

BEREA CITY COUNCIL

City of Berea, Ohio

ORDINANCE NO. 2025-__

By: _____ Sponsor: Mayor Cyril M. Kleem

AN ORDINANCE

AUTHORIZING THE MAYOR TO FILE THIS ORDINANCE WITH THE CUYAHOGA COUNTY BOARD OF ELECTIONS REQUESTING THE SUBMISSION OF QUESTION OF A LOCAL OPTION AT THE PRIMARY TO BE HELD MAY 6, 2025 IN BEREAL, OHIO, COUNTY OF CUYAHOGA, ON THE SALE OF BEER AND ANY INTOXICATING LIQUOR ON ALL DAYS OF THE WEEK INCLUDING SUNDAY AT BOARD OF PARK COMMISSIONERS OF THE CLEVELAND METRO PARK DISTRICT DBA THE WALLACE LAKE GRILLE, A COMMUNITY FACILITY AS DEFINED BY SECTION 4301.01 OF THE REVISED CODE, AND LOCATED AT 240 VALLEY PARKWAY, BEREAL, OHIO PURSUANT TO SECTION 4301.324 OF THE REVISED CODE, EXPRESSLY REPEALING ORDINANCE NO. 2025-3, AND DECLARING AN EMERGENCY.

WHEREAS, the Wallace Lake Grille is a Community Facility pursuant to Section 4301.01(B)(19) of the Revised Code and is located at 240 Valley Parkway, Berea, Ohio 44017; and

WHEREAS, Section 4301.324 authorizes a local liquor option election for the sale of beer and any intoxicating liquor concerning a Community Facility to be placed on the ballot by Ordinance; and

WHEREAS, pursuant to Section 4301.334 of the Revised Code, Form 5-J prescribed by the Ohio Secretary of State was submitted to the Ohio Division of Liquor Control and was received by January 5, 2025; and

WHEREAS, the Ohio Division of Liquor Control has confirmed that no permit holders would be affected by the results of the election; and

WHEREAS, this Council had already adopted the necessary legislation in the form of Ordinance No. 2025-3 on January 6, 2025, but has since received a request from the Board of Elections and the Board of Liquor Control, asking that the Ordinance include additional identifying information regarding the permit holder, specifically the official name of the applicant on the liquor permit, which is Board of Park Commissioners of the Cleveland Metro Park District dba the Wallace Lake Grille; and

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WHEREAS, the City wishes to place the local liquor option question for the sale of beer and any intoxicating liquor concerning the Community Facility known as the Wallace Lake Grille located at 240 Valley Parkway, Berea, Ohio on the ballot in the May 2025 Primary.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That the City Mayor is authorized to provide a copy of this Ordinance to the Cuyahoga County Board of Elections as a request to submit to the electors of the City of Berea question of a local liquor option at the Primary Election to be held on May 6, 2025 in Berea, Ohio, County of Cuyahoga. Pursuant to Section 4301.324 of the Revised Code, the question of "shall the sale of beer and any intoxicating liquor be permitted on all days of the week, including Sunday, at Board of Park Commissioners of the Cleveland Metro Park District dba the Wallace Lake Grille, a Community Facility as defined by Section 4301.01 of the Revised Code, and located at 240 Valley Parkway, Berea, Ohio 44017.". Further, that the City Mayor is directed to provide the documentation, included as "Exhibit A," from the Ohio Division of Liquor Control, evidencing that no permit holders would be affected by the results of the election.

SECTION 2. That Ordinance No. 2025-3 be expressly repealed.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that it is in the interests of public welfare to allow full utilization of a community facility by meeting the deadline for submission of the local option question to be placed on the Primary election ballot. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED:

President of Council

ATTEST: _____
Clerk of Council

APPROVED:

Mayor

APPROVED AS TO FORM:

_____, Director of Law