

STREETS, BUILDINGS & GROUNDS MEETING MINUTES

May 9, 2022

In Attendance: **Vermilion City Council:** *Steve Herron, Council At Large; Teresa Mayle, Ward Two; Greg Drew, Ward Three; Barb Brady, Ward Four; Brian Holmes, Ward Five. Absent: Monica Stark, Council President; Pat Stein, Ward One.*

Administration: *Jim Forthofer, Mayor; Chris Howard, City Engineer; Amy Hendricks, Finance Director; Scott Holmes, Sergeant Detective; Tony Valerius, Service Director*

Call to Order: Steve Herron, Chairman, RESOLVED THAT this Health & Safety Committee comprised of the committee of the whole does now come to order.

TOPIC ONE: DORA

S. Herron said they have had about a week to think about this issue and asked if anyone had any comments or concerns after conversations with their constituents they would like to bring up. T. Mayle said that she had nothing but positive feedback, and everyone seems really excited. She knows they did talk about a lot of safety concerns; nobody seems to share in those concerns. In her personal opinion, she is hesitant because of those safety concerns. There is no lifeguard on the beach, and it was mentioned last week that they are thinking worse case scenario. She is a mom, and a natural worrier and knowing that the public is free to roam with alcohol, worst case scenario is that not everyone drinks responsibly so will this contribute to underage drinking, will this be a nightmare to law enforcement, how can you really police people. She likes that there is a biodegradable cup, she thinks that will really help people not reuse the plastic cups, and it will prevent from them just collecting in the lake. At the end of all of it, she will probably vote for it even though her personal opinion is still very hesitant, but doing this she promised to speak on behalf of those in her ward and everyone seems very favorable.

B. Brady said that the people she was with on Sunday did not like it, but they were older people, they didn't have kids, and they just weren't comfortable. They said they wouldn't be comfortable going into the Soda Grill if they knew people were drinking around them, because that is why they go to the Soda Grill, or Granny Joes because there isn't any liquor there, those are their comfort places. She feels like trying it is not a bad thing, she would like to see it brought back to them in a year and reevaluated to see what problems come up in that period of time, if there is any discomfort among the residents. She would not vote for an ordinance that would not have a one-year deadline for

reevaluation. Not to end in a year, but in a year it is reevaluated and that would be her comfort level. S. Herron said in response to that, they can always reevaluate, so he thinks it is up for a one-year reevaluation if they do. He does want his constituents to know that many have talked to him with concerns with how it looks when you're walking around a community with open alcohol. Overdrinking is a concern he has, but he can say from his personal experience if you are going to drink to black out, you are going to do that whether you have a DORA cup or not. He does appreciate the concerns that people have, but he thinks they must compete in this region, and he knows there are a lot of other issues about tourism, but Vermilion must compete in the region. He thinks that DORA is a good plan, and if they have issues from the Police Department, or problems come up, they will have to address that and they may have to do it quickly if it is a huge issue, but in these other communities it hasn't been a huge issue. He wants them to know he has heard them and is considering it, but he does think it is a positive overall.

B. Holmes stated he does appreciate the mapping, where you can and cannot go, he also appreciates the fact that they can get grant money to put the trash cans out in those areas where people would throw their cups. They can work on regulating that and moving them if they need to. He would like the idea of putting a drink responsibly message on the cups, maybe offer an option if you drink too much to call an Uber, Erie and Lorain Health Departments can help them with that. With the businesses that are involved, they will help police it, and he knows that our residents will help police it if it gets out of control. We certainly hope if you see something, say something, call 911 and he knows our fine police force will take care of it. He backs it, supports it, and looks forward to moving forward with it.

G. Drew stated he also supports it and he talked to two business owners in the area, and they support it. The concern about drinking on the beach is that you are going to drink on the beach, regardless if you have a DORA cup or not. He is not really that concerned about it, so he is going to vote yes when it is time, he does support this and he thinks we do need to be competitive with the other communities.

