



**MINUTES  
COMMITTEE MEETING  
LEGISLATION AND CODES  
10/5/2020**

**Roll Call:**

Members present: Daniels (chair), Schaber, Thomas  
Meeting called to order at 7:54 PM with a quorum present.

**Minutes:**

Schaber made a motion to approve minutes of 09/21/2020; Thomas 2<sup>nd</sup>. Roll Call: Ayes – Daniels, Schaber, Thomas: Nays -- none

**Minutes approved (3-0)**

**1. Old Business:**

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

Law Director Russell requested that the committee set this item aside to come back to at a meeting on a later date.

**Item 2. ORDINANCE AUTHORIZING THE CREATION OF A DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) WITHIN DOWNTOWN MARION (Mayor/Regional Planning/Russell)**

Mayor Schertzer said that they have the draft DORA application, as well as the ordinance that creates the DORA. Last Tuesday, they invited all liquor permit holders and potential liquor permit holders in the DORA area as proposed in this document. All came but one, but they have indicated approval. Through discussions that they have had with administration, the chiefs, and Regional Planning, they have found some pedestrian accident reports that gave them concern about extending the area right now. They are not opposed to expanding the DORA at a later date. If you do expand, you are crossing state routes and a railroad track. A number of liquor permit holders are present. He presumes that the council may want to go three readings on this. There is then a 30-day grace period for the state liquor control before they grant this.

Joe VanBuskirk (Marion Brewery Company) explained that there have been changes as recently as September 2020. He explained that the application is from the liquor permit holders to the legislative authority.

Mayor stated that Mrs. Warr-Cummings put the application together. She explained that they looked at DORAs around the state and pulled in best practices. The boundaries for the District are designated in the application – would be from Center to Church, Prospect to alley behind bus station. She reviewed some of the incidents that have occurred alongside the railroad tracks in the past 5 years including: three suicide attempts, three passed out on or near the tracks, and one injury. Hours would be 11AM-10PM, M-Sat. They have a police and safety plan, as well as a sanitation plan and signage plan to mark boundaries. The businesses that do not sell alcohol can determine if people can walk in with a drink. Signage will be posted. Liquor permit holders went through plan as well.

Thomas asked about taking drink from one establishment to another. They cannot legally do that; however, they can take it into stores that allow. Obvious signage will explain that so that people can understand the rules.

Daniels summarized that he could buy a beer at Bar A but could not walk into another liquor establishment. He may be able to go into a boutique, if the shop owner allows it (signage will be posted). Think like the Gallery Hop in Columbus. DORA cup will show the bar that it came from. Mayor stated that they are encouraging and facilitating more outdoor seating, however width of sidewalks is challenging. At the corner of Main and Center, they removed planter and have encouraged new grocery store to implement outdoor seating.

Cooperider (904 Maynard Drive) said that they are catering to specific establishment. Mayor stated that they have 4 liquor permit holders to apply. Daniels stated that the other establishments (outside the designated area) have not raised objections. Daniels said he can only do something if people want it. Mayor stated that area can be expanded at a later date if people want it. They have to draw the line someplace.

Neff said that he thought that this was not going to require additional policing. If there are special events, the hosting entity(ies) would split the cost of two additional special duty officers. Mayor said that other communities have not seen a need for increased presence outside of special events. In the past, they have used special duty officers for Blues and Rib Fest, as well as the Third Thursday.

They have excluded the Popcorn Festival days from the DORA operational time. Establishments can still sell liquor per their liquor license, just no walking around in DORA. Mayor said that they also looked at holidays. There are certain “holidays” that adult beverages are consumed, i.e. St. Patrick’s Day. Council has the opportunity to make changes if they wish.

Daniels addressed Chief McDonald regarding concerns. McDonald says that he has been in some of these areas and he has not seen a problem, especially with the time constraints. If there is a problem, there are things that they can do. There is not anything in there that he has concerns about it. At one point, they allowed drinks in a car. That has been removed.

Unidentified speaker explained that in situations where they have others having events and serving beer. This allows them to serve. This also allows them to spread out and is helpful with COVID restrictions. There are over 50 DORAs in Ohio at this point. If they can do it, we have the ability to do it. Other communities have been able to work through any problems.

Ratliff said that Downtown has been successful in the past having a New Year's Eve event downtown. He thinks that they may want to consider making that a date that is excluded. Mayor said that the parks downtown are different and are not under the Parks Department. Ratliff asked about liabilities and clean up activities. Mayor said that they have talked with the liquor permit holders about policing the clean-up issues. There are liabilities with everything, however this is built under a framework prescribed by the state legislature. We will continue to limit liabilities as we can, including signage, marking area, etc.

Thomas made a motion to approve with changes as discussed and a recommendation for 3 readings; Schaber 2<sup>nd</sup>. Roll Call: Ayes – Daniels, Schaber, Thomas: Nays -- none

**Legislation recommended to council (3-0)**

**Item 3. ORDINANCE OF THE COUNCIL OF THE CITY OF MARION OHIO, UTILIZING AUTHORITIES GRANTED BY OHIO REVISED CODE, REPLACING THE BOARD OF ZONING APPEALS WITH CITY PLANNING COMMISSION, AMENDING ALL NECESSARY CODIFIED ORDINANCES/ RESOLUTIONS IT HAVING DETERMINED A REAL AND PRESENT NEED TO FURTHER STREAM LINE LOCAL GOVERNMENT AND DECLARING AN EMERGENCY (Daniels/Mayor)**

Mayor Schertzer explained that this had been discussed earlier in the year but had been shelved during the Zoom meeting time. They would like to merge City Planning and Board of Zoning Appeals. Thomas had asked that they work towards having each ward represented on the final board. We believe that 2<sup>nd</sup> and 3<sup>rd</sup> are not represented. He would like to fill vacancies from those wards.

