



Planning Commission Memorandum

To: Karla Richards, Clerk of Council
From: Pat Ryan, Interim Boards & Commissions Secretary *PR*
Date: 4-14-2010
Re: Approved/Signed Planning Commission Minutes:
Tuesday, March 23, 2010

Attached you will find a copy of the approved/signed Planning Commission minutes from Tuesday, March 23, 2010.

The original document has been forwarded to, and will be on file with the Clerk of Council as the official record.

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City of Norton
PLANNING COMMISSION
Tuesday, March 23, 2010

The Planning Commission of the City of Norton, Ohio, convened for a public meeting in Council Chambers at the Safety Administration Building. Chairman Spisak called the meeting to order at 6:00p.m.

I. ATTENDANCE:

PRESENT: Mark Spisak, John Conklin, Janet Jacobs

ABSENT: Ralph Dowling, Todd Houser

ALSO PRESENT: Pat Ryan, Zoning Inspector

II. PUBLIC APPLICATIONS: None

III. OLD BUSINESS:

Chairman Spisak stated Internet Café Sweepstake Businesses were on the Agenda for discussion. Ms. Ryan stated she had spoken to Ms. Penny Taylor, law Director for the City of Tallmadge, and received some new information on how they were handling these businesses. Ms. Ryan stated when Tallmadge gets someone who is interested in opening an Internet Café business they actually interview them and one key question they ask is whether the business allows anyone under the age of 18 at their business. If they answer no then they are considered an adult business and treated as such as far as where they are allowed to locate in the City. Ms. Ryan stated Tallmadge has placed Skill-Based arcades under their adult business section also and they charge fees.

Chairman Spisak asked what would occur if the applicant says they allow people under 18. Ms. Ryan stated that they always have answered that they do not permit anyone under 18 so it has not come up.

Ms. Ryan stated the owner of the skill-based arcade on Wadsworth Rd., Jim Gamble, came in and stated he switched over to be an Internet Café last year. Ms. Ryan said he came in to pay his fees for his skill games and since he was no longer skill-based she could not charge the fees. Ms. Ryan stated that Mr. Gamble explained how some of the Internet Cafes are operating to get around the skill-based regulations. Ms. Ryan stated Mr. Gamble volunteered to come in and explain what some of these businesses are doing. Ms. Ryan said that Mr. Gamble also told her that sweepstakes are permitted through the Department of Agriculture and it has to be associated with a product to qualify as a sweepstakes. Mr. Gamble also told Ms. Ryan the businesses that sell phone minutes on cards are legitimate sweepstakes but that the others where you put money on a card to just purchase points to play on their machines are not. Ms. Ryan stated that because Chapter 856 is so specific the Internet Cafe will not fit. Ms. Ryan explained where the moratorium stands at this time with Council and said she would get more

information on this. Ms. Ryan handed out a partially marked up copy of Chapter 856 to incorporate Internet Cafes. Ms. Ryan referred to a court case between the City of Akron and Erika Kleinfeld that is currently in the Court of Appeals, Ninth District and said she would send this to the Commission members. Ms. Ryan also handed out 2 recent articles regarding these businesses. Ms. Ryan asked the Commission to review what was handed out and suggest any changes. Mr. Conklin asked since Council did not act on the moratorium these businesses are allowed at this time. Ms. Ryan stated that was correct.

IV. NEW BUSINESS:

Chairman Spisak asked if there was any New Business. Ms. Ryan briefly reviewed a potential future application for a Major Site Plan Review for 4800 Hametown Rd. for a resale store.

Chairman Spisak mentioned the groundbreaking for the new Fire Station was last weekend. Ms. Ryan handed out the revised site plan for the fire station and stated there was a pre-construction meeting on March 22nd and Summit Soil and Water Conservation District has approved the plan as has Ohio EPA and that the Storm Water Pollution Prevention Plan has been submitted. Ms. Ryan stated that due to the cost of retaining walls and other costs they have decided to move the building to the east. Mr. Conklin stated they are severing a portion of the Community Center parking lot. Ms. Ryan said the drive will be open as an exit only and all incoming traffic will use Columbia Woods Drive. Chairman Spisak stated the drive to the west will be exit only for the Police. Ms. Ryan stated the current drive from the parking lot will be an exit only for the existing lot and that the fire station access will be directly on Greenwich.

Chairman Spisak asked if there was any other New Business. There was none.

