

RESOLUTION NO. 37-00
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Roger Kueas ON THE 25th
DAY OF September, 2000.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO NOTIFY THE STATE OF OHIO DIVISION OF LIQUOR CONTROL OF THE CONCERNS OF THE COUNCIL OF THE CITY OF CENTERVILLE WITH RESPECT TO THE PROPOSED ISSUANCE OF NEW D-5 AND D-6 LIQUOR PERMITS TO JELLY BEAN PROPERTIES LTD.

WHEREAS, the City of Centerville received a notice dated July 21, 2000 from the State of Ohio Division of Liquor Control that Jelly Bean Properties LTD had applied for the issuance of D-5 and D-6 liquor permits to allow sales of alcoholic beverages as specified in §§4303.18 and 4303.182 of the Ohio revised Code within the City of Centerville; and

WHEREAS, the Clerk of Council of the City of Centerville acting on behalf of the Council requested a thirty day extension to allow the Council to consider objecting to the application which extension was granted to October 1, 2000; and

WHEREAS, pursuant to §4303.292, Ohio Revised Code the city caused an investigation to be undertaken to determine if there were any statutory grounds for objecting to said issuance; and

WHEREAS said investigation has revealed that the City is unable to determine what activity in connection with the sale of liquor is planned by the applicant because no business plan and no financial statements have been submitted to the Division of Liquor Control; and

WHEREAS, a church is located directly across the street from the premises of 101 South Main Street, Centerville, Ohio and the Council believes that the operation of the liquor establishment will substantially and adversely affect or interfere with the normal, orderly conduct of the affairs of the said church as prohibited by §4303.292 (B)(1) of the Ohio Revised Code; and

WHEREAS, without having the benefit of a business plan or financial statements of the proposed operation of the liquor establishment the City Council believes that it is likely that substantial interference with public decency, sobriety, peace or good order would result from the issuance of the permit and operation thereunder by the applicant as prohibited by §4303.292 (A)(2)(c) of the Ohio Revised Code.

NOW THEREFORE,

THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

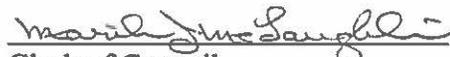
Section 1. That the City Manager and Clerk of Council are hereby authorized and directed to advise the State of Ohio Division of Liquor Control of this Resolution and the concerns of this Council and to object to the issuance of said licenses.

PASSED THIS 25th day of September, 2000.



Mayor of the City of
Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 37-00, passed by the Council of the City of Centerville, Ohio on the 25th day of September, 2000.



Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.
Department of Law
Robert N. Farquhar
Municipal Attorney