



**MINUTES  
COMMITTEE MEETING  
LEGISLATION AND CODES  
8/17/2020**

**Roll Call:**

Members present: Daniels (chair), Schaber, Thomas

With a quorum present, Daniels called the meeting to order at 6:46 PM.

**Old Business: None**

**New Business:**

Item 1. ORDINANCE AMENDING SECTIONS 901.03 and 903.07 OF THE MARION CITY CODE AND DECLARING AN EMERGENCY

Law Director Russell explained that this has been prepared since last committee meeting related to 903.07 regarding thickness of concrete, clarifying difference between apron within the right of way vs. the balance of the driveway beyond the right of way. It also incorporates allowing Public Works Director to take in to account pre-existing parking areas within the right of way and whether they are stone, asphalt, or concrete to determine what a new applicant is required to do.

Thomas said that he was the one requesting clarification. If they had sewer excavation in the driveway, they would have to put in a concrete driveway.

Russell said that it is already a requirement by code that a person apply for a permit with zoning for an installation of a driveway beyond the right of way. The manner in which the driveway is constructed is reviewed by department of public works. If a person is replacing an asphalt driveway, they can replace with asphalt. We are adding clarity to parking on streets without curb. There are no new requirements.

Public Works Director Bischoff explained there is a driveway permit that has been applied to the area within the right-away. This is trying to clarify that the code says we can go on private property to inspect driveway. That was not really addressed clearly before. The code covers both issues of driveway and sewer excavation (independent of each other).

Neff asked for clarification. Any new driveway will have to have a permit and will have to be blacktop or concrete. No new driveways out of aggregate. In response, Bischoff stated that a "true approach" (perpendicular to the road) would have to. If it is parallel parking (pull off area), he can consider what the neighborhood looks like. They will have a detail for how to install a gravel pull off parking in areas where the majority is gravel. Neff asked again if a new driveway must be concrete or blacktop. Bischoff said yes. Neff asked what was driving this change. He could not support it regarding the driveway requirement.

Russell reiterated the issue in regard to off street parking with no curb is an enforcement issue. It was brought forward by Patrolman Thomas. It is his understanding that any new construction with a new driveway requires asphalt or concrete.

Daniels said that vehicles abandoned in city right away are a valid expense. He cannot understand that we do not have the right to do that. It seems that we should be able to do that, especially given that we regulate parking on private property. He does not understand why the city would be concerned about a driveway beyond the apron/approach. Thomas agreed. What does this have to do with parking in the city right of way?

Russell explained that we have received complaints (within the last 10 years) that there was a period where 2-3 property owners with asphalt/concrete driveways on Toulon and Mount Vernon Blvd expanded their driveways and used stone for expansion. If Council does not support that, then it will be permissible. People who complained thought that it was aesthetically displeasing.

Thomas states he is not willing to get into a discussion about what a neighbor thinks about someone's driveway.

Russell explained that a sewer excavation would allow a stone driveway to be replaced with a stone driveway.

Daniels asked if council members would agree that an abandoned vehicle should not be on private property. Could we agree to address that issue alone and move forward with that? Then the committee could have more discussion on some of the other issues.

Schaber expressed that he did not want to dump this responsibility on the Public Works Department. He would rather stop and look at something that only addresses the issue or parking in the right of way on streets without curbs. He wonders if maybe all of these changes should not be in the same ordinance.

Russell requested that we focus in on the issue related to material for non-curb street parking. We can bring it back to committee when they deem it appropriate.

Daniels said that no one wants a 20-30-year-old car sitting in a right of way. Could they pull that out? Russell explained that we have already had a first reading at council on that particular issue. In order to deal with that, they also need to address 903.7 regarding material requirements for parking. Neff asked about current ordinance on junk cars. Should this be included in that legislation or is this the better way to go? Russell says that junk car ordinance only applies to private property. This deals with city right away and junk car ordinance does not apply to that.

Ratliff is not totally clear how this is different than what is currently on council floor. Russell stated that everything we have focused on is within the city's right of way. We have now pulled back thing related to personal property. This is additional clean up to help residents establish a parking area in the city's right-away on streets with no curb.

Tracey Cooperider (904 Maynard) asked about why they can give out a ticket for a car parked the wrong way on the street, but cannot do anything about this? Russell explained that the controls are in place cover the paved part of the street.

**No action taken.**

Item 2. Discussion -- DORA/Outdoor Entertainment District

Mayor Schertzer stated that council members have been given an example of a DORA. Cities across Ohio are implementing these legislatively to facilitate the development of their downtown. This would allow a person to carry an adult beverage from one location to another in the designated outdoor area. We can put restrictions on it. They believe that some businesses in the South Main Street area could benefit from this. They do not think that it is beneficial to do the entire downtown at this present time. They want to limit it to be sure that they do it the right way.

Daniels asked about other businesses that are close to area but not in area. How do they compete against business that are within area? Schertzer said that there are only a few establishments able to sell alcohol within the area they have specified. If you look outside that area, there doesn't appear to be any other establishments close enough to compete. Daniels specifically asked about Whitey's. Schertzer said that they want to start with a designated area and make sure that they do it correctly for the first DORA. If this is successful, they can look at expansion.