B. Brady asked if she has a wine only establishment, can someone bring hard liquor into her facility. S. Ross in the audience answered no. B. Brady said then your liquor license would prevent someone from expanding your liquor license by bringing something in from somewhere else. S. Herron answered that is a general liquor license law. B. Brady said in this case, you are bringing alcohol into an establishment that might not have a liquor license at all.

Mayor Forthofer said first of all, Main Street Vermilion has done a tremendous amount for the City and if they think something is good for the City and they are suggesting it to us, maybe we ought to give it serious

consideration and give it a try. He also thinks after talking to other communities and administrators in those communities, they have found it favorable, but they did it in a way that was right for them. The Law Director pointed out to him in section 4301.082 of the Ohio Revised Code that the executive officer of a municipal corporation, or the fiscal officer of a township may file an application with the legislative authority pertaining to what DORA should be. So, if he is the one who is going to be filing the application, one thing he would like Council to consider is that we do it for a year as most of them have suggested, or they take it for five years, but according to the Law Director you can modify within the DORA application what you want to have happen in your city. He suggests that they review it in a year and then try it first on Fridays, Saturdays, and Sundays, Third Thursdays, and the Ice Affair. Weekends and festivals with exception to Woollybear, and that the map does not show it going to the beach. If after the first-year things are going great and they feel comfortable having it going to the beach, and they want to open it up to more hours and more time they can do that. But, try it weekends and festivals only for the first year. B. Holmes asked if he meant Third Thursday, not Fish Festival or Woollybear. Mayor Forthofer answered yes, Fridays, Saturdays, and Sundays, Third Thursdays, and the Ice Affair. B. Holmes asked if it was beer and wine only, or if it covers the whole gamut. Mayor Forthofer answered it covers everything.

Sarah Ross of 5000 Woodview Dr. approached Council to answer questions. B. Brady asked if she could take a hard liquor drink into Woodstock. S. Ross answered to her understanding, you cannot take your drink into any other liquor license establishment. The Law Director can confirm that, but the way they read it, you cannot. If you only have a license for wine, it wouldn't allow you to expand your license. You would only be able to take the drink into a non-licensed establishment like a retail if they choose. S. Herron asked if you could go to a restaurant and get whatever type of drink they serve, you can't take it to another liquor establishment, but you can walk around with it in a DORA cup. S. Ross answered that is correct.

B. Holmes asked the Chairwoman of the Parks and Recreation Board to come forward and state their thoughts on DORA. Kate Repola addressed Council stating that DORA was presented to their board at the last meeting and at that time, the board asked some really good questions like what have been asked tonight. She feels as though they have been answered to the best of the ability since it hasn't happened yet. At the end of their meeting, the board agreed to let City Council, the Mayor and the Police Department decide what is best for Vermilion in this matter. Since then, she has heard from two members of the board that are in favor of the program and she is also in favor of the program. She has not heard from any members of the board who are not in favor. B. Brady asked if they were ok with all of the

parks being included. K. Repola answered personally, she is and the other members who came to her are also in favor. It was in the early stages that they came to the Parks Board, and it was 100% agreed by the board to let the Council and Mayor and Police Department decide the exact boarder, and they will fully support their decision. B. Holmes stated with that being said, if the Mayor is not comfortable with it going to the beach, they can stop it at Chez. Mayor Forthofer said that it is hard enough keeping alcohol off the beach as it is, so he wants to keep it simple and say no alcohol on the beach.

S. Ross said in regard to the beach comment, they definitely want specific feedback on the issue and those are the two most important people. The Mayor does submit the application legally, and they would suggest for the purposes on why they are doing it with the walkability and the placemaking that they consider the grassy park within the boundaries, and not the sand. Regarding the festivals, and summer culture, many people come here on a Wednesday or Thursday, and they are on vacation, and it wouldn't be different than being here on a Saturday, but they want to test and pilot this so whatever the residents comfort level is would be. B. Holmes asked if they would be looking for Wednesday through Sunday. S. Ross answered they are actually proposing 7 days a week. B. Holmes asked if they would be okay with Wednesday through Sunday after they discuss this further. S. Ross answered yes. B. Holmes asked if the grassy area is where the old museum was at. S. Ross answered yes.

