

RESOLUTION NO. 70-2019 (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 Noble Roman, Inc. dba Noble Gas, 2610 Noble 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 Noble Roman, Inc. dba Noble Gas, 2610 Noble 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, and the location of the establishment substantially interferes with public decency, sobriety, peace, and good order of the neighborhood where the premises is located; and

WHEREAS, on April 12, 2019, the Ohio Department of Commerce, Division of Liquor Control denied the 2018-2019 renewal of all liquor permits previously issued to Noble Roman, Inc. dba Noble Gas, 2610 Noble Road, Cleveland Heights, Ohio 44121; 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 Noble Roman, Inc. dba Noble Gas, 2610 Noble Road, Cleveland Heights, Ohio 44121, on the basis that the applicant has been convicted of a crime that relates to fitness to operate a liquor establishment, that the liquor premises is operated in a manner that demonstrates disregard for the laws, regulations, and local ordinances of the State of Ohio and this City, that the premises does not conform to the building, safety, or health requirements of the State of Ohio or this City, and that the location of said establishment substantially interferes with the public decency, sobriety, peace, and good order of the neighborhood where the premises is located, all 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 450 calls for police service to Noble Roman, Inc. dba Noble Gas, 2610 Noble Road, Cleveland Heights, Ohio 44121 during a five-and-a-half-year period, including, but not limited to, calls for disturbances, thefts, breaking and enterings, suspicious activity, and a shooting that resulted in death. This Council further finds that the establishment has failed to comply with the Liquor Control Commission's Order to employ private security at the premises during all hours of

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operations, that the establishment has two convictions for the unlawful sale of single cigarettes, in violation of R.C. § 2927.02(B)(5), that the establishment unlawfully utilizes its service bays as retail space, and that the establishment constructed a cooler on the premises without obtaining requisite permits and inspections as required by law.

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.

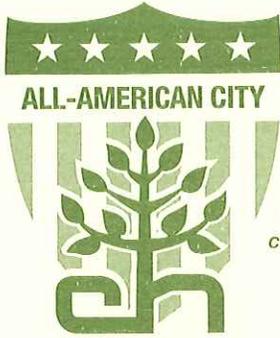
SECTION 5. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

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.

CAROL ANN ROE, Mayor
President of the Council

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 renewal of a liquor permit for the premises located at 2610 Noble Road in the name of Noble Roman Inc. dba Noble Gas (Permit #6430480).

Over the past several years, the Police Department has experienced a significant increase in the number of calls for service to Noble Gas:

- In 2014, officers responded to over 40 calls, including no less than 10 disturbances/disorderly conduct, one assault, and four complaints of suspicious activity.
- In 2015, the Police Department experienced an increase in the number of calls for service from the previous year. The over 45 calls consisted of no less than five disturbances/juvenile complaints, 10 suspicious activity complaints, four thefts, and two Breaking and Enterings.
- In 2016, there was a drastic increase in calls for service as the Police Department responded to over 90 calls, including no less than 14 disturbances/juvenile complaints, nine complaints of suspicious activity, one Breaking and Entering, one drug possession, six thefts, and one Robbery.
- In 2017, the Police Department responded to over 80 calls for service including no less than 13 disturbances/juvenile complaints, 11 suspicious activity complaints, four motor vehicle thefts, two open container complaints, one Breaking and Entering, one Assault, and one Menacing. Furthermore, due to the large number of calls for service, Officers needed to respond back to this address on 16 separate occasions to conduct follow-up investigations.
- In 2018, the Police Department responded to over 90 calls for service including no less than 10 disturbances, eight suspicious activity calls, seven follow-up investigations, four soliciting complaints, three theft complaints, two auto thefts and one call of shots fired.

As of July 8, 2019, officers have responded to Noble Gas nearly 100 times. In over 50% of the time, Officers stopped by Noble Gas to determine whether a security guard was on the premises, as required by the Ohio Liquor Control Commission in their opinion dated October 25, 2018. In their opinion, the Commission ordered Noble Gas to comply with the following conditions: Private security to be employed at all hours of store operation at the permit premises by November 27, 2018. Based on the premise checks conducted by Officers, security guards were not present at all hours of store operation, but instead were present only during the later afternoon and evening hours and only on certain days.

All total, for the past five and a half years, the Police Department has responded to Noble Gas over 450 times.

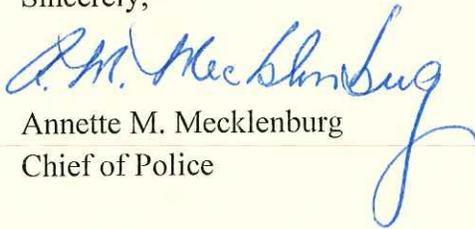
Some of the more recent incidents at Noble Gas include the following:

- On May 23, 2019, at 8:52 am Officers responded to Noble Gas regarding females fighting inside the establishment. Upon arrival officers learned that a female had been assaulted by two other females who threw coffee on her and bit her hand. The two females also stole property from the victim after assaulting her. The two female suspects were identified and charged with Robbery.
- On February 8, 2019, at 9:02 pm an Officer patrolling the lot at Noble Gas observed a suspicious parked vehicle in the lot with the occupants inside appearing to engage in a drug transaction. As he approached the vehicle the officer detected a strong odor of marijuana. While investigating further, one of the four males inside the vehicle exited the car and fled the scene. This male could not be located and was never apprehended.
- On January 31, 2019, two employees and the owner of Noble Gas were issued Criminal Violations for illegal distribution of cigarettes. On January 2nd, 3rd, 7th and 10th, plain clothes officers purchased single cigarettes from the employees working at Noble Roman Gas.
- On December 16, 2018, at 1:12 pm Officers responded to a report of shots fired at Noble Gas. Upon arrival Officers learned that a male drove up in his vehicle and left it running while he went inside to make a purchase. Several males were in another vehicle at the pumps when one of the juvenile males jumped in the unattended vehicle and attempted to drive away. The driver came out of the store and tried to stop the juvenile from taking the vehicle. The driver pulled out a gun and fired several shots

- into the vehicle. The juvenile continued driving away until he crashed into another vehicle. The other males he was with pulled him from the vehicle and drove him to the hospital. The juvenile succumbed to his wounds several days later.
- On July 13, 2017, around 1:26 pm a Felonious Assault was reported. At that time a male and female had stopped at the establishment to make a purchase. As the male exited the store he was approached by several males who began arguing with the male. During the argument one of the males was observed striking the victim from behind in the face with a handgun. The males then fled from the scene.

The Police Department has serious concerns about the renewal of the liquor permit for Noble Gas, especially in light of the overwhelming number of calls for service that have been experienced in the past five years. In addition, many of these calls require follow up investigation by officers and/or detectives. The permit holder has an unfavorable enforcement record and has shown a disregard of the governing laws, regulations and local ordinances. This is clearly evident by Noble Gas' two convictions for the unlawful sale of single cigarettes, in violation of R.C. § 2927.02(B)(5A), along with its lack of compliance with the hiring of a security guard during all hours of store operation as required by the Ohio Liquor Control Commission. The renewal of this 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 of order to the area.

Sincerely,



Annette M. Mecklenburg
Chief of Police