

MINUTES OF PUBLIC HEARING

PERRYSBURG CITY COUNCIL

AUGUST 10, 2020

Council President Jonathan Smith called the public hearing, which was held at the Hilton Garden Inn for social distancing purposes, to order at 6:31 p.m. Present were Council Members Deborah Born, Cory Kuhlman, Jan Materni, Jim Matuszak, Tim McCarthy, Jonathan Smith, and Barry VanHoozen (7). Also present were Bridgette Kabat, City Administrator, Laura Alkire, Law Director, and David Creps, Clerk of Council.

The purpose of the public hearing was to hear public comment regarding an application for a Designated Outdoor Refreshment Area (DORA) in the downtown area.

LETTERS, COMMUNICATIONS AND CITIZENS' CONCERNS

Val Barone Parritt, said that she lives one block over and she opposes the DORA. She said that she has seen drunk people vomit and urinate. She said that the restaurants say they get 70% of their revenue from food and 30% from alcohol. She asked if this is true why they aren't open on Sundays. She also asked who would be responsible if a drunk driver has an accident.

Leah Skotynsky, 101 Rockledge, business owner at 213 Louisiana Avenue, said that they have been downtown since 1999 and they have had no issues, no vomiting. She said that she feels those opposing it are doing it out of fear. She said she is in favor of the DORA and is in favor of progress. Ms. Born asked if Ms. Skotynsky lives in the City or Township. Ms. Skotynsky said they now reside in Perrysburg Township. Mr. Matuszak asked if her business would benefit from the DORA. Ms. Skotynsky said that she thinks it would have a neutral effect on her business. Mr. Kuhlman asked if Ms. Skotynsky patronizes downtown businesses, and she said she does. He asked if she thinks she would patronize the businesses more frequently if the DORA were approved, and Ms. Skotynsky said yes.

Angel Elden, 409 West Second Street, business owner of 101 Louisiana Avenue, said that she normally closes at 5:00 or 6:00, and she strongly supports the DORA. She said that it would allow customers to stroll as they wait for a table and adds an opportunity for window shopping. She said that she has never had any problems and does not see people getting out of hand.

Alex Ward, 117 Cherry Street, voiced his support of the DORA. He said that he loves the downtown and would like to be able to buy a beer at Swigs and walk around the Farmers Market. He said that he thinks window shopping would help the retail businesses. Ms. Born asked Mr. Ward what he does and Mr. Ward said he works at Tronair.

Jon Orser, 125 East Front Street, said that he consumes alcohol beverages on a regular basis so he is not complaining about the alcohol. He said that the City staff has recommended the DORA not be approved in its current form due to a lack of sanitation management, security, and organizing body. Mr. Orser said the property boundaries are adjacent to a school building, a library and three churches. He said the downtown is not an entertainment district, it's a mixed use. He said if the DORA is passed, you'll see a decrease in service type businesses. The applicants will see an increase in alcohol sales, a decrease in food sales, and they will turn from restaurants into bars. He said the town will change dramatically from what it is now. He said this is a family friendly community and the people who just moved here should find out what the town's about before trying to change it. Mr. Kuhlman

asked what information Mr. Orser has seen that shows this will turn Perrysburg into a party district. Mr. Orser said the evidence is what happens when you get people drinking, and he likened it to the German American festival. Mr. Orser said the businesses are doing this just to increase liquor sales, and drunks don't window shop. Mr. Matuszak said that he would like to hear from any downtown business owners that feel the DORA would help their sales.

Matt Temby, TruFit, 117 E. Second Street, said that his facility has approximately 200 members and his business will not live or die based on DORA. He said that he is heavily involved in DPI and holds many events for the community, and he is in favor of the DORA. He said that he does not see the belligerence because of alcohol downtown, and he thinks the DORA will enhance the things people are doing downtown, not lead to mass consumption. Ms. Born said that she is glad his business is doing well, and she asked where Mr. Temby lives. Mr. Temby said he lives in Perrysburg Township. Mr. Kuhlman asked Mr. Temby if he would like to see the DORA include his business. Mr. Temby said that he would. He said that he would like to add a picnic table and garbage can to their property with a mural similar to the inside with a QR code for a pass to come in the gym. Mr. Matuszak thanked Mr. Temby for his business, and asked if he has room for 300 or 400 members. He also asked whether he owns or leases the building. Mr. Temby said that he leases and he is planning on making renovations in the building to expand for more members. Mr. Matuszak said that several years ago, they were also told that Riverside Park would cause an economic boom downtown. He stated that if this DORA creates an economic boom, property values will go up which means rents will go up. Ms. Born said that this will lessen property values throughout the City. She added that a 28 year old told her that the businesses should just market themselves better.

Mr. McCarthy reminded City Council that this is a public hearing, not a Senate hearing where people get cross examined. He said that we discourage public comment by asking people to defend their comments.