S. Holmes commented if they do give access to the beach, that does give access to the west pier, so he would recommend not including the pier because that could be a dangerous situation. Mayor Forthofer said yes, if they start dicing off little areas of where they can and can't go, that is why he says just stop it before there.

S. Herron opened the discussion to the audience.

Tom Zeck of 5067 Portage Dr. said he has lived in Vermilion for 56 years, and he has asked the question a couple of times of why DORA? The only answer people have been able to give him is that it will increase the attendance in town and maybe some of the merchants can make more money. Over the years he has lived in Vermilion, he has thought this is a great city thanks to all of the people who have been involved in running it. He looks at the park system that they have from Showse on the east, Sherod on the west and Main Street Beach in the middle and see all the things that draw people to those areas. We have all kinds of people who come to the parks for programs there from concerts to art and craft shows, to food shows to whatever they are. In addition, we have had so many festivals coming up, he found out there are 25 other days than the Fish Festival and Woollybear Festival where we invite people because there is a program going on somewhere in Vermilion –

whether it is a pet show or whether it is a corvette show. We have never had any problems bringing people to Vermilion over the years, people love to come, it is a great city. You go downtown and it is just beautiful, it is amazing what Main Street has done to create a beautiful town for all of us to enjoy with the flowers, hanging baskets, window boxes, and gardens. What is most important is they have brought a sense of unity among the community because we have had so many volunteers taking a great deal in pride in what they have done. To him, that is a great thing. Also in Vermilion, there are other attractions such as the Mystic Belle, Romps Putter Port, Dairy Dock, Jet Skis, Paddle Boards, Kayaks, all these things have brought people to Vermilion. Unlike other communities where they need this because they don't have anything. Norwalk doesn't have anything to bring people to enjoy so why do we want to promote alcohol to bring other people to Vermilion. What image does this give to us, what does it say about us that we are encouraging people to come and drink in Vermilion to enjoy themselves. We get enough visitors without having to promote alcohol which is exactly what we are doing. He thinks this is going to impact the Police Department, they have a lot of fish to fry, they shouldn't have to look at DORA cups, and who is to prevent somebody from getting a DORA cup, going to their car after they drank and put their own alcohol in it and walk back through town. You will be able to do a bar crawl here and it will only cost \$1 for the cup, he can see that being a race for some of the younger people. It brings a lot of issues that we haven't looked at, if the only answer to bring people to Vermilion and enhance sales of whatever they are selling. The bars are open, the restaurants are open, people can still go to them, they don't have to go walking around town, bumping into people with a drink in their hand. He does not think it is a good image for Vermilion, who has a good reputation and a great image, and he thinks it will negate that which a lot of people have worked hard for.

Ken Cassell of 5425 Liberty Ave thanked Council for the opportunity to speak. He wanted to address the promoters of DORA stating he has nothing against them, Main Street has done a tremendous job for the community, and he supports them, it is just this one issue he is opposed to. Being a property owner on the main street, in the middle of this is something he is concerned with about the alcohol and what it does to the community. You start walking around with the cups, who will police it, who will pick up the cups when they are thrown on the ground. Yes, there will be receptacles there, but what happens when those receptacles start overflowing. They used to have those receptacles in front of his office, and that is exactly what that was, he would have to go pick up the garbage that was left there. It should not be left up to them, it should be the responsibility of those who are drinking to put them somewhere, or to drink them responsibly but why should they have to walk around through town with this in their hand. He asked how the Police Department looks at this, he read in the paper they are not opposed to it, but

