SHAKER HEIGHTS

Council Minutes
City Hall Council Chambers
February 10, 2020

The Council of the City of Shaker Heights met in a regular session at 7:00 p.m., Vice Mayor Tres Roeder presiding.

Council Members Present:	Mrs. Moore Mr. Roeder Ms. Anne Williams Ms. Carmella Williams Mr. Earl Williams Mr. Zimmerman Mr. Malone
Council Members Absent:	None

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Audio of this meeting may be found here through May 10, 2020.

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The Vice Mayor invited members of the audience to comment on any of the agenda items.

No comments were offered.

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Ordinance No. 20-02, by Mr. Zimmerman, to approve the creation of a revised Outdoor Refreshment Area as permitted by Ohio law for the consumption of alcohol in specified public areas of the Van Aken Shopping Center, and declaring an emergency.

William M. Ondrey Gruber, Law Director, stated that this is the third reading of legislation that slightly expands the Outdoor Refreshment Area (ORA) scope. Council approved creating an ORA, a term of art under Ohio law, in the Van Aken District (VAD) allowing establishments to sell alcohol in designated cups who agree to participate and to allow their patrons to carry those cups outside the establishment. When the ORA was first created it wasn't clear whether the inside of the Market Hall could be included, but was a part of the ORA along with most of the VAD. The dates for the ORA were during warmer weather because it was assumed it would operate outside. Since then the state has opined that the Market Hall liquor establishments may also participate by giving out cups with alcoholic beverages which can be carried around the Market Hall, and establishments in the VAD may allow patrons to enter their store with those cups if they so choose. Those were the main changes to the operation. Because of the changes we must reestablish the ORA. This legislation does establish the ORA with a complete new plan petitioned to the Shaker Heights City Council which includes the hours of operation and signage as well

as an emergency clause to allow it to take effect immediately upon the Mayor's signature. RMS would like this to take effect immediately once approved by the state to allow usage inside the Market Hall during the winter months.

Council member Mr. Earl Williams asked if the petition will be sent to the Board of Liquor Control.

Jason Russell, RMS Van Aken District General Manager, stated it will go to the Board of Liquor Control who makes sure the designation is correct on all the liquor permit holders in the VAD. This will go to the State of Ohio, they will update each liquor permit appropriately at which point they all receive a revised liquor permit. The ORA will not start until all of those permit holders receive their revised permit. It took over 30 days last time. Hopefully it takes less time now since they already have a designation and it is just being updated with new guidelines. We will wait until we get those but it will definitely start by April 1.

Council member Mr. Zimmerman stated that he is amenable to the emergency clause being added. He asked as of today where patrons can carry designated cups and when.

Mr. Russell stated that based on the current ORA in place enacted in July 2019, patrons can carry cups outside from the months of April 1 through October 31. The original legislation prohibited patrons from carrying cups into a retail establishment and you cannot take a cup into another liquor premises from which you did not get the cup originally. The change in the proposed ORA does allow cups in retail stores and expands it throughout the full calendar year.

Council member Mr. Zimmerman stated that it seems like the most significant change is that it will be allowed in the Market Hall. Even if we did not adopt the proposed legislation customers would be able to carry drinks into the Market Hall, but only from April 1 through October 31.

Director Gruber stated that this legislation extends the dates in which this can be done. If there is a winter festival outside they will be able to carry cups outside. The state opined that we were always able to carry cups inside the Market Hall but only on the dates we originally approved. We weren't sure before if it was allowed inside the Market Hall.

Mr. Russell stated that as of now the retailers do not have the cups to sell inside the Market Hall. The qualified permit holders outside of the Market Hall include Manifest, Michael's Genuine, Nature's Oasis, Sawyer's and the roof top bar above Sawyer's.

Moved by Mr. Zimmerman, and seconded by Ms. Anne Williams, that Ordinance No. 20-02 be enacted as amended.

Roll Call:	Ayes:	Mrs. Moore, Mr. Roeder, Ms. Anne Williams Ms. Carmella Williams, Mr. Earl Williams Mr. Zimmerman, Mr. Malone
	Nays:	None

Ordinance Enacted

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Motion for Liquor Permit SP Connection Inc.
DBA Saffron Patch
20126 Chagrin Blvd.

William M. Ondrey Gruber, Law Director, stated that this is a request for a liquor permit transfer for the Saffron Patch to 20126 Chagrin, the prior location of Swerve Grill until they closed in December 2019. Saffron Patch has a lease to open and has been working with the City to open as soon as possible. There were no objections from any City departments.

No objections were voiced by Council.

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At 7:15 p.m. it was moved by Mrs. Moore, and seconded by Ms. Carmella Williams that Council go into an executive session to discuss the purchase, sale or development of real property where premature disclosure of information would give an unfair competitive or bargaining advantage to a person, or otherwise adversely affect the general public interest; imminent or pending litigation; and specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.

Roll Call: Ayes: Mrs. Moore, Mr. Roeder, Ms. Anne Williams
Ms. Carmella Williams, Mr. Earl Williams
Mr. Zimmerman, Mr. Malone

Nays: None

Motion Carried

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There being no further business before Council, the Vice Mayor adjourned the meeting at 8:27 p.m.

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TRES ROEDER, Vice Mayor

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WILLIAM ONDREY GRUBER, Clerk of Council Pro Tem