

MINUTES OF PUBLIC HEARING

April 17, 2023

Temp. Ord. B-16 (Sub. Dated 4/17/23)

An ordinance creating a Designated Outdoor Refreshment Area known as the Downtown Cuyahoga Falls Designated Outdoor Refreshment Area, enacting regulations, and declaring an emergency.

On the 17th of April, 2023, at 6:30 p.m. EST, public hearings were called to order and conducted regarding Temp. Ord. B-16 (Sub. Dated 4/17/23) dealing with amending specific sections of the Codified Ordinances of the City of Cuyahoga Falls, Ohio. Notice of the hearing was published in the Falls News Press, a newspaper of general circulation in the City of Cuyahoga Falls. A true and accurate copy of the published Notices are attached to these Minutes.

Ohio Revised Code §4301.82 permits the City of Cuyahoga Falls to create and approve an application for a “Designated Outdoor Refreshment Area” (“DORA”) within its corporate limits. On February 24, 2023 Mayor Donald Walters applied to Cuyahoga Falls City Council in compliance with R.C. §4301.82(B), for approval of a DORA in a specified section of the City of Cuyahoga Falls. The DORA application is attached and incorporated herein as Exhibit A in the original ordinance. Pursuant to R.C. §4301.82(C) and (F)(2), notice of the filing of the DORA application was published in a newspaper of general circulation in the City. A public hearing was held on April 3, 2023 during which public testimony was solicited. The DORA application as submitted to include the premises of the permit holders located at the street addresses in Section IV of Exhibit A, meets the requirements of R.C. §4301.82(B)(1-5). Approval of the DORA will serve to enhance the experiences of the patrons of the business establishments within Downtown Cuyahoga Falls. As is required by R.C. §4301.82(F)(1)(g), beer and intoxicating liquor will only be served in plastic cups which shall be provided by the qualified permit holders in a readily-identified 16-ounce clear recyclable cup that identifies the DORA approved labeling. These cups and labeling will be purchased from the Downtown Partnership by the permit holders.

Mayor Walters stated that this Public Hearing is the first step. There are 121 DORAs throughout the State of Ohio and surrounding communities. They have done a lot of the paperwork which will go to the State. Nothing is etched in stone. They have the boundaries and hours and rules in place, but nothing is etched in stone.

Mr. Connor McHugh, Assistant Law Director, briefly went through the application process for the DORA, Designated Outdoor Refreshment Area. The DORA zone encompasses an area roughly from Grant Street and the banks of the river to the south to Moe’s Restaurant and Second Street. The DORA legislation will require businesses that want to participate to enter into an agreement with the Downtown Cuyahoga Falls Partnership to get cups to serve the DORA drinks, as well as other businesses in the area that will state whether they want stickers indicating they allow beverages in their

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establishments. When purchasing an alcoholic beverage from bars and restaurants within those boundaries, customers will have the option to pay an additional charge of \$1 and receive a drink in a recyclable cup with a DORA designation. That cup will allow them to leave that establishment with their drink and stroll throughout the designated boundaries in the downtown area. There is a threshold rule in place, so that they will not be permitted to bring a beverage purchased at one establishment into another. There will be special bins located at these bars and restaurants in order to dispose of the DORA cup when entering. There are 21 liquor permit holders that would qualify. The DORA will be suspended for the 9 days that heritage festivals are being held. They would also suspend the DORA during the Front Street Halloween event and Christmas tree lighting.

Mr. McHugh stated that if the DORA is approved, City Council will have the ability to amend it at any time. City Council is required by law to reapprove it every five years, but they can come together before then. The City intends to monitor how it is going and work with the businesses, the Downtown Partnership and anyone involved that thinks they need to be heard. They would make sure they do all they can to make the DORA successful.

Ms. Carrie Snyder, Director of the Neighborhood Excellence, Communications & Community Outreach (NECCO) stated that the Falls Downtown Fridays would also sell beverages in the designated DORA cups.

Ms. Sara Kline, Parks and Recreation Superintendent, stated that there are 18 people in the Park Maintenance Division who are charged with maintaining the public spaces downtown as well as the City's extensive park system. Prior to the discussion about the DORA, they had a request to add two laborers to the Park Maintenance Division 2023 operating budget which was approved by the City and brought them to their current total to offer more flexibility in maintaining all the spaces, including Front Street.

Police Chief Davis stated that he has spoken to his police contacts in Kent and Hudson, who have DORAs, and Barberton, who is starting one and asked about police operations. Hudson has had it for a couple of years and they have not had any impact. Kent, being a college town, stated that it was not an issue for them. They have had festivals in Cuyahoga Falls in the 30-some years he has been a member of the Police Department, and they have dealt with those. He feels comfortable that the force can handle whatever this will bring. The liquor permit holders are going to be responsible for making sure they are not serving underage persons or over-serving. The Police Department will monitor it and notify the Administration. As Front Street is growing, it is something where people will have an opportunity to shop and enjoy a beverage and be fairly responsible. Residents can call them if there are issues.

