

**Cuyahoga Falls City Council
Minutes of the Public Affairs Committee**

April 17, 2023

Members: Rachel Loza, Chair
Michael Brillhart
Adam Miller

Ms. Loza called the meeting to order at 8:08 p.m. All members were present.

The minutes of the April 3, 2023 Public Affairs Special Committee meeting were approved as written.

Legislation Discussed:

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

Discussion:

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.

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 within the 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.

Mr. Brillhart stated that he appreciates the public comments and the business owners' comments. They were well thought out, concise and direct. Front Street has been a tremendous success, and they want to continue with that success and do whatever they can to help. The only concerns would be that perhaps it might be prudent to review this in the November meeting and have an overview and invite the businesses and public to come.

Public Affairs Committee
April 17, 2023 – Page 2

Ms. Loza stated that the committee had discussed that if this piece of legislation were to pass Council, they would automatically schedule a Public Affairs Public Hearing to discuss the DORA and its ongoing issues or performance on Monday November 6th, 2023, at 6:30 p.m. There was a required meeting for all downtown businesses that wished to participate in the DORA. Downtown businesses were required to come to a public meeting with the condominium associations a few weeks ago.

Ms. Loza stated that someone had posed a question about having people with alcoholic beverages in their retail businesses. There is a sheet attached to the packets made available tonight that shows the signage for sold here, enjoyed here and not permitted. Ms. Loza stated that if they are a DORA establishment that would sell the cups, they have an active liquor license and would have a window decal on the door that would say "DORA sold here." If it is a retail or service-driven business and they are allowing DORA beverages inside their establishments, they would have a decal that said they were welcome. If they have an establishment that would not like to have any DORA beverages, then they would have a decal that states that it is not permitted. It is up to the business to display what they would like.

Ms. Kaylee Piper, Downtown Cuyahoga Falls Partnership Executive Director, stated that they sent out a survey to businesses. All the businesses said that they were open to it and wanted to learn more about it. There were no push-backs; if anything, people are excited as they have seen the success in other communities.

Ms. Loza asked if they have had any contact or heard anything directly from the Paradise Club. She stated that she wants to be mindful of their recovery programs and she has not seen them at the previous meetings. Ms. Piper stated that they have not received any feedback from the Paradise Club, but if that were something they would like them to do, they would be willing to contact them and reach out to them if this is brought out of committee.

Ms. Loza stated that there had been a question about the recyclable cups. Ms. Allison Hovan, 6797 Evergreen Road, Hudson, Ohio, stated that they have found a company called E Cups. They have 100-percent compostable cups, but they have to be commercially composted. The City is now working on ones that they are hoping to be 100-percent recyclable. It is one of the best companies that she could find for cups that were recyclable. They e-mailed her today about warehouse locations. The businesses will have to put out their own recycling bins.

Ms. Sara Kline, Parks and Recreation Superintendent, stated that, on Front Street, they have between 70 and 80 trash receptacles. She does not have the exact number of recycling bins, but she can provide them next week should this leave committee tonight. If the DORA is adopted, they would add additional trash cans and recyclable bins to the DORA area prior to it going into effect.

Ms. Nichols-Rhodes thanked everyone who spoke. She asked if they could make changes to the application without affecting the ordinance. Mr. McHugh stated that because the application is

Public Affairs Committee
April 17, 2023 – Page 3

actually Exhibit A of the ordinance and then Exhibit 1 within Exhibit A, so they could change the application without changing the ordinance. Ms. Nichols-Rhodes asked if the category Amendment and Possible Revocation could easily be amended without revocation or starting over for the ordinance, if, after a public hearing, someone wanted to change the times or change location. Mr. McHugh stated that it could be changed. If this ordinance were to pass and they want to amend it, they would provide it to Council, schedule a public hearing 30 days out, have a public hearing and then go from there.