what if they have to put additional police officers on the street in order to cover this? The taxpayers pick up this cost, it is not being picked up by the ones who are supplying the alcohol, we are not asking them to pick up the slack. What happens to the \$1 that you are charging for that cup, who gets that money? Does it stay with the supplier, do they get to keep the \$1 for supplying the cup? There is plenty of alcohol in town and he does not see where they really need this. If someone is walking around with a cup in their hand is the Police Department going to walk up and check each cup and see whether or not it is a DORA cup, or if it's a look alike cup. These are things you need to think about before you pass this ordinance. They compared Vermilion to Kent, well Kent is not the same, the town itself has about 35,000 people in it and Vermilion has closer to 11,000. Kent has a college there that has over 27,000 people in it now from the numbers promoted here it says Kent only has this many dollars each year, my gosh when you take all the young people that are doing this, how much of this is going to fall on young people in this community, and how much of this is going to fall on the residents of the community. The enforcement is what he is concerned with, the sign says you can't walk around without it being in a designated cup, but what is going to designate that cup, who will police it, what happens to each of you as council people, are you going to see it, are you going to report it. This is something that he is concerned of. Another part he is concerned with are the shop owners in town, how are you going to make them the bad guy, telling people walking up to their door with a cup that they can't come in. Is this going to increase our tax base? He thinks not. Is it going to create a problem for the community? He thinks it will. He asked Council to give it some thought and give it enough time for the people to have an opportunity to speak and make their voices heard.

Judy Klucas of 1570 Forestview and a member of the DORA committee spoke on why they want bring DORA. She stated it is to give people an experience, placemaking, it is to draw in new business for our businesses. In their first year, Tiffin averaged an increase between 5%-15% from all their retail and bar businesses. They want to give everyone a chance to grow their business, tourism is a real product of Vermilion, and they want to make it a great experience, and they want to play up on the fact that we are a pedestrian friendly community. They have done a lot of research and have had no complaints from DORA communities that they have talked to, with the evaluation coming up in a year and the question-and-answer times, she looks forward to having a DORA area in the community with the help of Council.

Joseph Jones of 218 Essex Rd. asked if the times of the Council Meetings and School Board Meetings can be changed so that people can go to both. As for DORA, his biggest concern is the compliance, people will consume alcohol and hop on ATVs and ride around our town. As soon as you start opening it up in residential areas, you put yourself in great liability because that

situation didn't exist until you created it. He doesn't like to tell people what to do, but he also doesn't like to hold the bag for someone else's mistake especially when it is preventable.

Drew Werley of 5016 Timberview stated that he is in support of DORA for many of the same reasons why he is in opposition to the transient rental ordinance. He believes it brings in a lot of money for the economy, it is great for the city, he does not think a lot of the issues that people think are going to happen will happen. Whether we have a DORA or not, people are still going to drink and get behind the vehicles that they shouldn't, he is not a big drinker himself, and believes alcohol is silly for the most part but, it is great for the economy. It will bring a lot of people here, and even with the low numbers like Tiffin had with the 5% he is sure the city would love to collect sales tax on another 5% increased revenues on all those businesses. He stated that he fully supports it.

Sandy Coe of 5495 Liberty Ave, Vermilion Chamber of Commerce stated that she is not against DORA and wanted to speak on behalf of the festivals. The reason why she would like to see no DORA going on during Woollybear is that they see 100,000 people or more on a Sunday afternoon, mixing alcohol and walking around will cause a safety issue, and they are always first and foremost about safety at their festivals. She thinks Main Street listened to that and she appreciates it. She reached out to the City of Wooster, and they shared the survey they did in their community. She thinks that a survey should be done in our city because Wooster said that they got a lot of great feedback from their residents. Festival of the Fish, she has heard both sides, she has heard of people that are much younger than her that are not for it and then she has people that are for it, and she is trying to look at both sides. She thinks that she can open the festival liquor permits to the DORA area and of course they will make more money selling for DORA at their beer stations. For safety reasons, she agrees with the Mayor and has spoken about not going to the beach right now, there is residential area down that way, revisit it in a year. Talk to your community, she knows that there are question and answer sessions, but talk to the community and make it public so that people see the survey. She heard someone else say it is a competition and we want to keep up with that, how many cities are doing DORA, 70? How many cities are in the state of Ohio – look at the percentage there are 2,239 cities in Ohio and 88 counties. Looking at the 2,239 cities and 70 are participating then only .0312% are participating so she doesn't think it is a race to the competition, she is not against it but believes they need to slow down a little bit and really look at everything that is involved in DORA because it is our community. We are unique, we are not downtown Lorain, we are not downtown Sandusky, we have a Main Street Beach, we have a Norman Rockwell setting, we have kids running down the sidewalk to going to sail camp, and swim lessons so we need to look at all of that. She sees the positive for DORA and she sees

the negatives, so they need to come to a happy center to make it work for the community.

