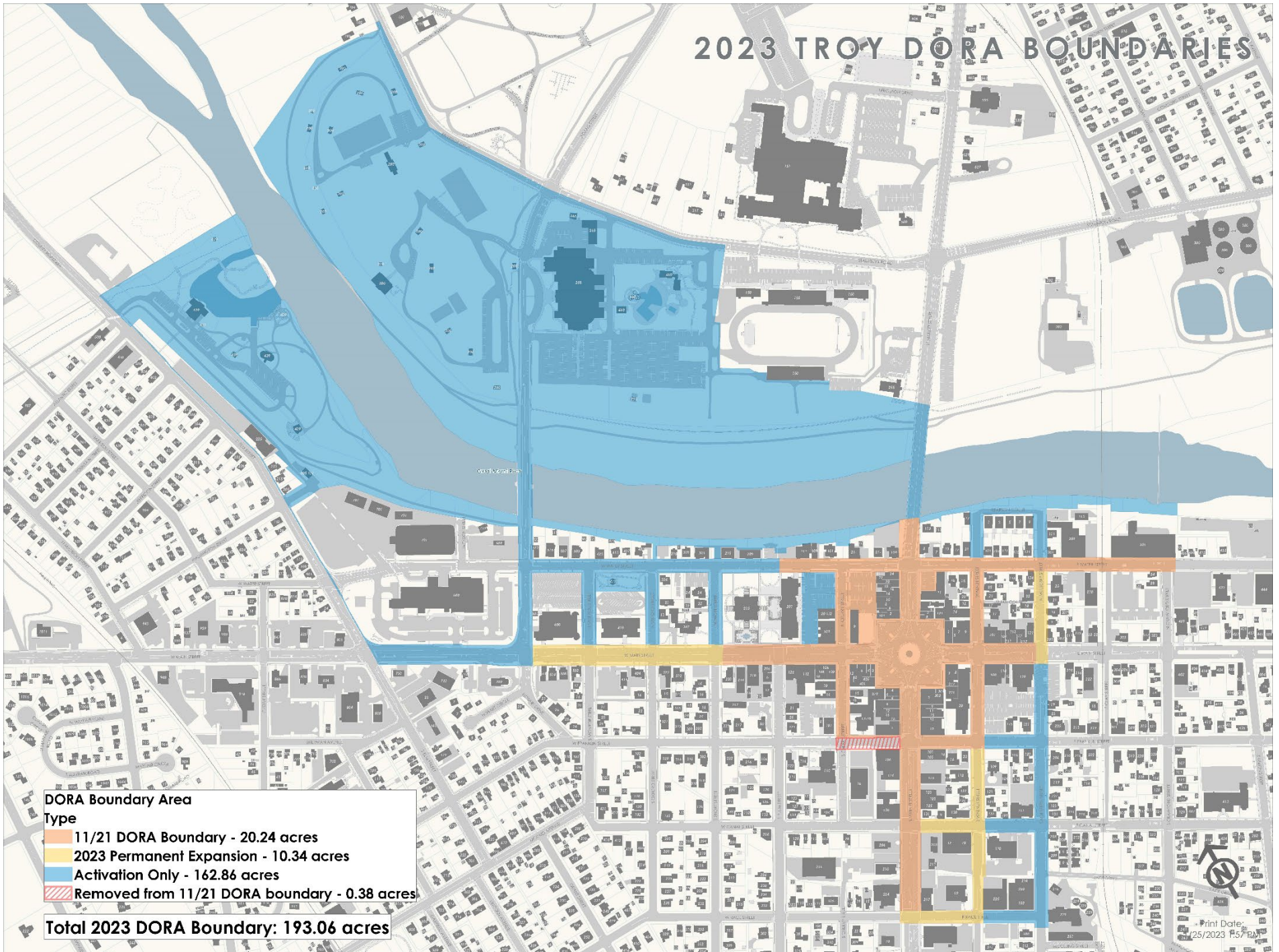


EXHIBIT B: OFFICIAL ZONING MAP OF DORA

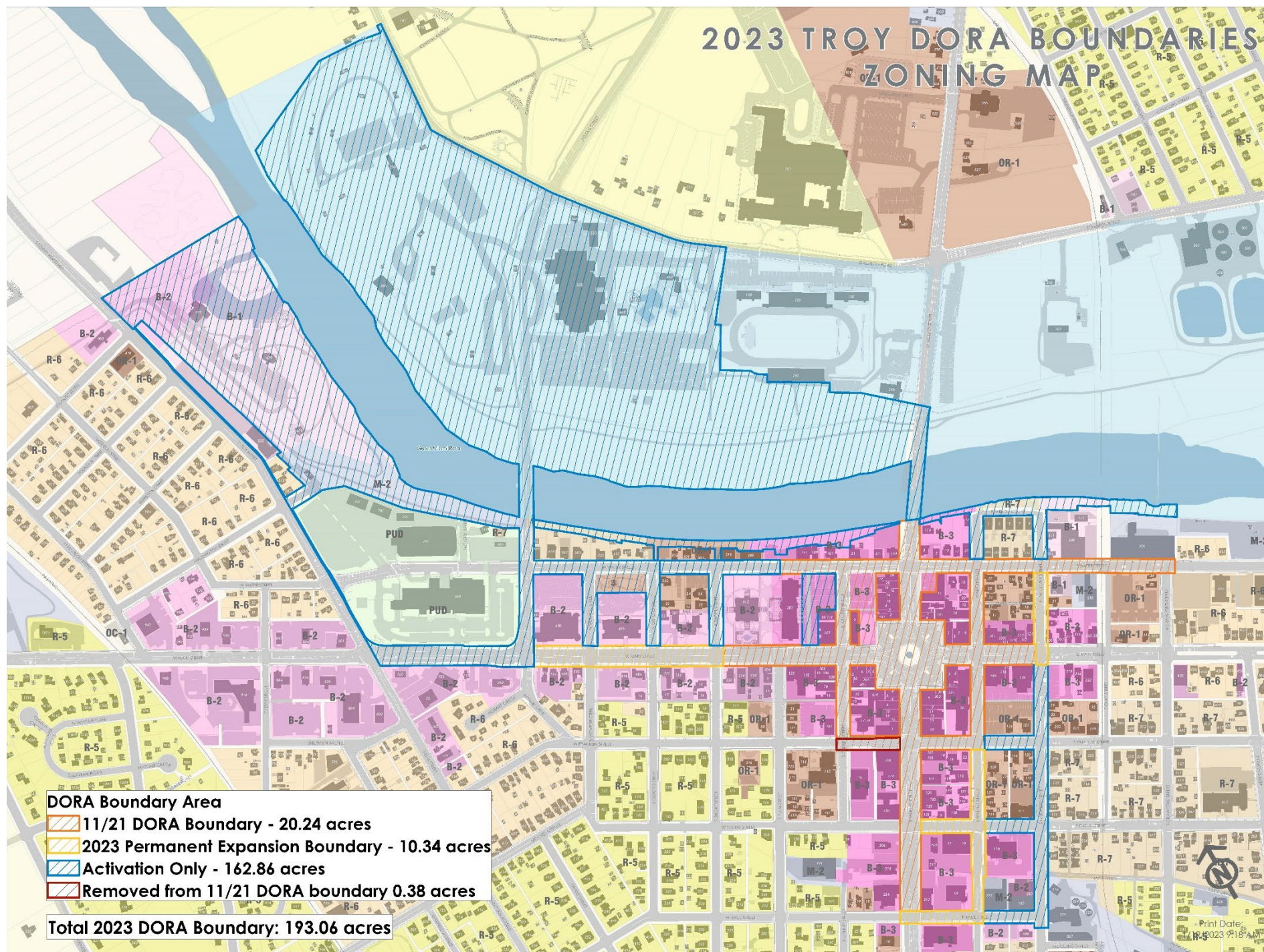


EXHIBIT B: COMPREHENSIVE PLAN (APPENDIX L): 2017 TROY DOWNTOWN RIVERFRONT STRATEGIC DEVELOPMENT STUDY

0-2 YEARS INFILL DEVELOPMENT & KEY PUBLIC SPACES



The priorities laid out by Activate Troy and its public stakeholders were clear: address the negative perception of Troy's east side, improve connections to river, and take advantage of key development sites such as those near the new Lins Building and the former Hobart ITW site on West Main Street.