Ms. Nichols-Rhodes stated there are a couple of things that she would change. She would add downtown residents to that list and would also want it to state that the two Council members that cover Ward 2 and Ward 4 be automatically included in that group. She asked if some specific things like whether there are noise complaints, whether any of the businesses maybe have a red sticker and people keep coming in and they are having trouble with that, any feedback related to what people are experiencing, noise, trash, behaviors could be more detailed-based and added. Mr. McHugh stated that they can definitely do that. He would encourage any business owner or resident that has an issue to make sure they contact them so they can accurately track that.

Ms. Loza stated that they have agreed to set a public hearing date in November. She would encourage residents, nonresidents and business owners to attend and discuss that on November 6th, 2023.

Mrs. Spinner asked if the cup color would change daily, or how will they be used for specific times or days. Mr. McHugh stated that, under the threshold rule, they cannot bring a cup into a bar. If somebody approaches a bartender with a DORA cup, they will not fill it because it will be a violation of their liquor permit. The cups will not change color. They will be the same throughout.

Mrs. Spinner asked what would happen if she were in an establishment and purchased a DORA cup and decided to stay at that establishment, could she get it refilled there or would she need to buy a new cup. Mr. McHugh stated that this is the last drink on the way. If someone is going to pay a little extra for that cup, they are not going to get another one of that same thing. They will get a regular drink if they are going to hang out in a bar.

Mrs. Spinner stated that she would be more comfortable with a noon start time. Mr. McHugh stated that the reason they picked 10 a.m. is because there are businesses on Front Street who serve breakfast. It was a compromise based on what other cities do. Hudson is 10:00 on the weekends. They do not want to go as late as some other cities that have a downtown, like Akron or a college town like Kent. They went the Hudson-Barberton route, but if they want to change it, they can continue to talk about it.

Ms. Loza stated she had the same concern regarding the cups and the reuse of cups. The businesses with liquor licenses would be purchasing the cups for a dollar apiece from the Partnership. It is in

Public Affairs Committee
April 17, 2023 – Page 4

their best interest to sell those cups. It is not in their best interest to not sell that cup for the additional dollar.

Mr. Balthis asked if they have a particular business that maybe has some challenges with the DORA, is there is some way that the downtown partnership would have the ability to revoke their ability to serve DORA cups. Ms. Piper stated that she sees that happening if an establishment does not halt the sales during the festivals or during one of the Parks and Recreation proposed events. If they are seeing DORA cups appear, they are asking that person where they got it and if they find out that they are not adhering to the application and the proposed outlines, that would be something to go back to the Board and certainly include the Administration on as well just to figure out what the next steps are.

Mr. Balthis stated that they have looked at what other communities are doing and see how it works everywhere else, but nothing would be better than actually having data to see how things have gone. The residents in the area love to go to all the establishments and they consider themselves the businesses' partner. They all need to focus on being good neighbors and paying attention to issues like trash. It is not that he thinks people are throwing around trash, but where there is a trash can, make sure it has a lid and it is well secured. He also thinks 10:00 is as late as it can go.

Mr. Stams asked if the time were Saturday through Sunday, 7 days a week 10 a.m. to 10 p.m. Ms. Loza stated that is correct.

Mr. Ashton stated that this is one of the most thorough presentations he has seen on Council, and it is evident that a lot of thought and effort has been made on all sides. He thanked the citizens and the business owners. He also stated that Mr. McHugh deserves recognition for his efforts. This difficult case has been thrust upon him and it is important that they acknowledge his work.

Ms. Loza asked if they have a plan in place for littering and public urination. Police Chief Davis stated that there is no littering law. It is a public place. They cannot publicly urinate. They have laws against that. If they catch somebody doing it, they are cited. The police regularly drive through Downtown. They are down there for parking situations. They have a volunteer reserve force. They try to go there and walk around there to be visible and they will call in something. He has spoken to residents over the years many times. They are phone call away. They have a good response time and highly-active police department. If they see something, do not hesitate to call them.

Mr. Balthis asked about the curfew law in the downtown area for minors. Chief Davis stated that unattended minors have to be clear at 9 p.m. If they catch them out after 9 p.m. without a parent, they will be charged for a curfew and there is a fine for the parents. They do have things to help control the situation, but, again, they also like people to help them by reporting it.