Izzet Sozeri, 14 year resident and manager of Hilton Garden Inn and Home2Suites, asked if the cost to the City has been calculated and how it's going to be financed.

Joy Carson, 125 E. Seventh Street, said that she has lived here almost thirty years. She said Perrysburg is a nice place to live and the beauty of Perrysburg is that we don't have people walking around with alcohol. Ms. Carson asked how the DORA would work with businesses that don't sell alcohol. She said she would not be happy if she owned a store and someone spilled beer on the floor. She said that it appears this will not be policed. Mr. Smith said the police will be patrolling as they do now. Ms. Carson asked if the City gets anything out of this and who pays for the cups. Ms. Born said that she has the same concerns. Mr. Kuhlman stated that businesses that do not serve alcohol can opt-in or opt-out to allow the cups in their business. He said that this is an attempt to tap into resources to help the downtown businesses. Ms. Born suggested that an economic impact study be done and paid for by the applicants. Mr. VanHoozen thanked Ms. Carson for her thoughtful questions. He said this initiative is being brought forth by businesses. Ms. Carson summarized that City Council just votes yes or no then it is up to the applicant to deal with security, etc. which is frightening to her. Mr. McCarthy said that if approved, the DORA ordinance will spell out the requirements regarding issues like security and the hours of operation. He said that if there are problems, City Council can revoke it. Ms. Alkire said that the Administration has recommended approval with some modifications including a review no longer than two years after it is approved. There was a brief discussion regarding the process to rescind the DORA if there are problems with it. Ms. Alkire said that a public hearing would have to be held. Ms. Born said the memo from the staff does not recommend the DORA. Ms. Alkire called attention to the Conclusion section of the memo that states the Administration believes if the concerns listed are addressed it should be approved.

Katie Fields, one of the owners of Inside the Five, said that they have a location within the Sylvania DORA. She said the same concerns were raised in Sylvania and when you think DORA, you think drunk, but that is not the case. She said there have been no incidents with the retail businesses. She said that police patrols were increased for the first two weeks, but they found they weren't needed. She said there will be no cost to the City for signage or cups. She said that in Sylvania they added a couple of garbage cans, but had no increase in garbage pick-ups. She said their Sylvania location is open seven days a week and the breakdown of their sales is 60% food, 40% liquor and that did not change after the DORA began. Ms. Fields said that they support DORA in downtown Perrysburg. She said that when customers have to wait for a table, they'll wait longer if they can walk outside. She said this is even a bigger issue with Covid-19 because people can't wait inside. Ms. Fields said it will help retail businesses because if someone comes in and eats at their establishment they come in and leave. With DORA, after they finish eating they can walk around with their drink and see what other businesses are there. Ms. Fields added that the biggest financial benefit to them from the DORA is during special events. She said that she hopes Perrysburg will adopt the DORA. Ms. Materni recalled at the Levis DORA meeting there was some confusion about taking the DORA cups into non-alcohol establishments. She asked if that has been resolved. Mr. Smith said that the State said it is up to the business owner. Mr. Kuhlman asked Ms. Fields about an organizational plan or point of contact for the DORA. Ms. Fields said that the liquor permit businesses have discussed a committee to be responsible for the DORA.

Karen Fleming, 26835 Mohawk, said that she loves that they're trying to bring life and excitement to downtown. She said Riverside Park is wonderful. She said she's been to DORAs in other cities, and it doesn't make you drink more, it makes you stay.

Esther Hertzfeld, 1075 Cherry, said that she is a 15 year resident. She said that she previously lived in Kent, Ohio which has a DORA and she found it to be very beneficial. She recommended that Council do what they can to support this.

Joy Carson, 125 E. Seventh Street, asked why the DORA at Levis did not pass. Mr. McCarthy said that he can only speak for himself, but he feels the DORA should be downtown.

Kerry Harris said that she is a 50 plus year resident and she loves this town. She said the downtown is dying and we have to do something to bring in businesses. She said they needed help pre-Covid, but now they really need it.

Kelli Powell, one of the DORA applicants, said that she is a 25 year resident. She stated that they submitted their application in early March. They then met with representatives of the City and submitted a revised application in June. She said attached to the application were 29 letters from downtown business owners in support of the DORA. Ms. Born said that there were duplicates in the 29 signatures and there is a petition drive going on of people against the DORA and there are currently 53 against it. She said she will get those to the Clerk of Council.

Ms. Powell said that she completely agrees that there needs to be an overall organization for the DORA. She said there have been discussions about creating a 501(c)(6) which would include all downtown or whether they should partner with Downtown Perrysburg Inc. (DPI) under their 501(c)(3).

