

RESOLUTION NO.: 110-2024

INTRODUCED BY: Council Member Justice and Council President Jordan

RESOLUTION CONFIRMING IN PART AND DENYING IN PART THE ACTION
OF THE PLANNING COMMISSION WITH RESPECT TO THE RECOMMENDED
APPROVAL OF A COMMERCIAL RETAIL STORE AT 5182 WILSON MILLS
ROAD

WHEREAS, at its regular meeting on June 12, 2024, the Planning Commission recommended to Council the approval of a wireless phone and smoke shop to be known as “King Wireless & Smoke Shop” (the “Applicant”) at 5182 Wilson Mills Road in the Hilltop Plaza;

WHEREAS, the Planning and Zoning Commission of this Council reviewed this matter at its July 9, 2024 meeting but did not make a recommendation to the Council as a whole whether to approve the uses proposed by the Applicant – i.e., wireless phone sales and repair services and the sale of vaping/e-cigarette products (the “Proposed Uses”);

WHEREAS, this Council has determined by its passage of Ordinance No. 104-2024 to put in place a moratorium prohibiting sales of vaping/e-cigarette products by new business establishments and those existing establishments in the City not already distributing or selling such products, which moratorium will be in place for a period of six months in order to study the effects of such distribution and sales and to determine whether regulations should be adopted regarding such uses;

WHEREAS, literature from credible sources has made available to the public information regarding the negative effects of vaping/e-cigarette products on persons and the community as a whole which supports the aforesaid moratorium.

NOW, THEREFORE, Be It Resolved by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: This Council takes the following actions in response to the action of the Planning Commission which recommended to this Council the approval of the Applicant's application for the Proposed Uses:

- a. The proposed use of the premises at 5182 Wilson Mills Road may be used for the sale and repair of wireless phones;
- b. The premises at 5182 Wilson Mills Road shall not be used for the distribution or sale of any vaping/e-cigarette products pending a final decision by this Council whether to adopt legislation regulating the distribution or sale of vaping/e-cigarette products. This action is based upon the reasons set forth in Ordinance No. 104-2024 of this Council.

Section 2: The Clerk is instructed to mail a copy of this Resolution to the Applicant.

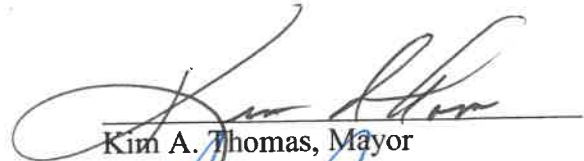

Section 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings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

Section 4: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: July 23, 2024

APPROVED: July 23, 2024

ATTEST: Tracey Blair
Tracey Blair
Clerk of Council


Kim A. Thomas, Mayor

Bobby Jordan
President of Council