Micah Roberts, owner of Erie and Anchor 5499 Liberty Ave. addressed council as a committee member, business owner, and mom. She stated she thinks everyone can relate from different aspects of their life. The reason she became a part of this committee is because she wanted to know what they can do to enhance downtown as a business owner. Something that they've seen is that people come into the storefront with their yeti cups filled with alcoholic beverages in the summertime, they are trying to really experience downtown. They do come out with their families and drink with their families and that is something that is happening already. As a business owner, her perspective is that she would rather know the people who are drinking in her establishment, she would rather see a clear cup with DORA on it and knowing the people in their storefront walking around with a beverage. She does think there is something to be said about perception, she doesn't think DORA has changed the perception of other communities like Lorain, Port Clinton, and Sandusky. As far as the evaluations, they do encourage everyone to reevaluate this program in 6 months and a year out, not only as a Council and the Mayor, but reevaluate with the community. They would like a survey to be done with the business owners, permit holders, and the public so that they can get really good feedback like some of the other DORA communities have done. It does give the right for the Mayor and Council to suspend this during events, they would encourage it not to happen for at least the first year for Woollybear and Fish Festival to really get a feel for the program and make sure they understand logistics, safety, and all of those concerns up front, do an evaluation period after this first year, and kind of regroup. Maybe in the future they would want to open it up to Fish Festival, they know those vendors that come in for the festival would probably make even more money selling the DORA cup. The difference in the \$1 and the cost of the cup would go back to the permit holders, so it is increasing revenue for all of the permit holders in town that are part of the program. They spoke to the establishments whether they would encourage people to come in with a cup, they would have a sign on the door if they did not want people to come in with any type of alcoholic beverage to their store. She does not think there will have to be much communication with people trying to come into stores with cups once they understand the program. There will be a lot of education on their behalf, as a board member of Main Street Vermilion, she does think they have a lot to do to get the program off the ground, they are willing and able to do that education. She loves Councilman Holmes' advice on putting a responsible drinking message on the cup, that is something they are committed to. They don't want this to get out of hand, they don't want this to be like a college town but looking at college communities that have done this and really not hearing any feedback about safety issues and concerns from their communities, they have really

only expanded their programs, she thinks it is something that can be a great thing for Vermilion. They try to encourage people to not only shop in their storefront, but to go enjoy the restaurants, and to walk down to the beach. The reason they included the boundaries was to encourage people to take on the full experience of downtown and what we have to offer. They do think the grassy area would be a good opportunity to sit and have a glass of wine and listen to a concert, it is not so people can run back and forward and get multiple drinks throughout the day and really try to get drunk downtown. It really is to give them the experience, to give them the opportunity to enjoy what Vermilion has to offer. The reason they had 7 days a week from 12:00pm to 10:00pm was just because it's easier to pull back when you do the application, same with the boundaries it is easier for us to approve this and then say Main Street Beach isn't for us and pull it back after that time. It is harder to expand should we decide to make changes in the future with days, times, and boundaries.

S. Ross of 5000 Woodview said that she wanted to note in terms of the community input and the pace, really what the Mayor and Council would be tasked with, and what they are looking to do is have Council give an official public notice in the Newspaper and that would open up an official 30-day comment period and they wouldn't do any voting on it before the 30 days. They do have a lot of these questions and misconceptions addressed on their website: Mainstreetvermilion.org/DORA. She also wanted to point out the idea of population retention and attraction, and this speaks more to the competitiveness than the 5%-15% incremental sales they will see, is culture, inclusion, acceptability, experience; that is what people her age are looking for and she and her husband are dual income earners, so going back to the income tax collection, most of her friends are dual income households, so she does believe this speaks the population retention and sales tax collection for the city as well.

S. Herron adjourned the meeting after no further business came before the committee.

Next Meeting: May 9, 2022 @ 6:00 p.m. at the Vermilion Municipal Court Complex, 687 Decatur Street, Vermilion, Ohio