

PLANNING & ZONING COMMITTEE

April 15, 2021

The meeting was called to order at 6:00 p.m. in Council Chambers by Chairman Tim McCarthy. Committee members present were Cory Kuhlman, Tim McCarthy and Barry VanHoozen. Also present were Law Director Kate Sandretto, Planning and Zoning Administrator Brody Walters and Police Chief Pat Jones.

APPROVAL OF COMMITTEE MINUTES

There being no objections, the minutes of the March 24, 2021 meeting were approved.

DORA

Chris Morris of Inside the Five was present to discuss some difficulties the downtown liquor permit holders have encountered as they have tried to comply with the initial Designated Outdoor Refreshment Area ("DORA") ordinance. One of the requirements was that the permit holders obtain liability insurance for the DORA. However, their efforts to obtain such coverage have not been fruitful. Insurance carriers are not interested in writing coverage, as they are unsure of what risks exist with a DORA. Further, the individual liquor permit holders each have their own liability coverage.

A second issue the permit holders have encountered is with the formation of a corporation. The Department of Liquor forbids manufacturers of alcohol from having a financial interest in an entity with distributors of same, and Inside the Five is a manufacturer while the other permit holders are distributors.

In an effort to get the DORA underway, the Administration in consultation with Council Member Barry VanHoozen had drafted some potential changes in the DORA ordinance. Law Director Kate Sandretto presented the proposed changes. The first is that the Section 8 requirement of a corporation or limited liability company and acquisition of liability insurance coverage be eliminated. In lieu thereof, the DORA will designate one individual as the principal contact person for the City to resolve any issues involving DORA activities, and the liquor permit holders will be required to furnish proof of liability insurance coverage.

Section 7 had earlier required that the cups utilized for DORA identify the name of the particular permit holder. The ordinance has been revised to eliminate that requirement due to excessive cost. Chief Jones noted that no other DORA that the City has looked at had such a requirement.

Finally, the City will purchase and install the signage for the DORA, as the boundaries for the DORA are set by the City, not individual permit holders or merchants. In that they are City signs like other traffic signs and the like, the signage will not call for review by the Historic Landmarks Commission.

Committee Member Cory Kuhlman had expressed concern about the existing provision that the Safety Director or the Chief of Police can modify or suspend the hours of the DORA during special events. He questioned whether any such modification should be approved by an appropriate Council Committee. The Chief responded that there has only been discussion of modifying the hours on Harrison Rally Day, perhaps to have the DORA hours start at 4:00 p.m. that day after the booths have closed. The Chief said that there had been no discussion of changing the hours during Farmer's Market. The Chief said that the Department will evaluate all events for any potential issues, as they usually do, and that he was not planning to excessively modify hours for the DORA.

Committee Member McCarthy commented that he was satisfied to leave these decisions to the Police Chief. Committee Member VanHoozen concurred. Law Director Sandretto pointed out that the existing ordinance calls for the initial first-year review of the DORA to occur this coming September, at which time this issue could be reevaluated. Committee Member Kuhlman was satisfied that the City could proceed for now and then reassess the issue in September.

Committee Member VanHoozen questioned another requirement that the permit holders could be asked to bear the costs of additional law enforcement for the DORA during special events. Committee Member McCarthy pointed out that the liquor permit holders are not the only businesses to benefit from the DORA, as all downtown merchants do so as well. Chief Jones explained the process to consider the cost for additional law enforcement and indicated that he would be careful in assessing such costs to the DORA. Committee Member McCarthy stated that he believes the City Administration will be judicious in making decisions regarding shortening the DORA hours or charging for police coverage at special events, given that the initial first-year review of the DORA will soon be occurring.

After further discussion, the Committee voted 3-0 to recommend approval of the amendments to the DORA ordinance to the full Council.

There being no further business, the meeting adjourned at 6:55 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Timothy G. McCarthy". The signature is written in a cursive, flowing style.

Tim McCarthy, Chairman
Planning & Zoning Committee

Next meeting: Tuesday, May 11, 2021 at 5:30 p.m.