

RESOLUTION NO. 68-2019 (SMS)

By Council Member Yasinow

A Resolution objecting to the renewal of all current liquor permits issued by the Ohio Department of Commerce, Division of Liquor Control to Star Beem LLC, dba 7 Eleven/BP, 3983 Mayfield Road, Cleveland Heights, Ohio 44121 and requesting that a hearing on the issue of renewal be held in Cuyahoga County, Ohio; and declaring an emergency.

WHEREAS, in the matter of Star Beem LLC, dba 7 Eleven/BP, 3983 Mayfield Road, Cleveland Heights, Ohio 44121, the applicant has operated the permit premises in a manner that demonstrates disregard for the laws, regulations, and local ordinances of the State of Ohio and the City of Cleveland Heights, the location of the establishment substantially interferes with public decency, sobriety, peace, and good order of the neighborhood where the premises is located, and the premises does not conform to the building, safety or health requirements of the City of Cleveland Heights; and

WHEREAS, the City Manager, Chief of Police, and Director of Law have determined that it would be in the best interests of the City and its residents to object to the renewal of all existing liquor permits for said establishment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council hereby presents the objections and concerns of the officials of the City of Cleveland Heights, Ohio to the granting of the renewal of all current liquor permits issued by the Ohio Department of Commerce, Division of Liquor Control for the premises operated by Star Beem LLC, dba 7 Eleven/BP, 3983 Mayfield Road, Cleveland Heights, Ohio 44121, on the basis that the applicant has operated the liquor premises in a manner that demonstrates disregard for the laws, regulations, and local ordinances of the State of Ohio and City of Cleveland Heights, the location of said establishment substantially interferes with the public decency, sobriety, peace, and good order of the neighborhood where the premises is located, and the premises does not conform to the building, safety, or health requirements of the City of Cleveland Heights within the meaning of Division (A) of Section 4303.292 of the Ohio Revised Code.

SECTION 2. This Council basis its objections and concerns, in part, on Chief of Police Annette M. Mecklenburg's correspondence to the Acting Clerk of Council, attached hereto and incorporated herein as Exhibit A. Specifically, this Council finds that there have been over 400 calls for police service to Star Beem LLC, dba 7 Eleven/BP, 3983 Mayfield Road, Cleveland Heights, Ohio 44121 during only a three-year period. This Council further finds that those calls for police service include at least 51 disturbances, 27 theft-related offenses, 17 alcohol- and drug-related offenses, and numerous robberies, felonious assaults, and other criminal incidents, including a shooting that occurred on the premises.

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SECTION 3. This Council hereby requests that a hearing on the issue of renewal be held in Cuyahoga County, Ohio.

SECTION 4. The Director of Law is specifically authorized to pursue this objection, or to resolve same, if in the best interest of the City.

SECTION 5. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 6. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to meet state deadlines for objection to renewal of permits. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

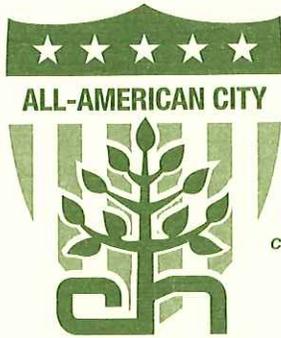
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CAROL ANN ROE, Mayor  
President of the Council

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SUSANNA NIERMANN O'NEIL  
Acting Clerk of Council

PASSED: July 15, 2019



*City of trees... symbol of a live  
and growing community with  
diverse roots founded in a rich  
variety of cultural heritages...  
thriving in the awareness of  
the present and rising to the  
challenge of the future*

CITY OF  
**CLEVELAND HEIGHTS**  
DIVISION OF POLICE

40 SEVERANCE CIRCLE, CLEVELAND HEIGHTS, OHIO 44118 \* Telephone (Area Code 216) 291-4974  
ANNETTE M. MECKLENBURG, CHIEF

July 8, 2019

Susanna Niermann O'Neil  
Acting Clerk of Council

Dear Ms. O'Neil,

As the Chief Law Enforcement Officer for the City of Cleveland Heights, please present to City Council my objection to the 2019-2020 renewal of a liquor permit for the premises located at 3983 Mayfield Rd., dba "7- Eleven" for Permit #85120080005.