V. MINUTES:

Chairman Spisak asked if there were any corrections to the minutes from March 9, 2010. Being none, **Chairman Spisak made a motion to approve the minutes from March 9, 2010 as written. Ms. Jacobs seconded. ROLL CALL: Mr. Conklin-Yes, Ms. Jacobs-Yes, Mr. Spisak-Yes. Motion to approve passed 3-0.**

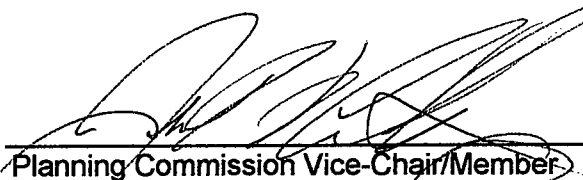
VI. ADJOURNMENT:

Chairman Spisak announced the next meeting is scheduled for Tuesday, April 13, 2010, at 6:00 p.m. With no further business before the Commission, Chairman adjourned the meeting at 6:42pm.



Planning Commission Chair/Vice-Chair

4/13/10
Date



Planning Commission Vice-Chair/Member

Pat Ryan
Secretary

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Amherst News-Times

3/23/2010 12:38 P.M.



Cops sweep "Sweeps Internet Cafe" for illegal gambling

by JOHN LASKO

News-Times reporter



Armed with a search warrant, officers with the Amherst Police Department raided Sweeps Internet Cafe, 1925 Cooper Foster Park Rd., on Friday, Dec. 5, after receiving several complaints from anonymous tipsters and legitimate non-profit charitable organizations about the owner violating Ohio's gambling laws.



According to chapter 2915 of the Ohio Revised Code, if a machine accepts something of value from a player who hopes to gain a monetary or material reward from the machine, it is deemed a slot machine and therefore is illegal in the eyes of the state.

"We felt these machines were being used in schemes of chance," lieutenant Joseph Kucirek told the News-Times.

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To legally operate a gambling parlor in Ohio, an individual must belong to or operate a registered non-profit organization, as well as have a charitable bingo license from the state. Sweeps Internet Cafe did not operate as nor have a license to operate such an establishment.

Officers confiscated 30 computers and 15 free standing casino-style machines.

To operate one of these computers, an individual would have to purchase a phone card. The amount of money paid for the card would determine how many

Letters	points someone could gamble with at the cafe.
Columnists	
Records	For instance, if someone spent \$5 on a phone card, he or she would have 500 points to gamble. If someone paid \$24 for one of the phone cards, they would have 2,400 points to gamble with.
Obituaries	
Police/Court News	"There was no limit on the dollar amounts a person could spend to obtain one of these phone cards," Kucirek said.
Community	
Lifestyles	To operate one of the free standing casino-style machines, an individual would insert a dollar bill, then hit a button for a spin which would appear on a computer screen to obtain a cash prize.
Weddings	
Engagements	
Anniversaries	"There was no skill involved in either of these games," he said. Kucirek said arrests in the case are imminent.
Forms	
AP Wire	According to Ted Hart, a spokesman with the Ohio Attorney General's office, Sweeps Internet Cafe generated nearly \$200 a day from people playing the games.
State News	
National News	According to the Ohio Secretary of State's office, Sweeps Internet Cafe is owned and operated by Nancy Su. She spent \$125 to file her business as a domestic limited liability company on Feb. 25, 2008 and opened her location in the Amherst Plaza in April.
World News	
Entertainment	
Classifieds	
Classifieds	Su hired Jacob Varghese from Hollywood, Calif.-based LegalZoom.com, Inc., to act as the businesses statutory agent.
Other Info	
Rack Locations	She then hired a Marion, Ohio-based company by the name of National Registered Agents, Inc., to act as the business agent.
Links	
About Us	According to Melody Freeman, an accounting manager with the firm, Su hired them to accept the mail, especially anything which came from the state, court documents and mail which came certified in the business name, as well as faxes. The firm would then forward the mail or the fax to Su per her instructions.
Contact Us	
Staff	
Subscribe	"We do not know them nor are we in anyway affiliated with them," Freeman said. "It's crazy because people call us all the time and we have nothing to do with these people."
Classified Ad Info	
Advertising Rates	
Deadline Info	Six other business were also raided across the county.
	Lorain police raided Cyber World, 1980 Cooper Foster Park Rd. Police seized nearly \$36,500 in cash, four flat screen televisions and 40 casino machines which offered sweepstakes style games. Nicole A. Reis, the daughter of the owner, was arrested and pleaded not guilty in Lorain Municipal Court to public gambling, possession of criminal tools and obstructing official business.
	Officers also raided Games People Play, 1219 Cooper Foster Park Rd., which offered 32 machines which offered the same kind of prizes and \$1,000 in cash.



Elyria officers raided the Gamers Club, 612 Leona St., where they charged owner William A. Janowich, of Huron, with three counts of gambling, three counts of operating a gambling house and possession of criminal tools.