Chief amongst the initiatives in this phase of work is commercial and residential infill development to build off momentum being created by the Lins development, the Kettering Hospital announcement, and the proposed redevelopment of the Coleman-Alan Saedeman (CAS) Building. Wherever possible, infill development should come in the form of adaptive reuse of existing buildings or the development of parking lots and vacant land. Only when the

condition of a structure precludes its adaptive reuse should replacement structures be considered. New structures, both replacement and development on vacant land, should be built to accommodate any number of uses and reflect or reinterpret the diverse industrial and mercantile history of Troy's architecture. Potential infill opportunities along Water Street and Canal Street present the largest critical mass of this type of development although other opportunities throughout Downtown also exist.

While infill opportunities are pursued, investments in public space can be made by both public and private interests. A community garden, upgrades to Privy Plaza, an Arts Walk along Clay Street, and a Water Street Heritage Trail may be developed either by the

City or with non-profit and corporate partners. Public space along the river can also be created in places such as the proposed Troy Truck Yard on the river side of the former Hobart Cabinet building. Policies such as refining the Development Tools and auditing the zoning ordinances can further help accelerate and improve the quality of development.

POTENTIAL DEVELOPMENT SUMMARY	
RESIDENTIAL	20+ units
RETAIL/COMMERCIAL	10,000 sq ft

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2-5 YEARS RECRUIT & ATTRACT AMENITIES AND ANCHORS



The second investment horizon for Downtown Troy is in the two-to-five year time frame. The work accomplished in the first phase will drive the successful recruitment and attraction of new amenities and anchors that start to scale up Troy's ability to retain and attract residents, a talented and creative workforce, and employers.

Around this time, the new Kettering Health Network hospital will have its first phase of development complete. This will anchor Downtown's west side with the proposed Water Street Heritage Trail (see 0-2 years) connecting it through the downtown core and eastward to the former Hobart Cabinet building where the Troy Truck Yard and Clay Street Arts Walk are proposed (see 0-2 years).

This barbell of initial investment will attract two-to-five year investments along and adjacent to it. This includes a metallurgical artist-in-residency and advanced cawpark fabrication lab in the former Hobart Cabinet building, the potential redevelopment of Spineaker Coatings east of the Cabinet building, and development of the Hobart Arena parking lots across the river. Additional amenities and demand drivers, such as the Downtown condo rental program and the reuse of the grain elevator building as a best-in-class indoor/outdoor climbing facility and view deck, can also be realized in this window of time. To connect it all, the Study proposes modifying select oversized downtown streets to improve their safety and economic performance while maintaining their current travel and parking functions.

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5-10 YEARS INVEST AT EDGES, GROW AT HEART



Years zero-to-five set the stage for larger investment in the five-to-ten year window. These investments will be focused on growing the heart of Downtown while bringing online initiatives at the periphery of Downtown to expand the level of connectivity from surrounding neighborhoods to and from a growing downtown core.

In this window of time, the Kettering Health Network hospital campus is planned to be complete, the balance of the River District north of the Great Miami could be completed, large infill development sites around the Public Square and near the hospital might be realized, and a dedicated, iconic pedestrian bridge may be built to connect Downtown directly to its new River District.

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EXHIBIT C

In accordance with ORC 4301.82(B)(5), the proposed requirements for the purpose of ensuring public safety within the Designated Outdoor Refreshment Area (DORA) are as follows:

PUBLIC SAFETY PLAN

City of Troy Police Department and Fire Department will be responsible for providing public safety within the DORA through law enforcement and fire/EMS services.

Law Enforcement Responsibilities

The Troy Police Department will be responsible for providing law enforcement services within the DORA. The Police Department Headquarters is located within the DORA boundary. Patrol Supervisors will monitor the DORA area during routine patrols. The safety plan will be analyzed and adjusted as needed.

In the event that an above-average 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 and bicycle patrol will be considered as alternate methods of patrolling in the DORA.

For planned events in the DORA that may draw a larger than normal attendance, the Chief of Police may have additional officers and/or other agency personnel assigned specifically to the DORA.