From the time period of July 2016 until July 2019, the Police Department has experienced a significant increase in the number of calls for service to the 7- Eleven Convenience Store located at 3983 Mayfield Rd. From July 2016- July 2017, there were approximately 106 calls for service. During that same period from 2017 until 2018, the Police Department experienced an increase in the number of calls for service from the previous year to 158. Finally, from 2018 to the present over 160 calls for service. Of those over 400 calls for service, close to half of those calls required a written report and/or an investigation, follow-up investigation, arrest, vehicle tow, or other expended police resource.

These calls for service include 51 Disturbances, 5 Robberies, 1 Attempted Robbery, 2 Felonious Assaults, 27 Theft related offenses, 17 Alcohol or Drug related offenses, including Liquor/Sales to a Minor (refer to CH1900182) (See also attached CAD records A1-B1). In addition, Officers needed to respond back to this establishment no less than 38 additional occasions to conduct follow-up investigations. Thus, given the continued increase in calls for service to the 7- Eleven Convenience Store over the past three years, it has become necessary for increased Officer patrols, presence, and business checks of this establishment in order to keep the peace and maintain good order of the neighborhood in which 7- Eleven is located.

All total, for the past three years, the Police Department has responded to approximately 437 calls for service at this 7- Eleven located at 3983 Mayfield Rd.

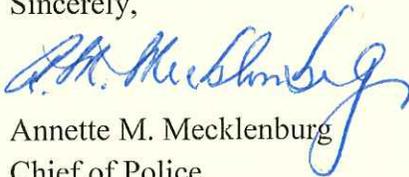
Some of the above mentioned incidents at 7- Eleven include the following:

- On Jan. 11, 2019 at 1:00 am Liquor Control Agents were acting on information of illegal Liquor sales at 7- Eleven. A 19 Y.O. Confidential Informant purchased beer from the store and the employee was issued a citation.
- On May 21, 2018, at 9:00 pm Officers were called to the 7- Eleven and found a woman lying in the lot in the rain intoxicated. Witnesses stated she was drinking beer inside the store and tried to get into another customers vehicle, She was arrested for Disorderly Conduct – Intoxication and for an outstanding warrant.
- On March 22, 2017, at 0600 am Officers were called to the 7- Eleven for a drug overdose. Passenger in a car was unresponsive and was administered Narcan and Driver was erratic and stated she was smoking crack and was also transported to the hospital.
- On Nov. 2, 2018, at 2:30 am. while patrolling, an Officer saw a car parked at a gas pump with fogged windows and vomit near the driver’s side door. Driver was found to be highly intoxicated and was arrested. Employees of the store stated vehicle was there for over 45 mins and they never contacted police.
- On April 16, 2017 at 2:30 am Officers responded to a report of a large disturbance at the 7- Eleven, several highly intoxicated males assaulted another male and broke his jaw and several teeth, two males were arrested for Felonious Assault of the known male.
- On Jan 3, 2019, at 8:15 pm. Officers responded to the 7- Eleven store to a report of a stolen vehicle. A Lyft Driver stated that several juvenile males went into the store and they requested the driver purchase tobacco products for the juveniles. The driver gave the keys to the juveniles who then stole the vehicle.
- On Dec. 30, 2018, at 0517 am Officers responded to a disturbance between an employee of 7- Eleven and another male. The employee stated the male was intoxicated and left without paying and was removed by the employee, the customer reported injury to his leg where he was previously shot. Both were charged with Disorderly Conduct.

- On July 30, 2017, at 12:16 am Officers responded to a report of shots fired at the 7-Eleven. Upon arrival officers discovered 13 shell casings located in the area. Investigation revealed that several vehicles and juveniles were gathering in the parking lot. As one of the vehicles exited the lot, a male in the parking lot began shooting at the vehicle. The 7-Eleven sustained property damage as a result of being struck by a bullet.

The Police Department has serious concerns about the renewal of the liquor permit for 7- Eleven, especially in light of the overwhelming number of calls for service that have been experienced in the past three years. The many disturbances that have occurred at this establishment require several officers to handle. Moreover, this business has proven to have a disproportionate strain on police resources and unmoved and underwhelming absentee ownership. The renewal of 7-Eleven's liquor permit will only lead to continued interference with the safety and welfare of residents and require additional police resources in order to maintain peace and order to the area.

Sincerely,



Annette M. Mecklenburg  
Chief of Police