

Amherst City Council met in a Special Session under full compliance of State Law with President Dietrich opening the meeting at 7:15 P. M. Roll call: Mr. Janik, Mrs. Wasilk, Mr. Van Treuren, Mr. Gambish - absent, Mr. Bukovac, Mr. Traster, Mr. Loughrie. Also present were Mayor Taylor, Law Director Pecora, Auditor Kukucka, Treasurer Hullman, Safety/Service Director Clotz, a member of the press. Mr. Traster motioned to excuse Mr. Gambish as he had a letter on file. Seconded by Mr. Bukovac. Voice vote 6-0 to excuse Mr. Gambish.

The Prayer was invoked by Chaplain Wasilk, followed by the pledge to the Flag led by Sgt. At Arms Traster.

**ORDINANCES AND RESOLUTIONS FIRST READING:**

- (a) A Resolution authorizing the City to pay to the Ohio Department of Transportation a portion of the cost of replacing an existing steel bridge superstructure; and declaring an emergency. (A-10-28)

Mr. Janik motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Loughrie. Roll call vote 6-0 to suspend rules. Mr. Loughrie motioned to adopt. Seconded by Mr. Traster. Roll call vote 6-0 to adopt. Becomes R-10-01.

Consideration of a "Liquor Agency Contract" **Explanation:** Risor Foods (Giant Eagle) has a regular liquor permit to sell beer/wine. They want to become state liquor agency. This would allow them to sell high proof alcohol (such as Vodka, Rum, Whiskey, etc). If anyone has ever been to Apples, formerly Tops, they have a sort of separated room in the grocery store where they sell this type of liquor.

Mrs. Wasilk said she feels there are already too many establishments that sell liquor and so how much good does it do to protest? Why would they go from selling beer and wine to hard liquor? Mr. Pecora said if Council wants to protest it and have a hearing on it, it would give them that opportunity to do so. Mrs. Wasilk asked what the outcomes could be on this? Mr. Pecora said he could not answer that off the cuff. The Clerk noted that in the 32 years she has been there, there have only been two times where objections have been made and hearings held and the City has actually won. In both instances, there were problems with the establishments so the permits were denied. She noted that there have to be really good causes why that particular establishment should not have a liquor permit. She noted the procedures that were established for objecting to permits. Mr. Van Treuren noted that there is already one establishment that sells that type of liquor in the vicinity. Mr. Bukovac asked if there are any restrictions on Sunday liquor sales? Mr. Dietrich said it depends on what's in that ward whether they would be allowed to sell it on Sundays. Mr. Pecora felt Mr. Dietrich was correct. Miss Stacie Reising (the young lady who tapes the meetings) said there is a store in Avon and the hours that hard liquor can be sold is limited to certain hours. The Clerk agreed and said that the store in Sheffield Village does not sell liquor 24/7. Mr. Van Treuren said just out of principle, as he does not feel there needs to be another establishment selling hard liquor he wants to vote his conscience and he motioned to object to the proposed new permit. Seconded by Mrs. Wasilk. Mrs. Wasilk said both of the existing liquor establishment and the one proposed are not only the same ward, but in the same precinct 4-C. This is a little too concentrated. She is not sure that the City of Amherst would be well served by having another

establishment that has more liquor available. Mr. Traster said as much as he agreed with Mrs. Wasilk, he does not feel there is a chance that we can beat this. It is their right to be able to sell this liquor. The only time we really beat that is against Toucan Charlie's where we had the police department's long of list crimes committed there, but if these people have no prior problems with their establishments, it would be hard to beat them. Mr. Loughrie reminded all that this is a grocery store and they are not serving there. Mr. Janik noted that examples were cited over the past 30 years of liquor licenses that were denied and obviously in those circumstances there were some law enforcement involvement due to problems in that particular area. He asked if there have been any of these problems or objections to this establishment that anyone knows of? Any concerns about these licenses in these particular areas? No one knew of any. Mr. Janik said he did not know that we would have any success in objecting. This could be a waste of the City's resource. Mr. Bukovac asked if there are currently any liquor sales in the present Donato's? No one knew. Roll call vote 2-4 to object to the liquor permit with Mr. Janik, Mr. Bukovac, Mr. Traster and Mr. Loughrie voting no. The motion fails.

Consideration of a new liquor permit for Chiptole Mexican Grill at 901 Leavitt Road. This is for a D3 license: Spirituous liquor for on premise consumption only until 1:00 A. M. (this is the present Donato's building) Mrs. Wasilk said she does not think we need another establishment that sells liquor, even though this is a sit down restaurant. Residents ask her why do we have so many establishments that sell liquor? She can't support this. With that, she motioned to request a hearing. (She noted that there is a place on the form that we can request to have the hearing in our County Seat) Seconded by Mr. Van Treuren. Mr. Van Treuren agreed with Mrs. Wasilk that we don't need another establishment that sells alcohol in the City. The establishments that now sell alcohol are responsible and do a good job and are good places of business, but he does not feel that we need another establishment that sells liquor. Mr. Bukovac said having visited Chiptole's in the past, it is unlike the Applebee's or places like that where you have a bar where people come in for the sole purpose of drinking alcohol. Chiptole is first and foremost a restaurant without a bar area. Mr. Kukucka said having been there himself, they only sell beer and margaritas, which are watered down. The other side of the coin is that Chiptole's is owned by McDonald's. Roll call vote 2-4 to object to request a hearing with Mr. Janik, Mr. Bukovac, Mr. Traster and Mr. Loughrie voting no. The motion fails.

Mr. Traster motioned to adjourn. Seconded by Mr. Loughrie. Voice vote 6-0 to adjourn.

The meeting adjourned at 7:38 P. M.

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Olga Sivinski, Clerk of Council      John S. Dietrich, President of  
Council