Ms. Kaylee Piper, Executive Director of the Downtown Cuyahoga Falls (DTCF) Partnership, stated that they have received floods of requests for a DORA through e-mails, surveys and social media. The Partnership will sell the cups to the participating businesses that hold a liquor permit and will be required to enter into an agreement with the DTCF

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Partnership for the designated DORA cups and whatever supplies are necessary to comply with the agreement.

Ms. Lisa Ohler, 2130 Albertson Parkway, Cuyahoga Falls, stated that she lives in Cuyahoga Falls and works at the Portage Community Bank. She is also the current President of the Downtown Cuyahoga Falls Partnership. She stated that she believes it will enhance the amenities in downtown areas for visitors. She has heard only positive things from other areas that have a DORA.

Ms. Heather Morrow, 2013 Cook Street, Cuyahoga Falls, stated that this can be used to discover what else is downtown by grabbing a drink and exploring.

Mr. Russ DuPlain, 3356 Suffolk Downs, Stow, stated that he lives in Stow and likes to come Downtown. He works at Summit DD located Downtown and is Vice President of the Downtown Cuyahoga Falls Partnership. He stated that he is looking forward to this becoming a reality and believes it will help downtown Cuyahoga Falls keep up with the Jones since Hudson and Kent and other areas already have it.

Ms. Miranda Imperi, 2401 Grant Street, Cuyahoga Falls, stated that she is the owner of a business located on the south end, at 1749 Front Street. They opened on January 18, 2023. She used the recent Bar Crawl as an example to demonstrate how well a DORA will work. The pub crawl is a collaborative event that takes place up and down Front Street and is one the first events her business participated in. On that day, they received a 600-percent increase in revenue compared to other Saturdays. Money and people were evenly spread throughout Front Street. They were encouraged not to stay at one business. Having a DORA is going to help increase the volume of people that come down on a regular basis, increasing the revenue they are going to see as a business community. That, in turn, is going to help pay for the increased trash removal and the beautification of the City.

Ms. Amanda Kephart, 1600 26th Street, Cuyahoga Falls, stated that she partakes in a lot of DORA events in Sandusky, Wooster and Downtown Akron. She has been requesting a DORA since February of 2021. She has participated in Canton's DORAs and has made it a staycation, staying at a hotel there.

Mr. Dan Kephart, 1600 26th Street, Cuyahoga Falls, stated that he is part owner of Missing Mountain Brewery Company. The DORA zone is a positive amenity for people who want to move in, especially young people. As the City's population grows, there becomes a bigger tax basis. Front Street and Downtown Cuyahoga Falls has exploded from a place that was dead to a place where people now want to live. The DORA will be another amenity to bring more people to the Falls.

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Mr. Chris Verich, 955 West Exchange Street, Akron, stated that he is the owner of the Ohio Brewing Company. The City has done its research and he has seen how well the events have gone since he has been in business here. It will improve the quality of life and help them grow and bring visitors.

Mr. Tom Sullivan, 447 Tallmadge Road, Cuyahoga Falls, Ohio, stated that since Front Street has opened up and businesses have moved in and the area has grown up, so have the people who have been visiting it. It is not the same crowd and mess it once was. He realizes why there are concerns, but the difference now is that they have a say in it and that is why they are here tonight. There has been a significant investment in the infrastructure, the roads, the fountain, and the amphitheater. They have to look at a little more than \$40 million in private investment that has happened in that area. Those people did not come down there on a whim. They are down here to invest money in something positive. They have created over 390 new jobs just in that small area. There is a lot of money being made in the area. Everybody wants to come to Cuyahoga Falls on the weekends. The Administration knew what it was doing, and what it was doing was right. There is an opportunity to review it in a year and change the hours and change the zones if it is affecting the condominiums. He feels this is going to work.

Ms. Ashlee Glass-Ogle, 1732 Broad Boulevard, Cuyahoga Falls, stated that she is representing Tiki Underground as well as being a resident of Cuyahoga Falls. A DORA is going to be a plus for everybody. People are already down there drinking. This will make it almost a safer place in the end, not to mention they have a big Tiki Flea on the 20th, and it would help them to not have to pull a permit and save them some money.

Ms. Jamie Sipps, 2206 16th Street, Cuyahoga Falls, stated that she works at HiHo Brewing Company. She is in support of the DORA. It is something that a lot of other people do and are benefiting from. There are a lot of months of the year that cannot be spent outside. This will help them to enjoy being outdoors when the weather is nice.

Ms. Allison Hovan, 6797 Evergreen Road, Hudson, Ohio, stated that she is also representing HiHo Brewery Company. They celebrated six years in business this past January. They have seen the downtown grow and thrive, and they want to continue the revitalization and growth. They agree the DORA is going to be a great benefit to the community. She is looking forward to grabbing a beer and going over to the Social Department. People will be able to enjoy the view of the river and Highbridge Glens. They are working with an eco-friendly company to make sure the cups are recyclable. The Partnership investigated and founded a company called E Cups to make sure the cups are recyclable with the recycling bins outside.

