

A RESOLUTION AMENDING RESOLUTION NO. 04-183 TO EXPAND THE AREA WHERE OUTDOOR DINING MAY BE LICENSED ON PUBLIC SIDEWALKS WITHIN THE DOWNTOWN AREA; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Resolution No. 04-183, passed by this Council on October 6, 2004, the City Manager was authorized to enter into license agreements with the owners and tenants of properties to permit certain Downtown Hudson establishments to operate retail dining and beverage service within the Downtown Redevelopment Area of Downtown Hudson on the City's public sidewalks as said Downtown Redevelopment Area existed in 2004; and

WHEREAS, since passage of Resolution No. 04-183, outdoor retail dining and beverage service within the City's Downtown District has proven to be a desirable amenity for both the citizens of Hudson and visitors alike; and

WHEREAS, this Council finds that expanding the area from which the City Manager was authorized to enter into license agreements by Res. No. 04-183 to additional areas within the Downtown Hudson area will further enhance the economic viability of the City's Downtown establishments and expand an already desirable amenity to the citizens of Hudson and the customers of Downtown-area establishments; and

WHEREAS, this Council finds and concludes that, in addition to the area previously authorized through Resolution No. 04-183, outdoor dining facilities in the Downtown area shall also be permitted, subject to prior receipt of a license agreement from the City, on the public sidewalks and right of way adjacent to the following streets:

1. North Main Street (from SR 303 to Owen Brown St.); and
2. Clinton Street (from N. Main St. to Morse Rd.); and
3. First Street (from SR 303 to Clinton St.); and
4. Park Lane; and
5. Village Way; and
6. Library Street.

(Collectively, "Expanded Outdoor Dining Area"); and

WHEREAS, nothing in the Resolution is intended to repeal, supersede, or replace any past legislation with respect to outdoor dining regulations and/or a tenant or property owner's obligation to comply with all federal, state, and local laws and regulations – including, but not limited to, local planning and zoning regulations.

WHEREAS, the COVID-19 pandemic has caused negative economic impacts, and the expansion of the City Manager's authorization to license outdoor dining in the downtown area is likely to increase economic activity in the City of Hudson. Therefore, this Resolution must be implemented quickly so as to timely help in mitigating the already-realized economic impacts of the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hudson, Summit County, State of Ohio, that:

Section 1: Resolution No. 04-183 of this Council is amended to authorize the City Manager to enter into license agreements with the owner(s) and tenant(s) of properties with outdoor retail dining and beverage establishments in both the Downtown Redevelopment Area (as it existed as of the date of passage of Res. No. 04-183) and the public sidewalk and right of way areas immediately adjacent to the Expanded Outdoor Dining Area as defined in the recital above. The license agreement shall be in substantially the form as was attached to Res. No. 04-183 with any changes to said form approved by the City Manager and determined by the City Solicitor to be consistent with the intent of this Resolution and not materially adverse to the City.

Section 2: 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 3: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the citizens of the City, and for the further reason that it is immediately necessary to move forward with this Resolution in order to quickly begin creating increased economic activity in the City of Hudson to begin recovering from the negative economic impacts of the COVID-19 pandemic; wherefore, this Resolution shall be in full force and effect immediately upon its passage provided it receives the affirmative vote of five (5) members of Council, except that six (6) affirmative votes shall be required if all members are present at the meeting at which it is passed; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

Craig A. Shubert, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Resolution No. 20-68 was duly passed by the Council of said Municipality on _____, 2020.

Elizabeth Slagle, Clerk of Council