

# Cuyahoga Falls City Council

## Minutes of the Public Affair Committee Meeting

### January 5, 2004

Members: Mary Ellen Pyke, Chair; Terry Mader, Vice Chair; Jerry James, Member

Mrs. Pyke called the Public Affairs Committee to order at 7:53 p.m. All members of Committee were present. The minutes from the December 15, 2003 Public Affairs Committee meeting were approved as submitted.

One piece of legislation to be discussed:

***Temporary Ordinance B-191-2004 (second reading)*** A resolution commending John N Schmidt for his service on City Council, and declaring an emergency. Jerry James commends his colleague for 20 years of service with the city council. He recognizes there has been dissent over the years, but John was sincere and he cared about his ward. Kathy Hummel respectfully acknowledges his commitment to his ward and the city and feels he is deserving of this recognition. Mary Ellen Pyke acknowledges his 20 years of service and commends his successful years of campaigns (10 of them) and feels he is a character that we will see around. *Committee recommended bringing out Temp. Ordinance B-191.*

Mrs. Pyke received a note during the committee meeting regarding the appeal filed on behalf of City Council regarding JR's Pub liquor license. The note requests that city council discontinue their appeal of his business. A memo regarding a police visit where alcohol was being served without a license was brought to the attention of council. In the report, the bartender acknowledged to the officer she was serving liquor and thought she was able since JR's was appealing the loss of their license through the Liquor Control Board. Mrs. Hummel states there were three issues from her colleague concerning this mans business, but feels the provisional ballots have been certified by the Board of Elections and we should not deny Mr. Richards based on this venue. Also, the police report of serving alcohol does not issue a citation and we deserve to allow this man to get on with doing his business. Virgil indicated that this has to do with Liquor Control. There are complaint about JR's liquor permit and we had a deadline to file our request for a hearing. There is evidence in the police report of improprieties, but determining the actions of the Liquor Control Board is not known. There is no date scheduled for the hearing at this time. Mrs. Hummel spoke with Liquor Control Board approximately 10 days ago and was told a hearing would not be scheduled until the end of January or early February 2004. Mrs. Hummel received a lengthy letter commending Mr. Richards and JR's establishment in support of reopening his business. Virgil indicates the typical process is the hearing is held in Akron where the parties can bring witnesses to support/challenge the issue. The decision will be made in writing and there will be an appeal period with the appeal being to the commission in Columbus. Tim Gorbach feels Mr. Richards is being scrutinized by the Administration and deserves to get his bar going. We owe him to start making a living and rescind the hearing request and let him go on. Ken Barnhart states he clearly feels we are not trying to cause him a hardship or hold up his business, but there is evidence that clearly states patrons were being served after his license was revoked. The Liquor Control Board would be interested in this information. There was no license on his premises and just because a citation was not issued is not a reason to acknowledge the improprieties. Virgil states that Cathy Beebe received the request on Friday and it was due in on Monday. He directed Cathy Beebe to sign it and submit it to meet the deadline based on conversations with Ken Barnhart and his ward. Ken was on extended leave during this time but had acknowledged his intentions on challenging this issue. Mrs. Hummel stated the election wasn't certified until after November 17, 2003, and that this

hearing is more serious than the City Council has anticipated. Tim Gorbach feels we did not have grounds at the time of objections. He is not aware of complaints and problems. Virgil stated we submitted to preserve our right to object. Mr. Barnhart states we are aware of infractions by the police report submitted. He also feel there are many more during his previous years of operations. George feels the hearing should go on and allow the Liquor Control Board to determine if he can reopen. Mr. Richards, Portage Trail, Cuyahoga Falls, states he has been through years of hearings with the previous JR's. He has been shut down since March, where he states a private birthday party was going on when the police arrived. There were no infractions or citations issued and wants to move forward. Mr. Walters does not feel we have the evidence to hold this up. Mrs. Klinger states we need to yield to our colleague, who wants to have a hearing. We need to let due process work out. Mr. Barnhart indicates there are many police violations that are public record on JR's Pub. Virgil states that City Council can choose to cancel this request for hearing. Tim Gorbach feels we need to respect his position and allow him to operate. Tim reminds fellow council members that they all have challenging businesses in their respective wards, but Mr. Richards has put a lot of money into his place and he is not comfortable in telling Mr. Richards "no". Ken Barnhart indicates the hearing will show the severity of the infractions and let the Liquor Control Board make these decisions since they handle this. Mr. Arrington states there are few violations over the last two years, since he has been not operating. Mary Ellen Pyke encouraged the council members to research the infractions and explained to Mr. Richards that this was a committee hearing and it could not be voted on until next week at council meeting.

Public Affairs Committee Meeting was adjourned at 8:28 p.m.