Mr. Andrew Harant, 2015 3rd Street, Cuyahoga Falls, stated that he is the Director of the Cuyahoga Falls Library and a board member of the Downtown Cuyahoga Falls Partnership. Part of what drew him to this community and this library was the library location in the historic downtown community and all the wonderful things that are

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happening there. As a newer member of the community, he looks forward to exploring all the downtown neighborhood has, and it will be better and more enjoyable to do it with a beverage.

Mr. Brian Hudak, 2073 Bailey Road, Cuyahoga Falls, stated that he has been badgering the Mayor since 2020 about getting a DORA ever since he and his wife had there first experience with a DORA in Hudson.

Mr. Chuck Lane, 364 Woodridge Drive, Cuyahoga Falls, stated that he has been a long-time resident of Cuyahoga Falls. DORAs are a great concept and a great idea. The more people that get downtown the more opportunity for businesses to make money and be around a lot longer.

Mr. Zach Nelson, 2206 16th Street, Cuyahoga Falls, stated that he is a HiHo Brewery Company employee and lifelong resident and supports the DORA.

Mr. Dennis Roliff, 2212 Front Street, Cuyahoga Falls, stated that he has lived downtown for 29 years, and walks Front Street every day. He is in the neutral camp and not really against it. He wants to see how things go. His only concern is keeping the sidewalk clean from spilled beer and wine cups thrown in the bushes. He considers Front Street his front yard and is proud of his neighborhood. Opening Front Street has been great for his community. He wants to make sure that the sidewalks are cleaned up and picked up, and anything that is spilled on the sidewalks is mopped up.

Ms. Kelly Darby, 2318 Riverfront Parkway, Cuyahoga Falls, stated that her concern is that the DORA will run through a neighborhood of 50 homes in order to encompass one establishment on the north end. She is concerned about trash. She has been a resident for 10 years and has observed the wind take cups, napkins and plates from dumpsters and blow it onto the riverbank. The businesses do not collect that trash off the riverbank. She cleans up the riverfront from Burntwood. There is also littering in the evenings and during the day. At 3 p.m., they had a neighbor who had kids climbing up on the balcony. She is concerned about the activity. They do not have much police presence. She wants this community to thrive. She is proud of everything that Council and the Administration has done. She wants to make sure they are not rushing into something and they are not neglecting the residents that actually live right there in it.

Ms. Teddi Dowey, 607 Chestnut Boulevard, Cuyahoga Falls, stated that she came to the Public Hearing completely opposed to the DORA. She also came here to be educated and, in that, has been educated with each speaker that has spoken. She is here for the senior citizens and the people that belong to AA that patronize the Paradise Club directly across from the newly-built HiHo Brewery. That does not say she is against what that stands for, but it definitely is a huge problem for the citizens of Summit County who participate in a lifelong fight against alcoholism. Although she, personally, is not an alcoholic, she does have many friends and family members who are, so she wants to speak for them and is

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asking Mayor Walters and the Council members to please have some type of conversation with that establishment.

Ms. Lisa Racketta, 2317 Riverfront Parkway, Cuyahoga Falls, stated that she is not against or for the DORA. Safety definitely has been a huge issue. She was the owner of the residence that had people climbing on her porch. She had to call the City, which came out quickly. There was a bench outside her condominium where people were littering, sitting, peering into the condominiums. She definitely thinks that the DORA does not need to be going through the residential areas.

Ms. Sarah Elliott, 2327 Riverfront Parkway, Cuyahoga Falls, stated that she is on the board of the condominium association. She has a problem with public urination. The riverfront has become a bathroom for some people. She has caught people in the iron courtyard of the complex urinating on bushes. They come out of Burntwood and go to the bathroom on the riverfront. Although she is not against the DORA, she thinks that they took the corridor too close to the river. If they made it a weekend event, it probably would be more palatable for the people that live there. She also has underage drinking concerns with somebody going in and buying a drink and passing it off to an underage drinker while walking around. The garage spaces being included within the corridor are a problem because people are able to go to their cars, fill up their DORA cups and continue walking around without contributing to the income or the sales of the establishments. She is a big recycler. People at the festivals do not throw their cups in the bins, and she is afraid they are going to end up in the river. They spend hundreds of thousands of dollars cleaning up.

No further comments, either for or against the legislation, were offered by anyone in attendance.

Certification

The undersigned, Dana M. Capriulo, Clerk of Cuyahoga Falls City Council, hereby certifies that the foregoing is a true and correct copy of the minutes of the public hearing held by the Council of the City of Cuyahoga Falls, Ohio, at 6:30 p.m. on Monday, April 17, 2023.

Dated: April 18, 2023

Dana M. Capriulo, Clerk
Cuyahoga Falls, Ohio City Council