Ms. Sarah Elliott, 2323 Front Street, Cuyahoga Falls, asked what bathrooms the City would supply. There is one restroom at the Pavilion. They have businesses that have restrooms that are

Public Affairs Committee
April 17, 2023 – Page 5

only for paying patrons. Ms. Kline stated that they can only provide bathrooms in public spaces since that is what they control. If the bathrooms in the Pavilion are not available, they always have unlocked Porta-potties in the area.

Ms. Kelly Darby, 2318 Riverfront Parkway, Cuyahoga Falls, stated that the parameter goes to the river on Riverfront Parkway, then goes behind Ledgewater Falls to the boat launch. Mr. Lambert's property then picks up, which would be private property. She also stated that Mr. Lambert, of Lambert Buick, property was not on the address list. He has seven lots listed with the Fiscal Office. Mr. McHugh stated that the line on the diagram should stop before it goes to private property. It should be City property.

Mr. Tony Demasi, City Engineer, stated that the Engineering Department is scheduled to remove that sidewalk behind Ledgewater Falls this summer. Ms. Darby asked if the DORA be going back to where there is no sidewalk. Mr. McHugh stated that it will not.

Ms. Loza asked Mr. Miller and Mr. Brillhart if they would like to comment.

Mr. Brillhart stated that he is ready to make the motion to bring it out of committee. Mr. Miller stated the Administration has been great throughout this project downtown. They have answered every question thoroughly, so he would say he supports it and would like to move forward.

Ms. Loza stated that they will be getting more questions answered about the Paradise Club, as well as the trash receptacles.

The Clerk of Council read into the record and attached to these minutes Public Comment e-mails regarding Temporary Ordinance B-16 (Sub. Dated 4/17/23).

Mr. Brillhart moved to bring out Temp. Ord. B-16 (Sub. Dated 4/17/23) with a favorable recommendation, second by Mr. Miller. Motion passed (3-0).

The meeting adjourned at 8:52 p.m.

In Support of DORA for C. Falls

From : Dana Lawless-Andric

Sun, Apr 02, 2023 11:45 AM

Subject : In Support of DORA for C. Falls

To : publiccomment@cityofcf.com

Hello,

We are long time residents of Cuyahoga Falls, having bought and own two homes, one on 9th St. and one on Cedar Hill Rd. We have loved living here and the great development of Front St. The one thing we always felt was missing was DORA. We have visited other areas, Kent for example, and have seen how wonderful and easy it is to develop a great DORA program. We also advocate to consider going until 11 or midnight like other cities. We believe this will be the next step in continuing great investment in the Front St.

Thank you,

Michael Andric & Dana Lawless-Andric
2826 Cedar Hill Rd.
C. Falls, Ohio 44223

DORA comment for public hearing - about the cups...

From : Matt Weiss

Mon, Apr 03, 2023 11:48 AM

Subject : DORA comment for public hearing - about the cups...

To : publiccomment@cityofcf.com

Hello,

> While I am generally in favor of the proposed DORA plan, I am concerned about the use of disposable plastic cups and would like to make two suggestions.

>

> 1. As an alternative to \$1 plastic cups, allow patrons to purchase a \$15 reusable stainless steel cup that would be valid for a calendar year.

>

> 2. If plastic cups are absolutely necessary, please require them to be #1 or #2 recyclable plastic with plenty of recycling bins around the area, clearly labeled to be used for the cups.

>

> I hope these suggestions fall on sympathetic ears and some common sense decisions are made with consideration to waste and our local environment. We are a river city after all.

>

> Thank you,

> Matt Weiss

> Cuyahoga Falls resident

> 330-703-8246

Upcoming April 17 "DORA" discussion at City Council

From : Pamela T

Mon, Mar 27, 2023 04:51 PM

Subject : Upcoming April 17 "DORA" discussion at City Council

To : publiccomment@cityofcf.com

Greetings, City Council,

I have perused the application to City Council regarding the proposed "DORA."

I am largely supportive of this model. However, I am opposed to the 10 am start time.

