

JULY 25

22

The Public Hearing held on July 25, 2022 at 6:30 p.m. was opened by Chairman Dembinski, who read the Public Hearing Notice: The Mayor of the City of Amherst, Ohio had filed an application with the legislative authority of the City of Amherst to have certain property within such city designated as an outdoor refreshment area pursuant to Ohio Revised Code Section 4301.82(B). This application is on file in the office of the Clerk of the City of Amherst and is available for inspection by the public during regular business hours.

Also present in Council Chambers were Mr. Winiarski, Mr. Cowger, Mr. Wachholz, Ms. Smith, Mr. Heberling, Council President Wasilk, Mayor Costilow, Assistant Law Director Ward, two business owners and Mrs. Teresa Gilles of Main Street. Present via Zoom were Law Director Pecora, Auditor Pittak, and Safety/Service Director Jeffreys and Mr. Janik joined later.

Mr. Dembinski opened the meeting for questions from the public. Mr. Robert Lucas of 696 Winesap, Amherst, and is one of the managing partners at Cole's Public House at 209 S. Main Street. His question deals with safety, sanitation, the map itself, discussion about outside vendors coming in vs. what the brick and mortar businesses provide. He was born and raised on Put N' Bay so he understands the good and the bad that comes with public intoxication. He is looking to see who to speak to in order to get these answers. Mr. Dembinski said he could always reach out to him. The Mayor's office is also a great source of information. He asked the Mayor to speak.

Mayor Costilow said this DORA is set up for special events only. It will be done during times when groups like Main Street apply for events like Walking on Main Street. It would be the same typical application you put in for those events. It would be the same typical application you put in for those days. It would include things like safety and sanitation. Parking is what it is, but we are working on it. Safety in the application submitted to Council talks about a safety plan. Right now for these type of events, the police department has adequate staffing to man an event like this. Within the permit where you would ask to host one of these events it has a safety plan and how many officers you will hire. He spoke further about this safety plan. This first ordinance accepts or denies the DORA. The next ordinance will govern the health and safety regulations. Because this is only designated for special events, the special application for those events has a sanitation plan. Each plan speaks to cleaning up afterwards, canisters that will be set out and that would have to be followed. Where the house was torn down there will be additional parking there. This is only for outside events so we are hoping this gives opportunity for brick and mortar that are already here to sell an extra beverage. It also allows for vendors during these events to set up extra tables in the street to sell your beverages. With Walking on Wednesdays, the intent is not to take away from the ability of brick and mortar to serve the people but to expand their ability for further services rather than utilizing outside vendors. He has proposed an agenda request that will address these issues and additional health and safety concerns and will piggy back the actual establishment of the DORA. These concerns will be addressed in that ordinance. As far as the public intoxication, he and the Safety/Service Director have committed that if the police are having trouble with too much public intoxication, they will come to Council and ask to end this event. There are state statutes that provide for review of these every five years. They can be canceled anytime. This is an opportunity for our downtown businesses to expand during these events. This seems to be working in a lot of cities, even tho there have been some glitches in some cities.

Mr. Wachholz mentioned the Mayor's intent is for Walking on Wednesday but can a future Mayor expand this to other days as well? Mayor Costilow said any Mayor or Safety/Service Director can approve any event.

Mr. Brandon Wheeler, Robert's partner at Cole's Pubic House, at 209 S Main Street, said his primary concerns outside of answered questions about sanitation, parking is outside vendors. He has seen this in other successful places and outside vendors are disallowed – food or beer trucks. The events are made to prop up and build up the brick and mortar businesses. He asked about getting this written into the ordinance do disallow that. He believes with 15 liquor licenses here, there are more than what one needs to satisfy the demand for any liquors or food service. Mr. Dembinski said previously we did have a proposed ordinance coming in about mobile food trucks and essentially the way those were set up, you will not see these downtown based on set back and distances, buildings and such. Definitely he agrees on the beer trucks. Mayor Costilow said as far as any mobile truck whether food, beer

or someone selling tee shirts or whatever, they would need a special permit. He does not think it's Main Street's intent to bring these in. He would not put a restriction on it completely as in the future there might be an event where you would want to have that. As long as it is voiced that these are not wanted and as long as these voices are heard, they would not be allowed. Mr. Wheeler spoke to these mobile trucks being disallowed in events in other cities. He spoke further. Mayor Costilow said it would actually be more difficult for these to set up during the DORA.

Mr. Heberling said this was created to help and promote our current businesses. He said he is there at events to distributed things and he hopes that these residents walk into our establishments. There are a couple of vendors that do sell odds and ends but should not affect Cole's business. Mr. Wheeler felt the language should be in the ordinance. They are not trying to be negative. He spoke further. Mr. Heberling said he has been to many wonderful events and also has seen reports of negativism of alcohol. We are aware of Mr. Wheeler's concerns.

Mrs. Teresa Gilles spoke and explained the DORA and invited Mr. Wheeler to attend their Main Street Meeting. She said there is much information on their Facebook page. She invited phone calls.

Mrs. Wasilk said this was a perfect position for Mrs. Gilles as the merchants downtown are advocating for this as they want to use this to promote their businesses. She invited Mr. Wheeler and Mr. Lucas to participate as much or as little as they want to. She reiterated what Mr. Dembinski said is that we have very restrictive ordinances for food trucks and spoke further to that. Mrs. Gilles said we don't want this to be a Mardi Gras. People may want to look at the car show. We are not adding food trucks; we already have restaurants that provide food. She does not want to take business away, but to help the retailers. Retailers will have stickers on windows or doors with different colors which will let people know if they are participating. Mr. Dembinski was a little concerned about the businesses that did not have a beer license and reached out to two of them and generally they were fine with this as it could help their sales. If this does not pan out and council is told that this is not working, council or the Mayor would say that it's not working and this could all be cancelled. Mrs. Gilles said when anyone wants to do an event, they have to fill out a very detailed application. That has to be approved by City Hall.

Ms. Smith asked about additional liabilities will the businesses will have; people walking around with drinks and stopping in a store and possibly spill their drink. What type of resources are going to be out there? Can the law department provide some guidance? Can they be pointed out in the right direction? Mr. Pecora said private businesses are liable for their own activity. Mrs. Gilles said she would be happy to look into that but agreed with Mr. Pecora once residents go into a business, it's the business's responsibility. Ms. Smith said these businesses may not be familiar with any laws and she wonders if they can go somewhere to get these answers.

Mr. Winiarski asked if we will be looking at drafting the ordinance that will speak to the questions and concerns brought up here? Or are we going to approve the map and then insert such language later? How will this proceed? Mr. Ward said there will be a separate request to address these issues. Mr. Lucas said they are not against this but wanted to have their questions answered. He said there were some great questions asked here. He again spoke of his experiences at Put N Bay. Mr. Wheeler said to speak to Ms. Smith's question, they are responsible for what happens inside their bar, and if someone gets in their car and has an accident they are responsible. But it's different when they are walking from bar to bar and have too many drinks. He feels Ms. Smith asked a great question. He will seek counsel from his own attorney.

The Public Hearing was concluded at 7:00 p. m. by Mr. Dembinski.

Olga Sivinski
Clerk of Council