The Lucky Penny, 1202 East Broad St., was also raided by Elyria police and Daniel E. Csach, of Huron, and Jerald V. Mudge of Grafton were arrested and charged with three counts of gambling, three counts of operating a gambling house and possession of criminal tools.

All the men pleaded not guilty in Elyria Municipal Court.

Lorain County Sheriff's deputies raided Skill Fever, 142 Sheffield Center in Sheffield Township. Nearly \$4,000 in cash and 35 computers were seized by deputies. According to captain Richard Resendez, no arrests have been made so far.

Finally, North Ridgeville police raided the Cyber Lounge Internet Cafe, 33133 Center Ridge Rd. However, no information was available regarding the bust.

"The investigating agencies conferred with the Ohio Attorney General's office throughout this investigation," Kucirek said.

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Dispatch Politics

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Internet 'cafes' drawing gambling scrutiny Authorities seek ruling on legality of 'Sweepstakes'

Monday, March 15, 2010 2:51 AM

BY ELIZABETH GIBSON

THE COLUMBUS DISPATCH

The front windows of the new Buckeye Internet Cafe on the East Side promise "E-MAIL," "COPIES" and "FAXING" inside.

An attendant buzzes visitors in through the front door into an empty room. Customers pass through a door on the opposite wall into a dimly lit room that smells of cigarette smoke.

After buying an Internet card, the gamer swipes it at one of the computer terminals that line the walls. The terminals emit beeps and jingle like Las Vegas slot machines. Once swiped, the cards track winnings and points.

But just try clicking the Internet icon on the screen at this Internet cafe. An attempt to check Yahoo! Mail was greeted with a blank screen.

"I'm not sure it works for e-mail," the attendant said. "It's mostly for the games."

Racetracks, convenience stores, restaurants and bars have been familiar homes for gaming, but Internet cafes in strip malls are becoming an increasingly popular place to play for cash.

"Internet cafe" sounds more reputable than "gaming parlor" when a company applies for business permits or a lease, said George Joseph, a casino consultant in Las Vegas.

Buckeye Internet Cafe, like many of these cafes, features Sweepstakes gaming, where customers are technically buying Internet time to play games rather than paying directly for the games

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- Falling revenue leads to

themselves. The cards keep track of winnings, and people who come out ahead can trade them for cash or prizes.

The owner, who would not give his name, said he's working within the law, just like Chuck E. Cheese or the McDonald's Monopoly game. He said he didn't want to draw attention to himself because he just wants to run a business without getting shut down or sued for no reason.

Whether this fits the state definition of illegal gambling is a matter for the courts, including Franklin County Environmental Court. The county prosecutor's office has sued Spinners Cafe, a restaurant and gaming parlor with Sweepstakes on the West Side.

Franklin County Prosecutor Ron O'Brien said people are always finding some new loophole or testing the limits of gambling laws, but right now his priority is getting a decision on Sweepstakes. O'Brien said he's hoping for a precedent that would curtail Sweepstakes centers before they multiply.

Even if the courts rule that Sweepstakes games are legal, gambling experts say it's hard to tell which cafes are playing by the rules and which have back rooms full of slots, poker, rigged games, sports betting or illegal online gambling run by overseas companies that wire money electronically.

Joseph said authorities only have the resources to go after the most egregious violators.

Last year, police in San Diego busted five Internet cafes and seized 31 slot machines. In Texas, six people were indicted on four counts of operating an illegal gambling business, three counts of money laundering and one count of conspiracy to operate an illegal gambling business in connection with a multimillion-dollar scheme that operated Internet cafes and business centers.

Running these businesses can be risky, but playing is riskier, Joseph said. That's one of the reasons there's a lobby for the federal government to legalize, regulate and tax online gambling.

"You start by sending a big chunk of your money to a stranger," he said. "You're at the mercy of someone unregulated showing you cards or slots in an electronic form, and then the same person gets to tell you whether you've won or lost."

"First of all, it's illegal, and then it's foolish."

But cafes have special promotions, free snacks, a feeling of community and other attractions, Joseph said.

Monica, a Columbus resident who didn't want to give her full name, said she doesn't see Internet
http://www.dispatchpolitics.com/live/content/local_news/stories/2010/03/15/copy/internet-... 3/23/2010

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gaming for money as gambling.

She tried out Buckeye Internet Cafe at 3435 E. Broad St. last week, and she said she won \$50 on her first visit at another Internet cafe in Columbus.

"It's fun when you're playing and you're winning," she said. "And they're popping up everywhere I mean everywhere."

egibson@dispatch.com

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