Fire/EMS Responsibilities

The Troy Fire Department will be responsible for providing Fire, Rescue, and EMS within the DORA. Station Eleven is currently located within the DORA boundary. Estimated response time would be between two and three minutes to any area within the DORA.

For planned events in the DORA that may draw larger than normal attendance, the Fire Chief may stage personnel and/or equipment in a location within or near the DORA to allow for an immediate response.

Downtown Public Parking Map

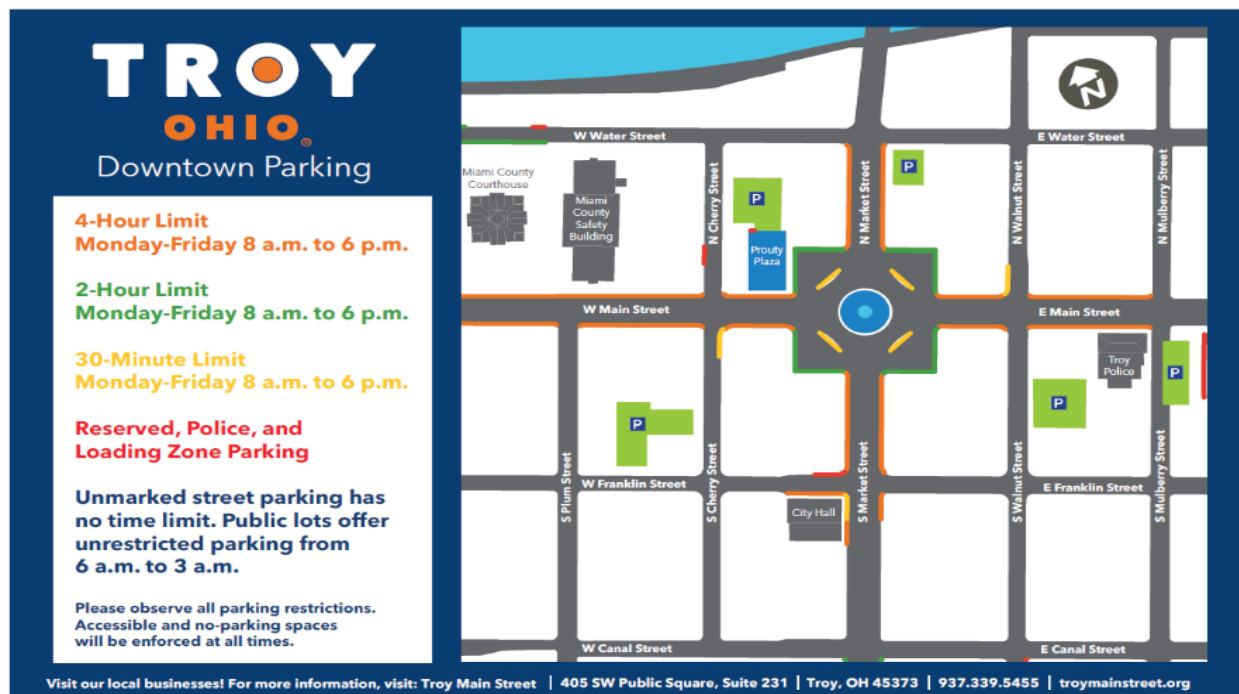


EXHIBIT D

In accordance with ORC 4301.82(B)(5), the proposed requirements for the purpose of ensuring public health within the Designated Outdoor Refreshment Area (DORA) are as follows:

SIGNAGE & SANITATION PLAN

City of Troy Street Department and Park Department personnel will be responsible for maintaining the appearance and public health within the DORA through trash collection, street sweeping, routine maintenance and signage placement.

Exhibit D: Signage & Sanitation Map (p.14) shows ~~fifty-three (53)~~ **fifty-two (52)** permanent trash receptacles (shown in green and half-green-half-blue) placed throughout and along the DORA boundary that will be serviced multiple times per week. The City is proposing the installation of ~~twenty-four (24)~~ **seventeen (17)** signs on the trash receptacles (shown in half-green-half-blue) and an additional ~~sixteen (16)~~ **seventeen (17)** signs throughout the DORA to mark the boundaries (shown in blue). The City's Street and Park Departments will monitor and empty full litter receptacles Friday, Saturday, and Sunday mornings in addition to the regular pick-up schedule. The Street Department will coordinate the installation of additional signage if needed.