Daniels said that we would have a huge audience of applicants. The second ward has two precincts. Sometimes you are not always able to find the best qualified applicants in each ward. If we narrow choices too much, we may end up with a candidate who would not be on Board of Zoning Appeals. Thomas suggested that Ward Council people could make recommendations. He always helped to do that when he was in the 3<sup>rd</sup> Ward. He feels strongly that each ward should be responsible and that the ward Council person is key to

finding people to participate. Mayor said that we have a variety of vacancies for different reasons.

Tracy Cooperider (904 Maynard Drive) asked what the flaw is with the current set up. Mayor Schertzer explained that with 2 board it was a challenge to get 14 people who were qualified, willing to serve, and able to show up when a meeting was called. In reviewing the Ohio Revised Code, we found that we could merge these two boards to streamline it. We feel that the board will meet more regularly and will be able to make that meeting a priority. Please do not understand him, there were people who regularly showed up and competently completed their job. They believe that this will help make that committee more regularly available. Cooperider volunteered to serve from the 3<sup>rd</sup> Ward if needed.

Ken Lengieza (Regional Planning) that the ORC allows this, and it is nothing new. They have done it for years in the villages. As long as you realize that City Planning has other duties beyond Zoning and requires some specific members by the ORC (Mayor, Safety Director, Board of Parks Commissioner).

Mayor Schertzer suggested that maybe they need to go back and look at this. He is not asking them to act on this tonight. Law Director Russell said it is not ready.

## **2. New Business**

### **Item 1. A RESOLUTION TO ENACT THE SMALL BUSINESS WORKING CAPITAL GRANT PROGRAM (Neff)**

Neff was at a Regional Planning meeting and found that Marion Township is issuing grants to small businesses affected by COVID19. Their grant program is really just to reimburse expenses for direct COVID related expenses. He looked around and found many communities that were doing similar type activities, but he particularly liked what Grove City is doing. He thought it would work well for us. The resolution in front of you tonight is a collaboration on Grove City's legislation. He spoke with their planning director, Regional Planning, and Marion Township. The main thing they are trying to do is target brick and mortar businesses that rely on foot traffic to come in and do transactions (like retail, restaurants) and they were closed down due to government restrictions. They must demonstrate a loss of revenue that has negatively affected their working capital. He is asking for \$100,000 to issue \$2,500 grants to businesses. It would be administered by Regional Planning and the Port Authority. He did not include scoring tool, application review – identical to Marion Township's program. They have figured out that lost revenue is an acceptable use of CARES Act fund. He talked with administration who said they may want to wait for CARES Act 3. The county auditor said that governor signed CARES Act 3 and would be mailing checks out to city.

Mayor Schertzer said that this type of program had been discussed internally. The city has had great needs for the CARES Act 1 and 2. He believes this is a good idea. He is concerned and would like to see where it says that they can replace lost revenue. He knows that they can

spend on PPE, etc., but questions use for revenue replacement. The Governor and the State Legislature are working on another piece of legislation that is specific for small businesses. Even though 1,2 and 3 was not specifically for small business, although it can be used. He would like to have more discussion on amounts. He likes the idea of Port Authority and Regional Planning being involved. Overall, he believes this to be a good idea.

Thomas asked if they were to allocate \$100,000, it would be administered by Port Authority and Regional Planning. Warr-Cummings said that the Township is marketing their program. The applications come to Regional Planning and are reviewed for completeness. The Port Authority will give a recommendation. They are creating a case file for each case that would contain documentation that would carry forward to the auditor's office when the check is issued. She addressed the documentation needed. There would also be post-grant follow-up. <audio was very jumbled because of talking and shuffling of papers>

Daniels asked if the City has exhausted all needs for CARES Act money. Mayor confirmed that they have a lengthy list of things needed. They have a concern right now because there is not a lot of time to do this. There are due dates for encumbrances and expenditures. If we cannot get it by the encumbrance date, we cannot get it. They are working with more non-profits and agencies that we have an established relationship with since we have 911 dispatch and part of the health district. There are things that they are looking at doing that will help the budget in 2021. The long-term effects of this to help our bottom-line next year – he does not know. Daniels said that the needs of the city, which affect every resident of the city, that should be where things are spent. If their needs are meant, then this is something to consider as long as these are legitimate expenses. Not every professional in government is able to interpret regulations as they are issued. Daniels said that he would like to see some legal grounding, some assurance that this is correct. He recommended that Neff attempt to do that.

Schaber said that he talked with Marion Township Trustee. They were surprised at how few people actually applied in Marion Township. It was indicated that was mostly because of the verifications required. Do we have to require them to disclose all this information, especially if we cannot reimburse for a loss? The W-9 is a requirement.

Small business is defined as 25 employees or less. Is a home-based business eligible? Neff stated that this is directed toward business that is reliant on foot traffic.

They will hold in committee until next meeting.

### **3. Items not on the agenda**

There being no further business to come before this committee, the chair adjourned the meeting at 8:53 PM.

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Josh Daniels, Chair

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Tarina R. Rose, Council Clerk