Akron's DORA starts at noon, by way of comparison. *In my humble opinion, 11 am to 11 pm would be a better time period, for a variety of reasons.*

For example, I think families would like to have a clean and wholesome environment for children in the morning on their weekends out in the city. (That is why athletic stadiums have alcohol-free zones.) Parents are out biking and shopping with their children, and nature-loving bicyclists are out and about in the area. Many residents are also up going to religious services on Sunday mornings.

I think there is also some evidence that underage drinking is more likely in DORAs and other outdoor drinking venues.

Sorry to be a buzz-kill, but I don't see the need for alcohol consumption at 10 in the morning. We don't need alcohol-fueled driving at 10 am Saturday and Sunday mornings.

Thanks for your time,

Pamela Tontodonato
1605 Mud Brook Lane
Cuyahoga Falls

Support for the new DORA Proposal

From : Josh Forsythe

Thu, Apr 13, 2023 09:29 AM

Subject : Support for the new DORA Proposal

To : publiccomment@cityofcf.com

Good Morning,

My name is Josh Forsythe, and I am a resident of Cuyahoga Falls. I would like to voice my support for the DORA Proposal downtown.

I lived in Canton when they implemented a DORA zone in their downtown, and I really enjoyed what it did for the area. I believe that our downtown would experience similar positive results.

Thank you for your time & consideration,
Josh Forsythe

Regarding the DORA Proposal

From : LWF HOA

Thu, Apr 13, 2023 07:09 PM

Subject : Regarding the DORA Proposal**To :** Publiccomment@cityofcf.com

Dear Council Members,

I am writing in my role as President of The Ledgewater Falls Homeowners Association on behalf of our owners.

Our 18 condo owners have all been informed of the proposed Front Street Dora. I have received no negative comments from association members regarding the proposal. In fact I have received several very positive comments in favor of the DORA.

The public hearing was very informative, gave all citizens wishing to speak a chance to, and provided much information. We are satisfied that all involved city departments have given this DORA much thought and consideration.

We are pleased that should there be problems the plan can be amended or canceled with relative ease.

We have considered the obvious potential concerns of litter, noise, traffic, and poor behavior. We are of the opinion, based on our previous experience in the 5 years since Front Street has been reopened, that those issues will be well managed. Front Street activities in the past have not affected the quiet enjoyment of our properties, even during festivals.

We are satisfied that all involved city departments have given this much thought and planning.

We are in agreement after hearing the facts that our current safety forces can police with no additional costs and that added tax revenue will result in a net gain to the city coffers.

We, as owners, are of the belief that the benefits of living downtown far outweigh any inconveniences. When we purchased our homes we realized what living so close to an entertainment district means. We chose to live here and are glad we did.

The wonderful improvements in our downtown have brought nothing but benefits to us. Especially the rise in our property values and the demand for housing in our area.

We heartily support the proposal.

Respectfully,

Bob Goldstein
President Ledgewater Falls HOA

Zimbra

bezbatchenko@cityofcf.com

Cuyahoga Falls proposed DORA

From : Jamie Sipps

Sat, Apr 15, 2023 02:53 PM

Subject : Cuyahoga Falls proposed DORA

To : publiccomment@cityofcf.com

To whom it may concern,

I would like to send words of support, as a resident of Cuyahoga Falls, for the proposed Downtown Outdoor Refreshment Area (DORA) for the City of Cuyahoga Falls in 2023.

Sincerely,
Jamie Sipps

DORA

From : Nancy L Hughes

Mon, Apr 17, 2023 09:53 AM

Subject : DORA

To : publiccomment@cityofcf.com

As a resident of Cuyahoga Falls since 1968 and now living above some of the bar establishments on Front St, I hear a lot of loud talking at late hours and am aware of drunk men and women grabbing onto seat benches because they are too inebriated to walk. I hope the council will not pass DORA . It would just promote more drunken incidents and trash along our downtown.

Also, drivers along narrow Front St. would have to watch out even more for people who are not as focused while walking and drinking alcohol. I am concerned our retailers may find that atmosphere unappealing to their customers. Please don't let our friendly downtown become another "Pottersville!"

Respectfully,
Nancy Hughes

Sent from Nancy's iPhone