Mr. Smith asked Ms. Kabat how often refuse gets picked up in the downtown area. Ms. Kabat said that it depends if there is a special event. She said that cans are checked every day, and bags are pulled when needed. Mr. Kuhlman asked if there could be a surcharge on the DORA cups to cover sanitation. Ms. Kabat said that in

Toledo, they work with an arm of the CVB that handles the cost of cups and sanitation. Mr. Matuszak said that he is as pro-business as anyone seated up there, and so far it appears that those opposed are opposed for philosophical reasons and those in favor are in favor for economic reasons. He said that when Levis requested a DORA he asked them for projections of the economic boom and he received nothing. He said that he hasn't heard any specifics on how it will benefit businesses. Ms. Powell said that DORAs were introduced in 2015 and the goal was to increase foot traffic. She said increased foot traffic equals increased sales. She said that there are 36 DORAs in the state and they all say there has been an increase in sales for non-liquor establishments. Mr. Matuszak asked about the costs of the DORA. Ms. Powell said that the cost of a cup is fifty cents. Chris Morris, CFO of Inside the Five, said that the cups are .50 each and they order them in cases of 2,000 cups. He said that last year in Sylvania, they sold 6,000 cups. Mr. Matuszak asked if there were any up-front fixed costs, and Mr. Morris said there are not any. Mr. Morris asked that City Council keep an open mind.

Ms. Alkire explained the process moving forward. She said that City Council has draft legislation and the statute reads that they can vote on this no sooner than 30 days and no later than 60 days from the first date of publication of the public hearing. She said that the hearing was advertised on July 22 and July 29, so they can take no action until August 21. She said that they can do a first reading at the August 18 City Council meeting and vote on September 1 or schedule a special meeting after August 21 and before September 1. She added that City Council can make changes to the ordinance regarding sanitation, hours, etc.

Ms. Born read the following email:

Prepared statement to city council on August 10, 2020 about the proposed downtown Perrysburg DORA

Good evening! My name is Dalynn Badenhop.

Mister Mayor and Perrysburg city council members thank you for the opportunity to speak about the proposed downtown Perrysburg DORA.

I am speaking as a member of Perrysburg First United Methodist Church. Perrysburg First Church is located at the corner of West Second Street and Walnut Street in Perrysburg.

As a member of this church, I am concerned that the proposed downtown Perrysburg DORA will have a direct impact on the various ministries and community activities that take place at Perrysburg First church. The church property and more specifically the church parking lot is located directly across the street from the proposed downtown Perrysburg DORA.

Every day of the week, there are church ministries and community activities that take place at the church.

1. On Mondays and Thursdays boy scout troops meet at the church from 6:00 - 7:00 p.m.

2. On Tuesdays from 7:00 - 8:00 p.m. a women's Bible study meets at the church.

3. On Wednesdays, which is a weekday that is traditionally reserved for church activities in many NW Ohio communities, 2 youth groups, our church choir, our church handbells, and a Bible study meet at the church between 6:00 - 8:30 p.m.

4. Stephen Ministry meetings are held at the church starting at 6:30 p.m. on Thursday evenings. When the weather is nice and the downtown Farmer's Market is operating, it is sometimes difficult to find a parking spot close to the church. This is a problem because a couple of our Stephen Ministers have mobility issues. I know this is a parking issue and not a DORA issue but I wanted to mention it

5. On Friday evenings a group of 30 - 40 people rent the fellowship hall.

6. On Saturdays 80 - 100 people attend an Alcoholics Anonymous meeting at the church from 7:30 - 9:30 p.m.

7. The church is in the process of renovating the northeast corner of the church to include an outdoor patio. Because this patio is across the street from the proposed downtown DORA, I'm concerned that patrons of the proposed downtown DORA might choose to sit there with an open alcoholic drink.

8. A pre-school operates in the church from Monday through Friday during the school year. Parents are dropping off and picking up their children in the parking lot at the following times: 8:45 a.m.; 11:30 a.m.; 12:45 p.m.; 3:00 p.m.

I ask that you consider my concerns as you deliberate your decision about approving a downtown Perrysburg DORA.

Thank you, again, for allowing me to speak on this issue. If you have any comments or questions about my statement tonight, you can contact me by e-mail (dtbadenhop@gmail.com) or phone (419) 461-0451.

Pastor Jodi Packard, Perrysburg First Church, said that Mr. Badenhop is a member of the church, but that is his own personal opinion and not a representation of the church. She said the church is not holding a position on the DORA at this time. Mr. Smith said they understand this is not the position of the church.

ADJOURNMENT

Ms. Born said she had another email she wanted to read. Ms. Materni said that she supports Mr. McCarthy's earlier comment that this is a public hearing and they are there to hear public comment. She said they all received the same emails and she moved to adjourn the meeting at 8:32 p.m. Mr. Kuhlman agreed that all of City Council received the emails and they can't read them all into to the record, and seconded the motion to adjourn. Ayes: Kuhlman, Materni, Matuszak, McCarthy, Smith, and VanHoozen (6). Nays: Born (1).

David D. Creps, Clerk

Thomas G. Mackin, Mayor

****At the 8/18/2020 City Council meeting, by a 6-1 vote, City Council agreed to remove the statement of Mr. Badenhop from the minutes of the public hearing.**