Luke Henry (The Brickyard) explained that he has talked to businesses in other communities with a DORA. They have found this to be a boon, especially with COVID19 concerns about indoor activities (drinking, dining). What is important to remember that this is not drinking for drinking's sake outdoors, this is a way to encourage development in this area as people can

take drinks to shopping or to events in parks. This was piloted on a trial basis on third Thursday when people could eat and drink in ally and park and shut-down street. Many towns in Ohio have enacted this and they are seeing significant benefit. They see this as a time to take action to spur economic development in these areas (not just bars and restaurants). Shopping and events allow people to stay and extend their stay when they are downtown.

Joe VanBuskirk (Marion Brewing Company, S. Main Street) said that DORA will help Downtown area in the long term. The immediate impact will help with COVID19 requirements to have sufficient space for customers. He believes that other towns who have implemented the DORA have been successful. Addressing businesses outside of the zone, they have 45 days to object to the DORA. Also, there needs to be 4 liquor licenses to establish the area. If other businesses want to be included, they just need to step up.

Daniels said that he does not need to be sold on the virtues. His sole issue is that there are establishments that are a stone's throw from the district. He does not think that this is fair to leave out those establishments. He thinks they would be better off to include them.

Mayor Schertzer said they do not want to exclude people. They just want a starting point. It needs to be manageable for administration, police, fire, etc.

Mrs. Warr-Cummings (Regional Planning) agreed that it would be best to try to add in other businesses. Her only concern is that if you are going to encourage that movement across the street, they need to provide a safe environment. They will need to do things to add to the safety and character to accomplish that. The further they get a way from the core, the harder it might be to do that.

Ratliff said that he is glad conversation is going that direction. He agrees that they need to be inclusive or hurt a business to help another business. The businesses inside the district, would they be as supportive if the district was Whitey's and not them. He thinks that is why they need to be inclusive.

VanBuskirk says that any business downtown getting business will help the others. They need foot traffic to get dollars in Downtown.

Warr-Cummings added that the district from Prospect to State would include Busby, Founders, and the City Parking lot. Those are all public spaces. This allows you to use those public spaces and alleys in a little bit different way. It creates a safer environment with alleys without crossing major streets. That section could establish the environment.

Schneider spoke in support of DORA but thought they should include other establishments.

Meade said that it sounds like they have a path to go forward with the proposed district and a way to expand later. Daniels prefers to hear from the businesses not included before they proceed.

Neff asked if there was any input from the Fire Department because they do use this street to access the north part of town. The idea is that the bollards used to shut down main street would be removeable. They would be able to access with minimal delay. Regarding other areas, they typically use overpasses. Schertzer further clarified that the DORA does not shut down Main Street. Other events may cause a closure for the events. We will be talking about traffic calming when we get to the Traffic Commission meeting.

Swanger asked how difficult it would be to extend it later. Daniels said that it would take legislative action.

VanBuskirk said that additions need to go through same process as specified by the ORC.

Schaber said he only has examples. Is this just a discussion? Should they talk to other businesses before they get to the point of actual legislation.

Feliciano said this sounds really good, but does this affect the open container law with you walking right down the street. Schaber said that is what we are trying to do. Daniels said that this is a vehicle that the state legislature has given us to allow it.

VanBuskirk said that the DORA only applies to those who have an existing license. People cannot bring in other alcohol into the downtown. Open containers have to be in a designated cup in the DORA area.

Mayor Schertzer explained that this is not a BYOB situation.

Neff clarified that we are just discussing establishing a DORA and what the parameters are. Later down the road, we would be looking at specifics, including days and hours. He also asked for input from Chief Collins. Will there be increased costs for the police for that?

Chief Collins said that they have talked with Mayor. The sponsors of events like 3<sup>rd</sup> Thursday and the Popcorn Festival are responsible to pay for extra duty officers to police that area.

Daniels commented that the extra cost for policing officers would be lower if there were more entities in the district to split the cost.

Vaughn Sizemore (development consultant for Downtown Marion Inc) stated that DORAs are used repeatedly in surrounding counties which he believes shows that they are successful.

Their board is concentrating heavily on the South Main Street area. Park to Park the DORA gives us a chance to participate as a “commons”.

Henry requested that committee and council act on this swiftly so that they can get some benefit out of it this year. It is clear that there are details that need to be ironed out. He asked that members go to other communities to see how it works. He believes that there is significant benefit to offering this setting. He said that other communities have been able to implement these quickly and have been doing it for the last three months. It is not just for this area that this will have an economic impact. When people come downtown, they go to other places. He urged to move forward quickly and then refine from there.

Mayor Schertzer said that he hopes that they can pull together legislation by the next committee meeting.

**Discussion item only – no action taken.**

**Items not on the agenda:**

There being no further business to come before this committee, the chair adjourned the meeting at 7:52 PM.

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Josh Daniels, Chair

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Tarina R. Rose, Council Clerk