EXHIBIT D: SIGNAGE & SANITATION MAP

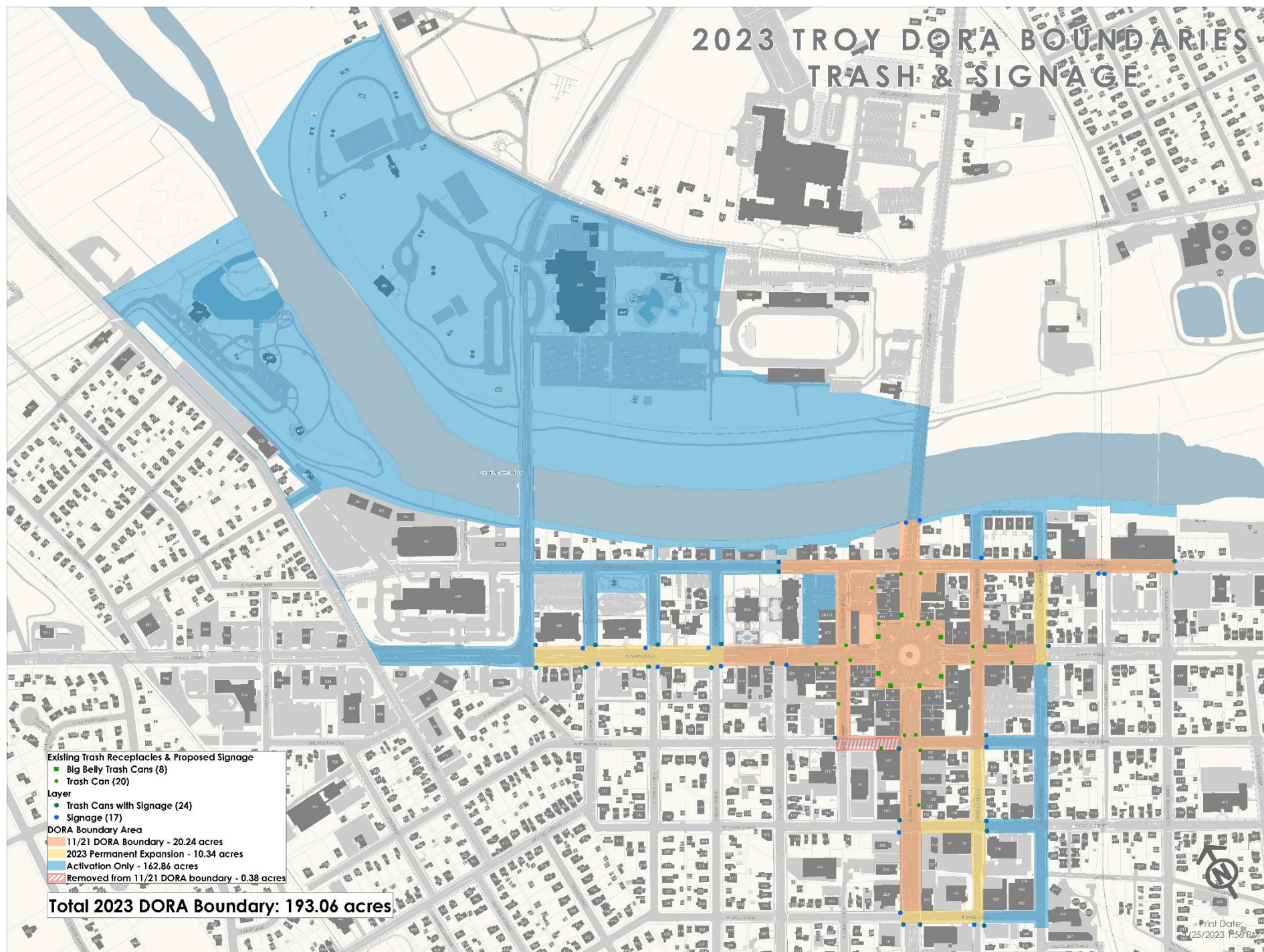


EXHIBIT E

Boundary signage



Sticker for DORA containers



Window decals for establishments

